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Proceedings

INDEX

TO THE

MISCELLANEOUS DOCUMENTS

OF THE

HOUSE OF REPRESENTATIVES

FOR THE

FIRST SESSION OF THE FORTY-EIGHTH CONGRESS,

1883-'84.

IN FORTY VOLUMES.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1884.

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48TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 20.

JOSEPH D. WEEKS'S REPORT.

COMMUNICATION

FROM

THE SUPERINTENDENT OF CENSUS,

IN RESPONSE TO

The resolution of the House asking him to submit the report of Joseph D. Weeks, special agent in charge of statistics of wages and manufacturing industries.

JANUARY 17, 1884.—Referred to the Committee on Labor and ordered to be printed.

DEPARTMENT OF THE INTERIOR, CENSUS OFFICE,
Washington, D. C., January 15, 1884.

SIR: In response to the resolution submitted by Mr. Hopkins, of Pennsylvania, and agreed to by the House of Representatives, that the Superintendent of the Census be requested to submit to the House the report of Joseph D. Weeks, special agent in charge of statistics of wages in manufacturing industries, &c., I have the honor to state that the report in question has been received by this office, in manuscript, from Mr. Weeks, but it has not been revised, or arranged in form for printing or distribution. This will be done at the earliest practicable moment, and the report placed in the hands of the Public Printer, with a view to forwarding advance proof-sheets thereof for the use of the House.

Presuming that this action will be in accord with the purpose of the resolution of the House,

I have the honor to be, very respectfully, your obedient servant,

C. W. SEATON,
Superintendent of Census.

Hon. JOHN G. CARLISLE,
Speaker of the House of Representatives.

48TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVTS. { MIS. DOC. No. 21.

POOL vs. SKINNER.

PAPERS

IN THE CONTESTED-ELECTION CASE OF

C. C. POOL vs. T. G. SKINNER,

OF THE FIRST DISTRICT OF NORTH CAROLINA.

ANUARY 17, 1884.—Referred to the Committee on Elections and ordered to be printed

WASHINGTON, D. C., *December* 18, 18 8

SIR: I hereby notify you that I shall contest your right to a seat in the Forty-eighth Congress, and that I shall take the steps required by law in such contest.

The grounds on which I shall base the contest and deny your right to the seat are mainly the following, to wit:

First. The proclamation of the governor of the State of North Carolina, calling the election to fill the vacancy caused by the death of the Hon. Walter F. Pool, directed it to be held in the district established by the act of the legislature at its session which commenced in January, 1883, composed of the counties of Beaufort, Camden, Carteret, Chowan, Currituck, Dare, Gates, Hertford, Hyde, Martin, Pamlico, Pasquotank, Perquimans, Pitt, Tyrrell, and Washington. The election was accordingly held in the above-named counties only, and the county of Bertie was not permitted to participate in the election.

The election should have been held in the district as constituted previous to the reapportionment of the State and subsisting at the time the elections were held for the Forty eighth Congress, in November, 1882, from which district so constituted the Hon. Walter F. Pool was elected to the Forty-eighth Congress, and in which district the county of Bertie was comprised and the county of Carteret was not comprised. Wherefore I claim that the vote of the county of Carteret should not be reckoned in the election to fill the said vacancy, and the county of Bertie should be allowed an opportunity of voting for a Representative to fill said vacancy.

And I allege and aver that, estimating from the known vote of the county of Bertie at every election for the last ten years involving the party issues passed upon in this election now in contest, that county, if it had been allowed to vote, would have given to me a majority of not less than 600 votes against you; and it was for this known reason that, in the reapportionment of districts in 1883, as aforesaid, this county of Bertie was detached from the first Congressional district and the county of Carteret was attached to it.

Second. I allege that in the county of Pitt irregularities occurred, and deliberate frauds were practiced at several of the voting precincts, by which I was deprived, at Pactolus precinct of a majority of 120 votes; and at Cobb's precinct 40 votes, legally cast for me, were thrown out and not counted; and at Roundtree's precinct 130 votes legally cast for me, were thrown out and not counted; and at Beaver Dam precinct 74 votes, legally cast for me, were thrown out and not counted. And to be more specific and precise, I allege and set forth:

I. That, at Pactolus precinct, in the county of Pitt, the registrar, a partisan and supporter of yours, who legally and officially had the sole possession and custody of the registration book of the precinct, did, on the evening preceding the day of the election, negligently and willfully permit the said registration book to go into the possession and custody of another person, to me unknown, so that the said book was concealed or destroyed, and could not be had and used on the next day for the pur-

pose of holding the election, in consequence of which, no election was, or could legally be, held at said precinct, and those electors entitled to vote then were thus deprived of their right to participate in the election. And all this was fraudulently allowed and done because it was known, or confidently believed, from the usual vote cast at that precinct in former elections, and from the known contents of said registration book, being the list of the legal and registered voters, that, should a legal election be held there, I should receive over you at least 160 majority.

II. That at Cobb's precinct, in the county of Pitt, forty votes, legally cast for me, were thrown out by the poll-holders, and were not counted, upon some frivolous and untenable pretense that the ballots were, on their face, irregular and unlawful.

III. That at Beaver Dam precinct, in the county of Pitt, 74 votes, legally cast for me, were thrown out by the poll-holders, and were not counted, upon some frivolous and untenable pretense that the ballots were, on their face, irregular and unlawful.

IV. That at Roundtree's precinct, in the county of Pitt, 130 votes, legally cast for me, were thrown out by the poll-holders, and were not counted, upon some frivolous and untenable pretence that the ballots were, on their face, irregular and unlawful. And as to 34 of said 130 votes, the pretense for rejecting them was (I am informed) that the name on the ballots was Charles C. Tool, instead of Charles C. Pool; and, as to 22 of the said 130 votes, the pretense for rejecting them was because the name on the ballots was Charlie C. Pool, instead of Charles C. Pool; and, as to 74 of the 130 votes, the pretense for rejecting them was because the name on the ballots was Charles C. Poll, instead of Charles C. Pool; and I claim that all said 130 ballots were meant for me, and should now be counted for me; and I charge that partisans and supporters of you, with intent to defraud, prepared and had printed the said erroneous ballots, and imposed them upon ignorant and unsuspecting electors, whose intent was to vote for me, and against you.

V. That at Bethel precinct, in the county of Pitt, there were 40 or more electors, entitled to be registered as voters, who lawfully applied for registration, and were refused on unlawful and frivolous pretexts, which electors, had they been registered, would have voted for me, and against you.

And I protest and claim that, because of the said frauds and multifarious evil an corrupt practices on the part of the officers preparing for and holding the electiod at said several precincts in the County of Pitt, by which legal electors were denien and deprived of the right of participation in the election, if there can be no certaintd arrived at in regard to the true intention and suffrages of the electors of said countyy then the entire vote of the County of Pitt should be discarded from the count, or else, a new election for the district should be ordered.

And I finally allege and aver that, if the said frauds and irregularities shall be corrected, and the true vote of the district counted, as it was cast, or meant by the electors to be cast, it will then appear that I was lawfully elected a member of the Forty-eighth Congress, and that I am entitled to be seated as a member, and that you were not lawfully elected, and are not entitled to retain a seat as a member of said Congress.

Very respectfully,

CHARLES C. POOL.

THOMAS G. SKINNER, Esq.

(Indorsed:) C. C. Pool, contestant, v. Thos. Skinner, contestee. Notice of contest. Copy served December 18, 1883.

WASHINGTON, D. C., *January* 12, 1884.

SIR: In answer to the notice of your intention to contest my right to a seat as a member of the Forty-Eighth Congress from the first district of North Carolina, which notice was served upon me December 18, 1883, saving and reserving to myself all benefit and advantage of exception which can be taken to the same by reason of the many errors, uncertainties, and defects in the said notice, and in no respect waiving any objection thereto, for answer thereunto, or unto so much and such parts thereof as I am advised is or are material and necessary for me to make answer unto, I say:

I. That I admit that the proclamation of J. L. Robinson, lieutenant-governor and acting governor of North Carolina, issued on the —— day of ————, 1883, directed the election to be held in the counties mentioned in your notice of contest, to wit, Beaufort, Camden, Carteret, Chowan, Currituck, Dare, Gates, Hertford, Hyde, Martin, Pamlico, Pasquotank, Perquimans, Pitt, Tyrrell, and Washington; that the county of Bertie did not participate in said election, and ought not to have participated therein; and that the county of Carteret did participate therein, as it ought to have done.

That the act of the general assembly of North Carolina, ratified March 6, 1883, to wit, "An act to divide the State into ——— Congressional districts" (Acts 1883, chapter 226), divided the State into nine Congressional districts, and that the said act took effect immediately upon its passage, and all laws inconsistent therewith, more especially the act dividing the State of North Carolina into eight Congressional districts (Acts 1871–'72, chapter 171), were by said act of 1883 repealed. A copy of this act will be produced, when required, as a part of this answer.

That the proclamation of the governor and the election held in accordance therewith in the first district of North Carolina, on November 20, 1883, were strictly in accordance with and under and by virtue of the Constitution and laws of the United States and of the State of North Carolina; that said proclamation and election were legal and valid, and said election was duly held in the only existing first district of North Carolina, represented by Hon. W. F. Pool at the time of his death, and by said election I was elected as a member of the Forty-eighth Congress from the said first district.

And further answering, I say that under the Constitution and laws of the United States and of the State of North Carolina the final determination of all questions arising conecrning the division of the State into districts is left to the State; that the executive department of the State is charged by the Constitution of the United States with the duty of calling special elections to fill all vacancies that may occur in the representation from the State; and that when the legislative power has, in the exercise of its legitimate functions, repealed an act establishing eight districts, and passed an act establishing new districts, the first district having been slightly changed in boundary but not in identity, and when the executive department, in the legitimate exercise of its functions, has, in conformity with the legislative action, decided that the existing first district is the proper district in which the election should be holden, that the decision of such question is or should be binding upon the House of Representatives.

That while it is true that the House is the sole judge of the election, qualification, and returns of its members, in such determination the action of the State in establishing new districts, and the action of the executive, the sole and proper constitutional authority in determining what is the district in case of a vacancy, should not be arbitrarily overridden by the House of Representatives, but should be conclusive.

For these and other reasons, I say that the vote of the county of Carteret, forming a part of the first district, must be counted in the returns of the vote of said district, and the county of Bertie ought not to have voted in said district.

But I deny that the vote of Bertie would have changed the result of the election, whether the vote of Carteret should have been counted or not.

Secondly. In regard to the vague, uncertain, and erroneous charges brought against the returns of the votes of the several precincts in Pitt County, I reply in the first place, generally and specifically, that the allegations are too indefinite to be entertained by the House of Representatives, or to require me to answer, and I do not waive any objection upon this account. I deny, upon information and belief, that there were any frauds, irregularities, or errors in the several precincts mentioned, Pactolus, Beaver Dam (otherwise known as Cobb's, and not a separate precinct, as stated in your notice), Bethel and Rounheed's, in the county of Pitt, or any of them.

That the election officers acted in accordance with the law in the conduct of the election; that no legal ballots cast for you were rejected, and no illegal ballots for me were received. That the action of the election officers was reported to the board of canvassers, a body clothed by the law of the State with judicial powers, and such board counted and recorded in the returns every legal ballot cast for you in Pitt County.

I expressly deny, upon information and belief, that any illegal ballot or ballots intended to deceive were prepared or used by any supporter of mine, or that any supporter of mine concealed or destroyed the registration book of Pactolus precinct. On the contrary, I aver, upon information, that the books were taken by supporters of yours with a view and intention of casting discredit upon the election and with the hope that thereby the vote of the county of Pitt, which it was known was largely in my favor, could be drawn in question.

And, thirdly, further answering, I aver that I am not only entitled to the vote as canvassed by the board of State canvassers, a certified copy of which I will produce when thereto required, by which there are counted for me 12,339, and for you are counted 11,562, giving me a clear majority of 777 votes; but that in addition thereto I received and am entitled to have counted for me a majority of 32 votes in Murfreesborough precinct, Hertford County, whereby my majority should be increased to 809.

That at said precinct a legal election was held and the votes duly counted, but by the failure of the officer deputized to bring up the returns to the board of county canvassers in due time, the said returns were not included in the vote of Hertford County. That I am entitled now to have the same counted for me.

Further and finally answering, I say that if all your deductions of law were correct and all the allegations of fact were true (all of which have been and are here again specifically denied), even in that event you would not be entitled to the seat I hold in the Forty-eighth Congress.

T. G. SKINNER.

F. H. Busbee is my solicitor, upon whom all papers may be served.

Hon. CHARLES C. POOL,
Elizabeth City, N. C.

(Indorsed:) C. C. Pool, contestant, *v.* Thos. G. Skinner, contestee.

JAN'Y 14TH, 1884.

Service accepted.

JOHN POOL,
Attorney for C. C. Pool.

F. H. Busbee, attorney for contestee.

O

48TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 22.

FREDERICK vs. WILSON.

PAPERS AND TESTIMONY

IN THE CONTESTED ELECTION CASE OF

BENJAMIN T. FREDERICK vs. JAMES WILSON

FROM THE FIFTH CONGRESSIONAL DISTRICT OF IOWA.

JANUARY 10, 1884.—Referred to the Committee on Elections and ordered to be printed.

No. 1.

NOTICE OF CONTEST.

B. T. FREDERICK
vs.
JAMES WILSON.

Before the Hon. House of Representatives of the United States of America.

IN THE MATTER OF THE CONTEST OF BENJAMIN T. Frederick *against* JAMES WILSON FOR A SEAT AS MEMBER OF THE House of Representatives of the United States for the fifth Congressional district of the State of Iowa. } Notice of contest.

To JAMES WILSON, Esq.:

You are hereby notified that I, the undersigned, Benjamin T. Frederick, a citizen of the fifth Congressional district of the State of Iowa, residing at Marshalltown in said district, late candidate for the office of Representative in Congress in and for said district, hereby contest your alleged and claimed election to the office of Representative in Congress from said district at the November election held on the first Tuesday next after the first Monday of November, A. D. 1882, and claim the certificate awarded to you by the board of State canvassers of the State of Iowa, composed of the executive council of said State, is illegal and unjust, and I, the said contestant, hereby give you notice of the followng grounds of contest:

Specification first.

Your contestant alleges that the board of State canvassers at the city of Des Moines, consisting of the executive council of the State of Iowa, held on the 7th day of December, A. D. 1882, erred in awarding to you, James Wilson, the certificate of election as Representative in Congress and in counting the returns from the several counties from the fifth Representative or Congressional district of Iowa, in this, to wit:

The said fifth Congressional district is composed of the following counties of the State of Iowa, to wit, the counties of Marshall, Tama, Benton, Linn, Johnson, and Iowa; that by the abstracts of the votes made by the board of county canvassers from said respective counties and duly certified to the board of State canvassers by abstract duly made as provided by the laws of said State and duly certified and returned to the secretary of the State of Iowa.

The abstract of the vote from the said several counties showed the following votes were cast for the office of Representative in Congress.

From the said county of Marshall aforesaid for the said office the returns showed by said abstract that James Wilson received one thousand eight hundred votes, and that Benjamin T. Frederick received one thousand six hundred seventy-six votes for the said office.

From the county of Tama in said district the abstract of the votes as certified to said State board of canvassers showed that James Wilson received for the office of Representative in Congress one thousand nine hundred seventy-eight votes, and that Benjamin T. Frederick received one thousand four hundred seventeen votes for said office of Representative in Congress.

From the county of Benton in said district the returns of said county, made and certified to said board of State canvassers, showed that for the office of Representative in Congress James Wilson received two thousand seventeen votes, and for the same office your contestant, Benjamin T. Frederick, received one thousand seven hundred and sixty-eight votes.

From the county of Linn in said district the abstract of votes made and returned to the board of State canvassers by the said county canvassers showed that Benjamin T. Frederick received for the said office of Representative in Congress twenty-eight hundred fifty-eight votes, and that James Wilson received for said office twenty-eight hundred votes.

That from the county of Johnson in said district the returns made by the said county canvassers to the board of State cavassers shows that Benjamin T. Frederick, contestant, received for the office of Representative in Congress two thousand six hundred thirty-five votes, and that James Wilson received for said office of Representative in Congress one thousand eight hundred thirteen votes.

In the county of Iowa the returns made by its board of county canvassers to said board of State canvassers showed Benjamin T. Frederick, your contestant, received for said office of Representative in Congress fourteen hundred and six votes, and that James Wilson received for said office thirteen hundred thirty-five votes.

That said returns from said several counties constitute the entire returns from said Congressional district for the office of Representative in Congress, and that the aggregate vote, as shown by the aggregate returns, as certified by the board of county canvassers in said district for the office of Representative in Congress, showed that Benjamin T. Frederick, your contestant, received eleven thousand seven hundred sixty votes, and James Wilson received for said office of Representative in Congress only eleven thousand seven hundred forty-three votes, giving your contestant a majority of seventeen votes over said James Wilson for said office.

That the board of State canvassers of the State of Iowa, by adopting an erroneous principle, erroneously and unlawfully counted as a part of a return certain votes, to wit:

Forty-eight votes not formally counted by the board of county canvassers of Marshall County, Iowa, in said district, for James Wilson, and eight votes for Benjamin T. Frederick, your contestant, the same not being a return of votes cast in Marshall County, Iowa. Said return so counted being a paper returned to said board of State canvassers in the form of a resolution, showing that no proper returns had been made from a certain election precinct in Marshall County, in said district, and the vote had not been counted by the county canvassers in said precinct. A copy of said paper is hereto attached, marked A, and made part hereof. And said paper was not made a part of the abstract of any return of the votes cast in said county and was not certified to as an election return and had not been counted as a return of the votes cast in said county, but simply certified up as an informal poll-book from Taylor Township, an election precinct, with the reasons of the county canvassers for not treating the same as a return from said precinct, and the said board of State canvassers erroneously counted as a return the pretended vote of said precinct illegally and unjustly, and without any authority, and thereby changed the result of said election, and awarded the certificate of said election to said James Wilson illegally und unlawfully. That said paper A, above referred to, did not purport to be an abstract or a part of an abstract of the returns from said county; was not marked an election return, and was not sent as such, and it was no part of the duty of said State canvassers to examine or treat the same as a return. And said paper was made after the return of the abstract of the votes made and after the board of county canvassers had discharged their duty as such and adjourned, and were not acting as a board of county canvassers. That the board of State canvassers had no legal authority or power to revise the returns as certified to them, and had no right to treat said paper as a return or abstract of any votes returned from said county of Marshall, and by so erroneously and unjustly treating said paper as a return and crediting said James Wilson with forty-eight votes as returned from Marshall County not so returned they awarded to him illegally said certificate of election.

Specification second.

Your contestant, Benjamin T. Frederick, further shows and charges the truth to be that at said November election held in the said fifth Congressional district in the State of Iowa on the first Tuesday after the first Monday of November, A. D. 1882, as aforesaid, in a certain election precinct known as Taylor Township, in the county of Marshall, in said district aforesaid, nine votes were in fact cast for him for which he should be credited, and as shown by the poll-books from said election precinct, for the office of Representative in Congress not counted by the board of canvassers of Marshall County, Iowa, in counting and abstracting the votes of said county in said district, and he, this contestant, is entitled to have the same counted for him.

And Benjamin T. Frederick, your contestant, further shows concerning said election in said township of Taylor, in the county of Marshall and State of Iowa, and in said fifth Congressional district, that at said November election in the year 1882, as aforesaid, held in said township, at which said election James Wilson and your contestant were voted for for the office of Representative in Congress, the said election was fraudulently conducted in said precinct; that one of the judges of the election, William H. Stewart, wrongfully and fraudulently, on the afternoon of the day of said election and while the board of election were receiving the votes from the electors who were voting, wrongfully and illegally opened the ballot-box in which the votes were being deposited and took out and handled and pretended to count over the ballots there cast in an unofficial way, and was permitted to handle the same and did after thus handling the votes and pretending to count the same close up and lock said ballot-box in said township election precinct, and it is believed changed the ballots thus cast, and said ballots left in the box were not the ballots cast by the electors who voted for contestant for said office; and said votes at said election precinct were afterwards counted in the absence of said Stewart and a return made, but the said return was illegal, fraudulent, and void, and should not be considered.

Your contestant, Benjamin T. Frederick, further shows that in Taylor Township election precinct, in said Marshall County, Iowa, five illegal votes were cast for James Wilson by persons not qualified to vote for the office of Representative in Congress, in violation of law the names of whom are to contestant unknown.

Specification third.

Your contestant, Benjamin T. Frederick, shows that in a certain election precinct in the county of Marshall, in the fifth Congressional district in the State of Iowa, known as Liberty Township, at the November election in the year 1882, in which election James Wilson and your contestant, Benjamin T. Frederick, were each voted for for a Representative in Congress, and at which election said James Wilson claims to be elected, a certain place designated by the trustees of Liberty Township as the place where the election to take place on the first Tuesday after the first Monday of November, A. D. 1882, was to be held, and it was the duty of such trustees of such township to give due notice of such change of place of holding such election by posting up notices in three public places in the township ten days before the day of election was to be held; yet, the judges of said election at said November election, in the year 1882 aforesaid, wrongfully and unlawfully, and without cause, changed the place of holding said election in said precinct, without notice, to another place, a distance of two miles from the place designated and appointed by the township trustees of said election, whereby several persons, duly qualified electors, who would have voted at said election for this contestant for said office aforesaid, were prevented from voting for him because of a want of notice of the place of voting at said election; and also at said election held in said precinct aforesaid, in the township of Liberty, county of Marshall, in the district and State aforesaid, four illegal, disqualified persons, not electors in said precinct, cast their votes and illegally voted for said respondent, James Wilson, for said office of Representative in Congress, the names of said persons being to contestant unknown.

Your contestant further shows that in said election precinct in Liberty Township, in said Marshall County, at said November election held at the time and place aforesaid, in said precinct aforesaid, the said judges of election received the votes from the electors without entering the names of the electors upon the poll-books, and placed them in the ballot-box, and said judges of election were not sworn when the votes and ballots were received from the persons offering themselves as voters. That the same was done fraudulently; that the said judges of said election opened the ballot-box in said precinct in the middle of the afternoon of said day of election, before the time for closing the polls had arrived, and said judges and clerks of election proceeded to receive votes when the ballot-box was open and while they were counting the returns, and fraudulently neglected to have the poll-books opened during the forenoon of the day, or enter the names of the persons voting thereon, and upon counting the ballots, fraudulently entered upon the poll-books sufficient names to correspond with the num-

ber of ballots counted, and made a return thereof. That said return made was fraudulent and unjust, and the said return was made to show that James Wilson received for the office of Representative in Congress, sixty-three votes and your contestant only forty votes for such office. And the votes so returned did not show all the ballots cast at said election for said office for your said contestant, and he received five more votes than shown by the return made by said judges of said election, and the said James Wilson twenty-three votes less than counted and returned for him, and said twenty-three persons who were illegal, disqualified persons, not electors in said precinct, were permitted to illegally and did illegally vote for him, whose names are to contestant unknown.

Specification fifth.

Your contestant charges that at said election held in November, A. D. 1882, in the township of Green Castle, of Marshall, in said fifth Congressional in the State of Iowa certain evil-disposed persons, whose names are to contestant unknown, fraudulently and unlawfully, by falsely representing to certain illiterate voters and electors in said precinct who desired to vote for contestant, Benjamin T. Frederick, and so expressed themselves, received from such persons tickets upon which they were informed Benjamin T. Frederick's name was printed for the office of Representative in Congress, and believing the truth so to be, when, in fact, the said tickets had the name of James Wilson printed thereon, and twenty persons voted for James Wilson who intended to vote, and supposed they were voting, for your contestant for said office.

Your contestant also shows that at said election two votes were cast for him not counted or returned at said election for said office, and the said James Wilson received ten illegal votes cast for him in said precinct by persons not electors and not competent or qualified electors, and who had no right to vote, whose names are to contestant unknown. And that more votes were cast for him, the contestant, than were counted, and less votes were cast for said James Wilson than were counted for said office.

Specification sixth.

Your contestant, Benjamin T. Frederick, shows that at said November election aforesaid in the city of Marshalltown, county of Marshall and State of Iowa, in the fourth ward of said city, on the said day of election, while the polls were open one ———, a duly authorized and qualified elector of said precinct, came to the polls of said election and offered to vote for your contestant for the office of Representative in Congress, and he was refused permission to vote because he was, as alleged, not a citizen of the United States, when he was a duly qualified resident citizen and voter and elector of said ward and precinct, and entitled to vote at said election.

That several persons who were not electors in said precinct, and not qualified and not entitled to vote, to the number of five, were permitted to vote in said ward for James Wilson for said office. And at said election at the time aforesaid in the second, third, and fourth wards in said city of Marshalltown, in said Congressional district aforesaid, to wit, three persons in each of said wards who were not legally or lawfully qualified electors of said district, were permitted to vote and did vote for said James Wilson for the office of Representative in Congress at the aforesaid election.

That in the first, second, third, and fourth wards in said city more votes were counted by the election board for James Wilson in each election precinct than he actually received for the office of Representative in Congress, and less votes were counted for Benjamin T. Frederick than he received and were cast for him for said office.

Specification seventh.

Your contestant, Benjamin T. Frederick, shows that at said November election, 1882, aforesaid, in the county of Marshall and Congressional district aforesaid, in the following voting precincts in said county last aforesaid, to wit, Eden Township, State Center Township, Marietta Township, Minerva Township, Le Grand Township, Liscomb Township, Iowa Township, and Linn Township, all voting precincts in said county, five persons in each precinct aforesaid (each township being an election precinct), who were illegal and disqualified electors who had no right to vote, did vote illegally for James Wilson for Representative in Congress, and their votes and each of them counted for him, and there were counted for him in each of said townships more votes than he actually received, and less votes than were actually polled for Benjamin T. Frederick were counted for him for said office of Representative in Congress for said district, and the names of said illegal voters who voted for said James Wilson are to contestant unknown.

Specification eighth.

Your contestant, Benjamin T. Frederick, further shows that at said November election, A. D. 1882, held in said district and State aforesaid, in the township of Cedar, an election precinct in the county of Johnson, in said district aforesaid, the board of

election canvassers in said precinct in counting out the ballots and the number of votes cast and in counting the number of ballots polled and in making return of the poll-books in said precinct committed an error. The said poll-books in said precinct show that one hundred twenty-eight votes were cast for Representative in Congress in said precinct, of which Benjamin T. Frederick received sixty-three votes. Yet the returns from said township duly made by the township canvassers only showed your said contestant received fifty-three votes, when in fact the ballots actually cast and the number of persons voting and the tickets show in fact said Benjamin T. Frederick did receive sixty-three votes.

That afterwards said error and mistake was discovered and a new return made correcting the error, but after the abstract of the returns had been made by the board of county canvassers to the secretary of state; and hence the said Benjamin T. Frederick, your contestant, received ten more votes than were counted and returned for him in said precinct.

Also, that five persons voted for said James Wilson in said township for said office who had no right to vote in said precinct and were not qualified voters therein for office of Representative in Congress.

Specification ninth.

Your contestant further shows that at said election aforesaid, in the district and State aforesaid, in the township of Big Grove, an election precinct in Johnson County aforesaid, in said district, there were polled for your contestant for said office aforesaid—there was one more vote cast for your contestant than was returned and certified by the board of canvassers in said precinct. And there was also counted two more votes for said James Wilson than he was entitled to receive in said precinct. Also, that five persons voted in said precinct for James Wilson for the said office of Representative in Congress who were not qualified voters in said precinct and had no right to vote, whose ballots were received and counted.

Specification ten.

Your contestant alleges that at said November election aforesaid, in a certain election precinct known as West Lucas Township, in the county of Johnson, in the district and State aforesaid, the said James Wilson was credited in the returns from said precinct three more votes than were cast for him, and Benjamin T. Frederick was credited with three votes less than were cast for him. And also that three other persons not electors and not qualified to vote in said precinct voted for and were permitted to vote for said James Wilson in said precinct for said office of Representative in Congress, and that said above error in counting against contestant and in favor of said Wilson was an error in the vote for the office aforesaid.

Specification eleven.

Your contestant further shows that at the election aforesaid, in the district aforesaid, in the townships of Jefferson, Munroe, Hardin, Madison, Penn, Clear Creek, Newport, Graham, Scott, Union, Washington, Sharon, Liberty, Fremont, Pleasant Valley, Lincoln, East Lucas, North Iowa City, South Iowa City, and Big Grove Township, all in said county of Johnson and in said district aforesaid, in the State of Iowa, there were counted by the several township canvassers for the office of Representative in Congress for James Wilson three votes in each township more than he actually received and there were counted for said Frederick ten votes in each township less than he actually received, and also that in each of said townships five persons, not qualified voters and who had no right to vote in said precinct, voted for said James Wilson, and such illegal votes were counted for him for said office of Representative in Congress.

Specification twelve.

Your contestant shows that at said November election, in the year 1882, in the precinct of Vinton, in the town of Vinton, in the county of Benton, in the district aforesaid, at said election aforesaid, ten disqualified persons not voters or electors in said precinct where they voted, were permitted to vote illegally for James Wilson for the office of Representative in Congress, and their votes counted.

That in counting the ballots cast the judges of election permitted persons not officers, clerks, or judges of said election to count the votes; that spurious ballots were put in the box for said Wilson, and more votes were counted for him than he actually received for said office; that persons not clerks of said election were permitted to count and handle the ballots while the votes were counted out, and to keep the tally-list and poll-books, and ten more votes were counted for said James Wilson than he actually received, while ten less votes were counted for your contestant than he actually received for said office of Representative in Congress in said election precinct.

That in the county of Benton aforesaid, and in Homer Township, in said county, in the district aforesaid, at the election aforesaid, six persons who were unauthorized to vote, and who were not electors in said precinct, voted illegally at said election, and their votes received and counted for said James Wilson for the office of Representative in Congress, and less votes were counted for your contestant for said office than were cast for him.

That in the township of Jackson, county of Benton, at the election aforesaid for the office aforesaid, seven votes were cast by persons not authorized to vote and not electors for James Wilson for said office of Representative in Congress, and such illegal votes were counted and returned for him, while less votes were counted in said precinct at said election for said office than were, in fact, cast and voted for your contestant.

And at said election aforesaid, in the county aforesaid, in the State and Congressional district aforesaid, at the township of Canton, an election precinct in said county, eight persons not legal and qualified voters and electors voted for said James Wilson for the office of Representative in Congress in violation of law, and said votes were counted and returned for him illegally, while in said precinct aforesaid the said contestant had less votes counted and returned for him than were in fact cast for him for said office.

Specification thirteen.

Your contestant further shows that at the election held in November, 1882, aforesaid, in the precinct of Polk Township, county of Benton, district and State aforesaid, the board of election and canvassers in said precinct failed to count and return all the votes cast for your contestant for the office of Representative in Congress, but that four votes were cast for him, not counted, and returned by said board, that should be credited to him, and four illegal votes were cast for James Wilson in said precinct at said election by persons not legal voters and electors, and were counted for said Wilson for the office aforesaid and returned unjustly and illegally to his credit.

Specification fourteenth.

Your contestant further charges that at the November election in 1882, in the following election precincts in the county of Benton, to wit, Harrison Township, Bruce Township, Munroe Township, Taylor Township, Polk Township, Benton Township, Shellsbury Township, Eden Township, Kane Township, Union Township, Eldorado Township, Fremont Township, Florence Township, St. Clair Township, Leroy Township, and Iowa Township, each being an election precinct in said county, in each of said precincts four persons whose names are unknown to contestant, who were not legally qualified voters and electors, voted for James Wilson for the office of Representative in Congress, and such illegal votes were counted for him wrongfully, and in each of said townships more votes were counted for James Wilson than were cast for him, and less votes were counted for Benjamin T. Frederick than were cast or polled for him for said office aforesaid.

Specification fifteen.

Your contestant further shows, alleges, and notifies you that at the said November election, in the year 1882, held in Iowa County, in said district and State aforesaid, in the following election precincts in said county last aforesaid, to wit, Cono, Washington, Lenon, Henry Creek, Amana, Marengo, Iowa, Hilton, Summer, Hartford, Lincoln, Pilot, Troy, York, Dayton, English, Fillmore, and Green Townships illegal votes voted by persons disqualified to vote by law in said precincts, to wit, five persons, not electors or voters, did at said election aforesaid wrongfully vote for James Wilson in each of said precincts for the office of Representative in Congress for said district, and such votes were counted for him, and three votes more were counted in each of said precincts for said Wilson for said office than were cast for him, and five votes less were counted for this contestant for said office in each township than he received.

Specification sixteen.

And this contestant further charges and shows that at said election aforesaid, in the district and State aforesaid, in the election precinct of Buckingham, in the county of Tama, in said district, there were cast for Benjamin T. Frederick for the office of Representative in Congress forty-three votes; that the judges and can vassers of said election, by error and mistake, only returned thirty-eight votes as cast for him, and five less votes than were cast for him in said precinct, and more votes were counted by one vote for James Wilson for said office than he received. Also, that five persons not legal voters or electors, but disqualified voters and electors, voted for James Wilson for said office in each township and election precinct, and such votes were counted and returned for him.

Specification seventeen.

This contestant alleges that at said November election last aforesaid, in the county of Tama aforesaid, in the district aforesaid, to wit, in Tama, Perry, Geneseo, and Toledo Townships, each of which were voting precincts, in each of which five illegal votes were cast by persons not electors and not qualified to vote in said precincts or either of them for James Wilson for the office of Representative in Congress, and also that in counting said votes in each of said precincts said judges of the election and canvassers counted five less votes for said contestant than he in fact received for said office.

Specification eighteen.

This contestant further shows that in the county of Tama aforesaid, in said district and State aforesaid, at the election held in November, A. D. 1882, aforesaid, in the Township of Clark, said election was corruptly and illegally conducted. That one of the judges of said election bet and wagered money on the result of said election, and prepared spurious tickets to deceive the voters, and placed some of them in the ballot-box unlawfully, and during the day of the election, and during the time the polls were open the ballot-box was carried away by one of the judges of said election, and in canvassing the votes more votes were counted for James Wilson than there were ballots cast for him, and fraudulent and spurious tickets were counted for him for said office of Representative in Congress, and six persons not qualified or legal electors voted for said James Wilson, and their votes counted for him for said office, and less votes counted for contestant than he was entitled to receive and were cast for him.

Specification nineteen.

This contestant shows that in the county of Tama, in said district, in a certain precinct known as Carroll Township, at said election aforesaid, this contestant had forty-three votes cast for him for the office of Representative in Congress for said district, yet no returns were made by the judges and canvassers of said election whatever of such votes. That in said township said judges of said election wrongfully sent up a paper to the board of county canvassers crediting James Wilson forty-eight votes in said township, but did not certify the same. That said judges of election were not sworn, nor were the clerks, nor were the returns in any way certified or identified, yet the board of county canvassers counted and returned and certified in the abstract of said votes cast at said election made to the board of State canvassers said forty-eight votes as votes cast for James Wilson wrongfully for said office of Representative in Congress, and also certified more votes than were in fact cast for him, and said board of township canvassers certified and counted less votes for contestant than were cast for him.

Specification twenty.

Your contestant further shows that at said November election held in 1882 aforesaid, in the district and State aforesaid, in the township of Highland, in the county of Tama aforesaid, the board of canvassers of said precinct last aforesaid returned nine votes, by error in counting, that were in fact cast, as shown by the ballots for this contestant, less than were cast for him for the office of Representative in Congress, and also four persons not qualified to vote, and not electors in said precinct, were permitted to vote, and did vote, for James Wilson for the office of Representative in Congress, and were counted for him illegally, and the nine votes not counted above referred to were cast for this, your contestant, for the office of Representative aforesaid, and he should be credited with them.

Specification twenty-first.

This your contestant, Benjamin T. Frederick, shows further: That at the said election held on the first Tuesday after the first Monday in November, A. D. 1882, in the said fifth Congressional district in the State of Iowa, in the county of Linn, in said district, in the election precinct herein below named, he claims the following matters set forth, to wit: That in the city of Cedar Rapids, in said district, fifteen votes were cast for James Wilson for the office of Representative in Congress by persons not legal voters and not qualified to vote, whose names are unknown to contestant, and such votes were counted for said Wilson for the said office. And less votes were counted for Benjamin T. Frederick, your contestant, than he was entitled to receive by three votes. That in the township of Grant, in said county, five votes were cast for James Wilson for the office of Representative in Congress at said election aforesaid by persons not legal electors or qualified to vote in said township and precinct, and less votes were counted for this contestant for said office in said election precinct than he was entitled to receive. That in the township of Spring Grove, in said county, at

said election aforesaid, six persons not legally or qualified voters or electors in said precinct voted for James Wilson for said office of Representative in Congress, not by law authorized to vote and whose votes were illegal, and your contestant received in said precinct more votes by two than were counted for him for said office by the canvassing or election board of said precinct.

That in the township of Jackson, an election precinct in said county last aforesaid, four illegal and disqualified persons not voters or electors in said precinct voted for said James Wilson for the office of Representative in Congress illegally, and said votes were counted and returned for him, the names of such voters being unknown, and less votes were counted and returned by five by the judges and election canvassers of said precinct for your contestant for said office than were cast for him at said election.

That in the township of Bowlder, in said county, at said election aforesaid, three persons not legally qualified voters and electors in said precinct voted for James Wilson unlawfully for said office of Representative in Congress aforesaid, whose names are to contestant unknown, and the board of election in said precinct counted and returned less votes for your contestant by three than were in fact cast for him in said precinct for said office aforesaid.

That in the township of Otter Creek, in the county aforesaid, at said election aforesaid, five persons not legal voters or electors in said precinct unlawfully and wrongfully voted for James Wilson for the office of Representative in Congress, whose names are unknown to contestant, and the board of canvassers in said election precinct, in counting the votes, counted more votes for James Wilson and less votes for your contestant than had been cast for said respective parties for the office aforesaid.

That in the townships of Maine and Buffalo, each election precincts in the county aforesaid, at the election aforesaid, seven illegal and disqualified persons, not electors, voted in each of said precincts for James Wilson for the office of Representative in Congress, and on the canvass of the votes in said precincts, and in each of them, an error was made by the board of canvassers, whereby more votes for said office were counted for James Wilson and less votes for your contestant than the respective parties were entitled to receive.

That in the townships of Munroe, Brown, and Marion, each election precincts in said county of Linn aforesaid, at the election aforesaid, ten illegal votes were cast in each of said precincts for James Wilson for the office of Representative in Congress by persons not electors in said precinct, and not legal voters therein, and the judges of said respective townships, and canvassing board counted and returned the same, and in counting and returning the votes cast, returned five votes for said office for your contestant in each of said townships less than were cast for him.

That in the township of Clinton Rapids, in said election aforesaid, six illegal and disqualified persons, not voters or electors, voted for James Wilson for the office of Representative in Congress whose names are unknown.

That in the township of Linn, in the county aforesaid, one illegal vote was cast at said election for James Wilson by a person not a voter or elector in said precinct for said office aforesaid.

That in the townships of Fairfax, College, and Franklin, in the county aforesaid, each being in the county aforesaid, each being an election precinct in said county, at the election aforesaid five illegal and disqualified persons voted for said James Wilson for said office of Representative in Congress in each of said precincts. And in each of said precincts more votes were cast for your contestant than were counted and returned for him for said office of Representative in Congress.

This your contestant, Benjamin T. Frederick, claims that he will and can verify; that he was at the November election in 1882, held in said fifth Congressional district of Iowa, duly elected to the office of Representative in Congress by a majority of all the votes cast at said election, and that he will prove and substantiate the several specifications herein set forth, and he requires that you, James Wilson, serve a copy of your answer to the various specifications herein set forth upon him within thirty days from the day of service of this notice of contest and make defense thereto. And he further notifies you that he will in due time present his proofs before the House of Representatives of the United States, and ask that he be declared the duly elected Representative in Congress in and for the fifth Congressional district of Iowa.

B. T. FREDERICK.

BROWN & CARNEY,
Solicitors for Contestant.

EXHIBIT A.—*Proceedings of the board of supervisors Marshall County, Iowa.*

The board of supervisors in and for Marshall County, Iowa, convened as a board of canvassers November 13th, 1882, at 12 o'clock m., and proceeded to canvass the votes cast in the several election precincts in said county at the general election held November 7th, 1882. All the members of the board were present and called to order by Geo. A. Turner, the chairman, who presided.

The canvass proceeded without interruption until the return from Taylor Township was examined, when objections were made to having the vote from said Taylor Township canvassed. It appeared that two only of the judges who presided at said election in Taylor Township had signed the returns. After being advised in the matter Supervisor Archerd presented the following:

"Whereas the poll-book from Taylor Township not having been properly signed: Therefore,

"Resolved, That the same be rejected."

The roll being called, the yeas were Geo. A. Turner, R. H. Archerd, J. M. Gilchrist. Nays—none.

So the vote was not counted.

The canvass was then continued until the returns were complete. (See election record.)

On motion the board adjourned as a board of canvassers to meet at 9 o'clock tomorrow morning in regular session.

Nov. 14th.

The board of supervisors convened pursuant to adjournment.

Members all present; Chairman Turner presiding.

Minutes of yesterday read and approved.

The following was presented and read: "We, the board of supervisors of Marshall County, Iowa, hereby certify the following facts in regard to the canvass of the votes cast at the last general election in Taylor Township in said county, November 7th, 1882. The poll-books of votes cast in said Taylor Township showed that it was attested as a true return by two judges of said election signing their names in the proper form and the proper place; but the name of the third judge, W. H. Steward, was written in the following manner:

"W. H. Steward, per clerk," and showed on its face that the returns were not signed by W. H. Steward. Two clerks signed the said returns in proper form as clerks of said election.

"We further certify that the return showed that for—

Secretary of state:

John A. T. Hull received 54 votes.
T. O. Walker " 4 "
Wm. Gaston " 2 "

For auditor of state:

John L. Brown received 54 votes.
Wm. Thompson " 4 "
G. A. Wyatt " 2 "

For treasurer of state:

Edwin H. Conger received 54 votes.
John Foley " 4 "
George Dew, " 2 "

For judge of supreme court:

Wm. H. Seevers received 54 votes.
Chas. E. Bronson " 4 "

For clerk of supreme court:

Gilbert B. Pray received 54 votes.
H. F. Bonorden " 4 "
E. N. Clark " 2 "

For reporter of supreme court:

Ezra C. Ebersole received 54 votes.
L. A. Palmer " 4 "
J. H. Wilson " 2 "

For district judge 11th dist.:

H. C. Henderson received 54 votes.
B. L. Burritt " 5 "
B. T. Frederick " 1 "

For district attorney 11th dist.:

John L, Stevens received 54 votes.
Martin W. Anderson " 4 "

"Forty-eight votes cast in said Taylor Township for James Wilson for Representative from the fifth Congressional district of Iowa, and that eight votes were cast at said election for B. T. Frederick, and two votes were cast for David Stubbs, candidate for said office.

"We further certify that because the said return showed they were not signed by all the judges of the election in Taylor Township, we rejected the vote of said township. And if the same should be counted under the facts shown, the vote above named should be added to the number of votes of each candidate named. The auditor is hereby directed to certify to the State canvassing board the return fromTaylor Township as they appear on file in his office.

"Done at Marshalltown, this 14th day of November, 1882."

Moved by Supervisor Archard that the foregoing certificate be adopted and spread upon the minutes. Motion seconded by Supervisor Gilchrist.

On call of the roll Supervisors Turner and Archerd voted "ay," and Supervisor Gilchrist voted "nay."

So the motion prevailed.

STATE OF IOWA,
Marshall County, ss:

I, A. N. French, county auditor in and for Marshall County, Iowa, do hereby certify that the above is a true and correct copy of the board of supervisors of said county, made November 13th and 14th, 1882, relating to the canvass of election returns.

Marshalltown, Iowa, January 4th, 1883.

[L. S.]

A. N. FRENCH,
County Auditor.

STATE OF IOWA,
Marshall Co., ss:

I, George W. McMillan, on oath, say that on the 5th day of January, A. D. 1883, I served the within notice on James Wilson, in Perry Township, Tama County, Iowa, by giving to Esther Wilson, wife of James Wilson, to her a true copy of the said notice, reading thereof being waived, she, the said Esther Wilson, being a member of the family of said James Wilson, and his wife, and over the age of fourteen years. I further say the said James Wilson not found by me after diligent search made in the State of Iowa by me.

G. W. MCMILLAN.

Sworn to and subscribed before me and in my presence by George W. McMillan this 29th day of January, A. D. 1883.

[L. S.]

J. L. CARNEY,
Notary Public.

MARSHALLTOWN, IOWA.

Received my fee, being the sum of twenty dollars, from B. T. Frederick.

G. W. MCMILLAN.

STATE OF IOWA,
Tama County, ss:

I hereby certify and return that I received the within notice of contest for service on the 6th day of January, A. D. 1883, and on the same day I served the same personally on the within-named James Wilson, in Perry Township, Tama County, Iowa, by delivering to him personally a copy thereof, he having waived the reading of the same.

J. C. FITZGERALD,
Sheriff of said Tama County.
By J. H. ROSS, *Deputy.*

Fees, $7. Received my fees of B. T. Frederick.

The above and foregoing return was by the said J. H. Ross subscribed to in my presence and sworn to by him before me this 8th day of January, A. D. 1883.

[L. S.]

S. C. LELAND,
Clerk District Court in and for Tama County, Iowa.

ANSWER OF CONTESTEE.

BENJAMIN T. FREDERICK, CONTESTANT,
v.
JAMES WILSON, CONTESTEE.

Fifth Congressional district, Iowa.

To Benjamin T. Frederick, contestant, or Brown & Carney, your solicitors:

You will please take notice that you are served with a copy of my answer to your notice of contest, as follows:

Answer of contestee.

Before the honorable House of Representatives, United States of America.

BENJ. T. FREDERICK, CONTESTANT,
versus.
JAMES WILSON, CONTESTEE.

In the matter of the contest in the fifth Congressional district of the State of Iowa.

To BENJAMIN T. FREDERICK, Esq.:

The contestee resists the claim of contestant to the seat claimed for reasons herein set forth:

He admits the counties of Marshall, Tama, Benton, Linn, Johnson, and Iowa compose the fifth Congressional district of Iowa.

Admits the election held therein for Representative in Congress.

Admits that contestant and contestee were candidates therefor.

Admits that the board of State canvassers awarded to this contestee the certificate of election.

The 1st specification.

MARSHALL CO., TAYLOR TOWNSHIP.

He denies that the board of State canvassers wrongfully counted the votes from Marshall County, and denies that they counted for this contestee forty-eight votes more than the abstract of votes showed he was entitled to or had received.

He avers that at such election, in the precinct of Taylor Township, in Marshall County, the returns showed—

This contestee received 48 votes:

The contestant received 8 votes;

David Platner received 2 votes.

That the election returns of that precinct were in due form certified by two of the three judges of election, and the name of the third judge had the words "per clerk" following it; but the names of all the judges were signed to the return, and nothing appeared from the returns showing that they were *not* signed by authority of the judges.

When the board of supervisors for said county canvassed the returns of that county they *counted* the votes of Taylor Township as above set forth, and found that—

This contestee received 48 votes;

The contestant received 8 votes;

David Platner received 2 votes;

Yet, because the name of one of the judges of the election was followed by the words "per clerk" they did not add the votes of that township to the abstract sent to the secretary of state on that day, but on the following day, Nov. 14th, 1882, while the board was still in session, they, at this contestee's request (he not being present nor represented by counsel on the previous day), certified to the State canvassing board the additional votes from Taylor Township which they had counted as aforesaid.

This contestee avers that the certificate made by the board of supervisors November 14th, 1882, certifying the votes which had been counted from Taylor Township was voted for by two of the three members of the board, and was voted against by one of the three. the "one" being a personal friend of contestant, and knowing then that if the votes of Taylor Township were not certified it would change the result of the election, and give the certificate to the contestant, endeavored to disfranchise the 58 voters from that township for that purpose; and there was no pretense that the votes from that township had not been cast, as the returns then fully showed.

As to the manner of the returns being signed by the judges of election, and as to the certificate by the board of supervisors to the board of State canvassers, this contestee

alleges that section 45, paragraph 4, of the Code of Iowa, under which such officers were acting, provides as follows:

"Words giving a joint authority to three or more public officers, or other persons, shall be construed as giving such authority to a majority of them unless it be otherwise expressed in the act giving the authority."

And the returns from that township and the certificate of the counting of the same by the board of supervisors were valid.

By the Code of Iowa, section 635, "the board of supervisors" are required "to open and canvass the returns, and make abstracts, stating in words written at length the number of ballots cast in the county for each officer," &c. And this contestee avers that the said board did make the abstracts at the proper term as to Taylor Township as well as to the whole county; and he further avers that the certificate of the number of votes cast in Taylor Township was true, and was voluntarily made by the board, and, being such as could have been compelled by a *writ of mandamus*, the doing the act voluntarily was lawful and proper.

This contestee denies that by the proper abstract of the votes from Marshall County before the board of State canvassers this contestee had 1,800 votes, but he avers that he had 1,848 votes; and he denies that by the proper abstract of the votes from Marshall County before the board of State canvassers the contestant had 1,776 votes, but he avers that he had 1,784 votes; and he denies that by the proper abstracts of the votes from all the counties in the district this contestee had 11,743 votes, but he had 11,791 votes; and he denies that by the proper abstracts from all the counties in the district the contestant had 11,760 votes, but he had 11,768 votes.

And this contestee avers that by the returns of the several boards of supervisors to the State canvassing board, duly and properly made, he had a majority of 23 votes for Representative in Congress from said district, and there was no claim nor pretense made by the contestant, either before the board of supervisors of Marshall County or before the board of State canvassers, that such was not the fact; and he avers that at such election in Taylor Township there were cast for him as a candidate for Representative in Congress 48 votes which were and should still be counted for him.

The 2nd specification.

TAYLOR TOWNSHIP.

(Answer.)

This contestee denies that at said election there were cast in Taylor Township, Marshall County, *nine* votes for the contestant, as claimed in specification 2.

This contestee denies that the judges of election, or either of them, at such election in Taylor Township, Marshall County, took the ballots from the ballot-box improperly, and denies that any changes were made in the ballots after they were cast by the judges of election or by any one, and denies that any illegal votes were cast at such election for this contestee, as stated in said specification.

The 3rd specification.

LIBERTY.

(Answer.)

This contestee denies that in Liberty Township, Marshall County, Iowa, the judges of election changed the place of election, without proper notice, to another place;

Denies that any electors were prevented from voting for the contestant because of a want of notice, or for any other reason;

Denies that any persons disqualified from voting in such precinct cast their votes for this contestee;

Denies that the judges received the votes from any electors without entering their names on the poll-books;

Denies that the judges of election were not sworn when the votes were received;

Denies that the judges of election opened the ballot-boxes before the time for closing the polls had arrived;

Denies that any names were entered upon the poll-books of persons not voting;

Denies that the poll-books and ballots do not show the names of all persons voting;

Denies that the contestant received five or any number of votes more than the returns of election showed;

Denies that he, this contestee, received twenty-three or any other number of votes fewer than were counted and returned for him; and

Denies that he received any votes from any disqualified person, as alleged in said specification.

(No copy was received of any 4th specification.)

The 5th specification.

GREENCASTLE.

(Answer.)

The contestee denies that at said election in the township of Greencastle, in Marshall County, Iowa, any persons were induced to vote for him by representation that certain tickets contained the name of contestant, when, in fact, the name of contestee was upon said tickets as a candidate for Representative in Congress;

Denies that he received any votes at said election in said precinct from persons intending to vote for contestant by the false representations of any one;

Denies that any votes were cast for contestant which were not counted for him and returned;

Denies that he received ten or any illegal vote or votes from persons not qualified electors; and

Denies that any votes were counted for him which were not, in fact, cast as alleged in said specification.

The 6th specification.

MARSHALLTOWN.

(Answer.)

The contestee denies that in the precinct known as the 1st ward of the city of Marshalltown any qualified elector was refused permission to vote for contestant at said election;

Denies that at said election any persons in said precinct who were not qualified electors voted for this contestee; and

Denies that any persons who were not qualified electors voted for contestee in the precincts known as the 2nd, 3rd, or 4th wards of said city at said election (or in either of them), as alleged in said specification.

The 7th specification.

EDEN, STATE CENTER, ETC.

(Answer.)

The contestee denies that at said election in the county of Marshall, and in the precincts known as the townships of Eden, State Center, Marietta, Minerva, Le Grand, Liscomb, Iowa, and Linn, or in either of them, any persons not qualified electors voted for him;

Denies that in said townships and precincts, or in either of them, there were counted for him more or other votes than he received at said election;

Denies that in said townships or precincts, or in either of them, there were counted for the contestant fewer votes than were polled at said election for him, as alleged in said specification.

The 8th specification.

JOHNSON COUNTY, CEDAR TOWNSHIP.

(Answer.)

Contestee denies that the contestant at said election in Cedar Township, Johnson County, Iowa, in said district, received ten, or any, more votes than were counted for him; and

Denies that at said election in that precinct any persons voted for this contestee who were not qualified electors, as alleged in said specification.

The 9th specification.

JOHNSON COUNTY, BIG GROVE TOWNSHIP.

(Answer.)

Contestee denies that at said election in Big Grove Township, in said county of Johnson, there were any votes polled for contestant which were not counted and certified;

Denies that any more votes were counted for contestee than were cast for him or he was entitled to receive; and

Denies that any persons voted for him who were not qualified electors, as alleged in said specification.

The 10th specification.

JOHNSON COUNTY, WEST LUCAS TOWNSHIP.

(Answer.)

Contestee denies that at said election in West Lucas Township, in Johnson County, he was credited with or had counted for him any votes that were not cast for him;

Denies that contestant had counted for him fewer votes than were cast for him; and

Denies that any persons not qualified electors voted for him, this contestee, as alleged in said specification.

The 11th specification.

JOHNSON COUNTY, JEFFERSON TOWNSHIP, ETC.

(Answer.)

Contestee denies that at said election in said county of Johnson, in the townships of Jefferson, Monroe, Hardin, Madison, Penn, Clear Creek, Newport, Graham, Scott, Union, Washington, Sharon, Liberty, Pleasant Valley, Freemont, Lincoln, East Lucas, North Iowa City, South Iowa City, and Big Grove, or in either of them, or in any other precinct in said county, there were counted by the canvassers for contestee more votes than he actually received;

Denies that, in either of said townships, there were counted fewer votes for the contestant than he actually received; and

Denies that in either of said townships any persons not qualified electors voted for him, the contestee, as alleged in said specification.

The 12th specification.

BENTON COUNTY, VINTON TOWNSHIP.

(Answer.)

For answer to specification twelve your contestee says that he denies that at the November election, in the year 1882, in the precinct of Vinton, *in the town of Vinton*, in the county of Benton, in the district aforesaid, at said election aforesaid, ten or any disqualified persons, not voters or electors in said precinct where they voted, were permitted to vote illegally for James Wilson, your contestee, for the office of Representative in Congress from the 5th Congressional district of Iowa, and that said votes were counted;

Further denies that in counting the ballots cast the judges of the election permitted persons not officers, clerks, or judges of said election to count the votes;

Denies that spurious ballots were put in the box for said Wilson at said precinct;

Denies that more votes were counted for Wilson than he actually received for said office;

Denies that persons not clerks of said election were permitted to count or handle the ballots while the votes were being counted out, or to keep the tally-lists or poll-books;

Denies that ten, or any, votes were counted for James Wilson, your contestee, more than he actually received;

Denies that ten, or any fewer, votes were counted for B. T. Frederick, contestant, than he actually received for the office of Representative in Congress from the 5th Congressional district of Iowa in said precinct;

Denies that in the county of Benton aforesaid, and in the said township of Homer, in said county, in the district aforesaid, at the election aforesaid, six, or any persons who were unauthorized to vote, and not electors in said presinct, voted illegally at said election, and their votes were received and counted for James Wilson, your contestee, for the office of Representative in Congress;

Denies that in the township of Jackson, county of Benton, at the election aforesaid, for the office aforesaid, seven or any persons voted (not authorized to vote, nor electors) for James Wilson, contestee, for the office of Representative in Congress, and that said votes were counted and returned for him;

Denies that fewer votes were counted for contestant, B. T. Frederick, in said precinct at said election for said office than were in fact cast and voted for him;

Denies that at said election aforesaid in the State, Congressional district, and county aforesaid, at the township of Canton, an election precinct in said county, eight, or any, persons not legal electors and voters voted for James Wilson, contestee, for the office of Representative in Congress, or that said votes were counted and returned for him illegally.

Denies that contestant, B. T. Frederick, had fewer votes counted and returned for him than were actually cast for him for the office of Representative in Congress from the 5th Congressional district of Iowa.

Specification 13*th.*

BENTON COUNTY, POLK TOWNSHIP.

(Answer.)

You contestee, for answer to specification thirteen, says, that he denies that at an election held on the day provided by law in November, 1882, in the precinct of Polk Township, county of Benton, 5th Congressional district of State of Iowa, that the board of election and canvassers in said precinct failed to count and return all the votes cast for contestant, B. T. Frederick, for Representative in Congress, and denies that four, or any, votes were cast for him that were not counted and returned that should have been counted and returned for him;

Denies that four, or any, votes were cast for James Wilson, your contestee, in said precinct at said election for Representative in Congress, by persons not legally electors or voters, and were wrongfully and illegally returned to his credit.

Specification 14*th.*

BENTON COUNTY, TOWNSHIPS OF HARRISON, BRUCE, ECT.

(Answer.)

For answer to specification fourteen of contestant, your contestee says, that he denies that at the November election in 1882, in the following precincts in the county of Benton, to wit, Harrison Township, Bruce Township, Monroe Township, Taylor Township, Benton Township, Shellsburg Township, Eden Township, Kane Township, Union Township, Eldorado Township, Freemont Township, Florence Township, St. Clair Township, Iowa Township, Polk Township, and Leroy Township, each being an election precinct in said county, four, or any, persons who were not legally voters and electors, voted for James Wilson, your contestee, for the office of Representative in Congress, and that such votes were counted for him wrongfully;

Denies that in each of said townships more votes were counted for your contestee than were cast for him; and

Denies that fewer votes were counted for Benjamin T. Frederick in said precincts, or either of them, than were actually cast or polled for him for the office of Representative in Congress.

The 15*th specification.*

IOWA COUNTY.

(Answer.)

The contestee denies that at said election in Iowa County, in the townships of Cono, Washington, Lennox, Honey Creek, Iowa, Hilton, Sumner, Hartford, Amana, Marengo, Lincoln, Pilot, Troy, York, Dayton, English, Filmore, and Green, or in either of them, or in any other precinct in said county, any persons not qualified electors voted for him, and denies that any such votes were counted for him;

Denies that any more votes were counted at either of said precincts at said election for him than were cast for him; and

Denies that any number of votes fewer than contestant received were counted for him, as alleged in said specification.

The 16*th specification.*

TAMA COUNTY, RUCKINGHAM TOWNSHIP.

(Answer.)

The contestee denies that at said election in Tama County, in Buckingham Township, more votes were cast for the contestant than were counted and returned for him;

Denies that more votes were counted for contestee than he received;

Denies that any persons not legal voters voted for the contestee, and denies that any such votes were counted for him, as alleged in said specification.

The 17*th spccification.*

TAMA COUNTY, TAMA, PERRY, GENESEO AND TOLEDO TOWNSHIPS.

(Answer.)

The contestee denies that at said election in the townships of Tama, Perry, Geneseo, and Toledo, or in either of them, any votes were cast for him by persons not qualified to vote; and denies that fewer votes were counted or returned for contestant in either of said precincts than were cast for him, as alleged in said specification.

The 18th specification.

TAMA COUNTY, CLARK TOWNSHIP.

(Answer.)

The contestee denies that at said election in said county, in Clark Township, more votes were counted for him than were cast for him;

Denies that any persons not qualified electors voted for him;

Denies that any fewer votes were counted for contestant than were cast for him, as alleged in said specification;

Denies that said election was illegally conducted; and

Denies that one of the judges bet or wagered money on the result of said election, or prepared spurious tickets or placed them in the ballot-box.

The 19th specification.

TAMA COUNTY, CARROLL TOWNSHIP.

(Answer.)

The contestee denies that at said election in Carroll Township, in said county, the votes cast for contestant were not counted and certified and returned;

Denies that fewer votes than were cast for contestant were counted, certified, and returned;

Denies that more votes were counted for contestee than were cast for him;

Denies that the county canvassers improperly certified the returns from this township; and

Denies that the judges or clerks were not sworn.

The 20th specification.

TAMA COUNTY, HIGHLAND TOWNSHIP.

(Answer.)

The contestee denies that at said election in said county, in Highland Township, the board of canvassers returned nine or any fewer votes for the contestant than he received;

Denies that any persons not qualified electors voted for this contestee; and

Denies that any such votes were counted for him; and

Denies that any votes were cast for the contestant which were not counted for him.

The 21st specification.

LINN COUNTY.

(Answer.)

This contestee denies that at said election in Linn County, in the city of Cedar Rapids, any votes were cast for him by persons not legal voters and qualified electors, and denies that the votes of any such persons were counted for him, and denies that a smaller number of votes was counted for the contestant than he was entitled to receive;

He denies that at said election in said county, in Grant Township, any votes were cast for him by persons not legal and qualified electors, and denies that fewer votes were counted for the contestant than he was entitled to receive;

He denies that at said election in Spring Grove Township any persons not qualified electors voted for him, and denies that contestant received more votes than were counted for him;

He denies that at said election in Jackson Township any persons not qualified electors voted for him, and denies that any votes by disqualified persons were counted for him, and he denies that any fewer votes were counted for contestant than were cast for him;

He denies that in the township of Boulder, in said county, at said election, any persons not legally qualified to vote voted for him, and he denies that any fewer votes were counted and returned for the contestant than he received;

He denies that in the township of Washington, in said county, at said election, any persons who were not qualified electors voted for him, and he denies that any fewer votes were counted and returned for the contestant than were cast for him;

He denies that in the township of Otter Creek, in said county, at said election, any persons not qualified electors voted for him; denies that the board of canvassers

counted more votes for him than had been cast for him, and he denies that said board counted fewer votes for contestant than had been cast for him;

He denies that in the township of Maine and the township of Buffalo, or in either of them, in said county, at said election, any disqualified persons voted for him, and denies that more votes were counted in either for him than had been cast for him, and denies that any fewer votes in said precincts, or either of them, were counted for the contestant than he was entitled to receive;

He denies that in the townships of Monroe, Brown, and Marion, or in either of them, in said county, at said election any illegal votes were cast for him; and

He denies that the judges in said townships, or in either of them, returned fewer votes for contestant than were cast for him;

He denies that in the township of Clinton Rapids, in said county, at said election, any persons not qualified electors voted for him;

He denies that any person not a qualified elector voted for him in Linn Township, in said county, at said election; and

He denies that in the townships of Fairfax, College, Putnam, and Franklin, or either of them, or in any other precinct in said county, at said election, any person not a qualified elector voted for him; and

He denies that in either of said precincts more votes were cast for the contestant than were counted for him.

And now generally: This contestee denies each specification made in the notice of contest, to the extent that this contestee received and had counted for him any votes cast by persons not qualified electors in any of the election precincts in said Congressional district; and

He denies that the contestant did not receive and have counted for him all votes cast for him by qualified electors in any and all the election precincts in said district; and

He denies that any qualified elector who desired to vote for the contestant was prevented from doing so.

And in addition to taking issue with the notice of contest, and *as grounds upon which he rests the validity of his election*, he states the following:

At the election appointed by law for electing Representatives in Congress, held in the fifth Congressional district, in the State of Iowa (in November, 1882, which is the same election referred to by contestant), which district is composed of the counties of Marshall, Tama, Benton, Linn, Johnson, and Iowa, held in November, 1882, in the several voting precincts in said district, at which election both the contestant and contestee were candidates for the office of Representative in Congress from said district, there were cast in the entire district for this contestee *for said office* 11,791 votes; and from the returns made to the board of State canvassers, which were counted by said board, there appeared to have been cast for contestant for said office in the entire district 11,768 votes.

Yet this contestee alleges that the contestant did not receive 11,768 votes at said election in said district for said office, but he received many fewer than that number, as will appear by the following specifications:

Specification 1st.

MARSHALL COUNTY, MARSHALL TOWNSHIP.

Article 2, section 1, of the *constitution* of the State of *Iowa* provides for the qualifications of electors as follows: He shall be a male citizen of the United States, 21 years of age, a resident of the State *six months*, and of the county *sixty days*.

REGISTRY LAW.

By act of the legislature of Iowa, passed by the 12th general assembly, a registration of all qualified electors is provided for, which is found in the Code of Iowa, 1873, section 594 to section 602, and by the latter section it is made applicable to townships having a population of over *six thousand* inhabitants, as shown by the preceding census.

The township of Marshall, in the county of Marshall, in said district and State, in which is the city of Marshalltown, the geographical limits being the same, had by the census of 1880 a population of over 6,000 inhabitants, and the registry law was in force within such township at the election before referred to in the notice of contest and herein.

It is provided in the laws of Iowa, code, section 618, with reference to the registry of electors and the general election, that "No votes shall be received from any person whose name does not appear there unless he shall furnish the judges his affidavit showing that he is a qualified elector, and a sufficient reason for not appearing before the board on the day for correcting the register, and shall also prove by one free-

holder or householder, whose name is on the register, that such affiant knows him to be a resident of that election precinct."

The affidavits are required to be kept by the judges and filed in the office of the clerk of the township.

The township of Marshall aforesaid is divided into four election precincts, corresponding with the wards of the city, and known and designated as the first, second, third, and fourth wards in the city, and a registry of voters was kept therein.

THE FIRST WARD.

This contestee avers that within the voting precinct known as the first ward, within said township, city, county, and district, there were cast at said election, by twenty-five persons whose names were not upon the register and who did not make nor produce the affidavits before referred to, and who were not qualified electors within said precinct, ballots for the contestant as a candidate for the office of Representative in Congress from this district to the number of twenty-five which were wrongfully counted and returned for contestant, and at said election within said precinct there were ballots cast and counted for contestant by persons not qualified electors to the number of twenty, and which should be deducted from the number of votes cast for contestant as a candidate for said office, as shown by the action of the board of State canvassers.

THE SECOND WARD.

He further avers that within the voting precinct known as the second ward, within said city, county, and district, there were cast at said election, by fifty persons whose names were not upon the register, and who did not make or present the affidavits before referred to, and who were not qualified electors within said precinct, ballots for the contestant as a candidate for Representative in Congress from this district to the number of fifty, which were wrongfully counted and returned for contestant, and at said election within said precinct there were ballots cast and counted for contestant as a candidate for Representative in Congress from said district by persons not qualified electors to the number of fifty, and which should be deducted from the number of votes cast for contestant as a candidate for said office, as shown by the action of the State board of canvassers.

THE THIRD WARD.

He further avers that within the voting precinct known as the third ward, within said city, county, and district, there were cast at said election, by sixty persons whose names were not upon the register, and who did not make or present the affidavits before referred to, and who were not qualified electors within said precinct, ballots for the contestant as a candidate for Representative in Congress from the said district to the number of sixty, which were wrongfully counted and returned for contestant, and at said election, within said precinct, there were ballots cast and counted for contestant as a candidate for Representative, as aforesaid, by persons not qualified electors to the number of sixty, and which should be deducted from the number of votes cast for contestant as a candidate for said office, as shown by the action of the State board of canvassers.

THE FOURTH WARD.

He further avers that within the voting precinct known as the fourth ward, within said county and district, there were cast at said election, by one hundred persons whose names were not upon the register, and who did not make or present the affidavits before referred to, and who were not qualified electors within said precinct, ballots for the contestant as a candidate for Representative in Congress from the said district to the number of one hundred, which were wrongfully counted and returned for contestant, and at said election, within said precinct, there were ballots cast for and counted for contestant as a candidate for Representative in Congress from said district by persons not qualified electors to the number of one hundred, and which should be deducted from the number of votes cast for contestant as a candidate for said office, as shown by the action of the State board of canvassers.

Specification 2nd.

TAYLOR TOWNSHIP.

He further avers that at said election in said county of Marshall, in a voting precinct known as Taylor Township, in said district, the contestant caused tickets to be circulated to be used as ballots by electors, with the name of contestant printed thereon, and represented them to be ballots for the contestee, as a candidate for the office

of Representative in Congress, and by such representation caused three electors who intended to vote for this contestee, unsuspecting the imposition, to vote for the contestant by using such printed tickets as ballots, supposing them to contain the name of this contestee as a candidate for that office, which ballots were counted and returned for the contestant, and should now be deducted from the number of votes cast for contestant, as shown by the return of the township. And at said election in said last-named precinct, there were cast for this contestee, as a candidate for Representative in Congress from said district, forty-eight ballots by forty-eight qualified electors within said precinct, which ballots should be counted for him.

Specification 3rd.

JEFFERSON TOWNSHIP.

He further avers that at said election, at the voting precinct in Jefferson Township, in said county and district, three persons not qualified electors or voters and not entitled to vote in said precinct, did illegally vote and cast their ballots for the contestant for Representative in Congress from the district aforesaid, and said ballots were by the judges of election received and counted and returned for said contestant.

Specification 4th.

IOWA TOWNSHIP.

He further avers that at said election, at the voting precinct in Iowa Township, in said county and district, three persons not qualified electors and not entitled to vote in said precinct, did illegally vote and cast their ballots for the contestant for Representative in Congress from the district aforesaid, and said ballots were by the judges of election received and counted and returned for the contestant.

He further avers that at said election in said last-named precinct, the contestant caused tickets to be circulated, to be used as ballots by electors, with the name of contestant printed thereon, and represented them to be ballots for the contestee as a candidate for the office of Representative in Congress, and by such representations caused six electors who intended to vote for this contestee, not suspecting the imposition, to vote for the contestant by using such printed tickets as ballots, supposing them to contain the name of this contestee as a candidate for that office, which ballots were counted and returned for the contestant.

Specification 5th.

LIBERTY, STATE CENTER, LE GRAND, AND GREENCASTLE.

He further avers that at said election, at the voting precincts of Liberty Township, Le Grand Township, State Center Township, and Greencastle Township, in said county and district, being voting precincts therein, and in each of said precincts, ten persons not qualified electors in said precincts, or in either of them, and not entitled to vote in either of them, did illegally vote and cast their ballots for the contestant for Representative in Congress from the district aforesaid, and said ballots were by the judges of election received and counted and returned for the contestant in each of said precincts.

Specification 6th.

LISCOMB, LOGAN, WASHINGTON, MARIETTA, LINN, MINERVA, EDEN, MARION, TIMBER CREEK, BANGOR, AND VIENNA.

He further avers that at said election in the township of Liscomb, in the township of Logan, in the township of Washington, in the township of Marietta, in the township of Linn, in the township of Minerva, in the township of Eden, in the township of Marion, in the township of Timber Creek, in the township of Bangor, and in the township of Vienna, and in each of them, they and each of them being voting precincts in the county of Marshall, in the fifth Congressional district of the State of Iowa, five persons in each of said precincts, who were not qualified electors, and not qualified or legal voters within the precinct where they offered their ballots, did illegally vote and cast their ballots for the contestant for Representative in Congress from said district, and said ballots were, by the judges of election, received and counted and returned for the contestant in each of said precincts.

Specification 7th.

JOHNSON COUNTY.

The contestee further shows that at said election for Representative in Congress from the fifth Congressional district, in November, 1882, in the State of Iowa, in the township of Big Grove, in the township of Jefferson, in the township of Monroe, in the township of Madison, in the township of Penn, in the township of Newport, in the township of Graham, in the township of Iowa City, in the north precinct thereof; in the township of Scott, in the township of Iowa City, in the south precinct thereof; in the township of Lincoln, in the township of Freemont, in the township of Liberty, in the township of East Lucas, in the township of West Lucas, in the township of Union, in the township of Hardin, in the township of Sharon, in the township of Washington, in the township of Cedar, and in the township of Oxford, and in each of them, they and each of them being voting precincts in the county of Johnson, in the said fifth Congressional district of the State of Iowa, fifteen persons in each of said precincts, who were not qualified electors, and who were not qualified nor legal voters within the precinct where they offered their votes, did illegally vote and cast their ballots for the contestant, Benj. T. Frederick, as a candidate for Representative in Congress from said district, and said ballots were, by the judges of election, received and counted and returned for him, the said Benj. T. Frederick, in each of said precincts.

And in each of said precincts two qualified electors therein did vote and cast their ballots for this contestee as a candidate for said office of Representative, which ballots were not counted nor returned for him, said contestee.

Specification 8th.

BENTON COUNTY.

Your contestee further shows and charges the fact to be, that at the November election for the year 1882, at the township of Vinton, in the precinct of Vinton, in Benton County, State of Iowa, six persons, not voters nor electors nor entitled to vote at said election, did vote and cast their ballots for Benjamin T. Frederick for Representative in Congress from the fifth Congressional district of said State, and that said ballots were by the judges of said election precinct deposited in the ballot-box and were by said judges illegally counted and returned for said Benjamin T. Frederick.

Specification 9th.

BENTON COUNTY, FREEMONT AND IOWA TOWNSHIPS.

Your contestee further shows and charges the fact to be, that at the November election for the year 1882, in the township of Freemont, a voting precinct in Benton County, in the fifth Congressional district of the State of Iowa, and in the township of Iowa, a voting precinct in said county, district, and State, and in each of said precincts, eight persons, not qualified voters or electors, and not entitled to vote in either of said precincts did illegally vote and cast their ballots for Benjamin T. Frederick for Representative in Congress from the district aforesaid, and said ballots were by the judges of the election in each of the said precincts received and deposited in the ballot-boxes, and said illegal votes were by the judges of said election counted and returned for said Benjamin T. Frederick.

Specification 10th.

BENTON COUNTY.

Your contestee further shows and charges the fact to be, that at the November election for the year 1882, the following named townships, and each of them, were voting precincts in the county of Benton, in the fifth Congressional district of the State of Iowa, to wit, Florence Township, St. Clair Township, Leroy Township, Kane Township, Union Township, Eldorado Township, Shellsburg Township, Canton Township, Eden Township, Big Grove Township, Homer Township, Monroe Township, Jackson Township, Taylor Township, Benton Township, Polk Township, Harrison Township, Cedar Township, and Bruce Township; that at said precincts, and each of them, at said November election, five persons who were not entitled to vote at the precinct where they voted, and who were not qualified electors, voted and cast their ballots for Benj. T. Frederick for Representative in Congress from said district as aforesaid, which said ballots were received by the judges of election at each of said precincts and by them deposited in the ballot-box and counted and returned for said Benjamin T. Frederick.

Specification 11*th.*

BENTON COUNTY.

Your contestee further charges and shows the fact to be, that at the November election for the year 1882, at the township of Vinton, at the township of Polk, at the township of Leroy, at the township of Union, at the township of Iowa, and at each of them, they and each of them being voting precincts in the county of Benton, in the fifth Congressional district of the State of Iowa, the contestant, Benjamin T. Frederick, did, prior to said November election, deposit at such precincts and each of them, with persons whose names are unknown to your contestee, large sums of money to be corruptly used to procure votes for the said Frederick for Representative in Congress as aforesaid, and that said money so deposited was used by the said persons, on said day of election, and prior thereto, with the knowledge and procurement of the said Benjamin T. Frederick to procure votes for him as aforesaid, and that by the use of the said corruption fund so furnished by the said Frederick as aforesaid, ten persons were procured in each of said precincts to vote for said Frederick for Representative in Congress as aforesaid, who would not have voted for him but for the corrupt use of the said fund as aforesaid.

Specification 12*th.*

BENTON COUNTY.

Your contestee further shows and charges the fact to be, that at the November election for the year 1882, in the township of Polk, a voting precinct in the county of Benton, in the fifth Congressional district of the State of Iowa, after the polls were closed at said precinct and before the ballots were counted, the judges of election wrongfully, illegally, and unlawfully excluded the public and compared the lists and counted the ballots in a room with locked doors, from which the public was unlawfully excluded as aforesaid, and did unlawfully return the private count to the county board of canvassers, who unlawfully counted and returned the same to the State board; and in said counting sixty-two more votes than the said Benjamin T. Frederick was entitled to were counted and returned for him as a Representative in Congress from the precinct and district aforesaid.

Specification 13*th.*

IOWA COUNTY.

Your contestee further shows and charges the fact to be, that at the November election for the year 1882, for the election of Representative in Congress, the following named townships, and each of them, were voting precincts in the county of Iowa, in the fifth Congressional district of the State of Iowa, to wit, Cono Township, Washington Township, Lennox Township, Honey Creek Township, Sumner Township, Hartford Township, Lincoln Township, Pilot Township, Troy Township, York Township, Dayton Township, English Township, Fillmore Township, Green Township, Iowa Township, Homestead Township, and Amana Township; that at said precincts, and each of them, at said November election, five persons who were not entitled to vote at the precinct where they voted, and who were not qualified electors, voted and cast their ballots for Benjamin T. Frederick for Representative in Congress from said district as aforesaid, which said ballots were received by the judges of election at each of said precincts, and by them counted and returned for said Benjamin T. Frederick.

Specification 14*th.*

TAMA COUNTY.

Your contestee further shows and charges the fact to be, that at the November election for the year 1882, for the election of Representative in Congress the following-named townships, and each of them, were voting precincts in the county of Tama, in the fifth Congressional district of the State of Iowa, to wit, Tama Township, Carroll Township, Highland Township, Otter Creek Township, York Township, Indian Village Township, and Spring Creek Township; that at said precincts and each of them, at said November election, twelve persons who were not entitled to vote at the precinct where they voted, and who were not qualified electors, voted and cast their ballots for Benjamin T. Frederick for Representative in Congress from said district as aforesaid, which said ballots were by the judges of said election in each of said precincts, received and counted and returned for the said Benj. T. Frederick as such candidate.

Specification 15*th*.

TAMA COUNTY.

Your contestee further shows and charges the facts to be, that at the November election for the year 1882, for the election of Representatives in Congress, the following-named townships, and each of them, were voting precincts in the county of Tama, in the fifth Congressional district of the State of Iowa, to wit, Toledo Township, Richland Township, Grant Township, Crystal Township, Columbia Township, Lincoln Township, Buckingham Township, Perry Township, Salt Creek Township, Clark Township, Oneida Township, Carlton Township, and Howard Township.

That at said precincts and at each of them, at said November election, five persons who were not entitled to vote at the precinct where they voted, and who were not qualified electors, voted and cast their ballots for Benj. T. Frederick for Representative in Congress from said district as aforesaid, which said ballots were at each of said precincts received and counted and returned for the said contestant.

Specification 16*th*.

TAMA COUNTY.

Your contestee further shows and charges the facts to be, that at the November election for Representatives in Congress in the year 1882 the following-named townships, and each of them, were voting precincts in the county of Tama, in the fifth Congressional district of the State of Iowa, to wit, Tama Township and Carroll Township; that at said precinct of Tama Township, at said election, this contestee received as a candidate for Representative in Congress from said district *one hundred and eighty-six* votes, which were cast by qualified electors in that precinct; and at the precinct of Carroll this contestee received as a candidate for Representative in Congress from said district *forty-nine* votes, which were cast by qualified electors in that precinct; which ballots were received by the judges of the respective precincts, and which were not returned for this contestee, but which should now be counted for him.

Specification 17*th*.

LINN COUNTY.

Your contestee further shows and charges the facts to be, that at the November election for the year 1882 for the election of Representatives in Congress the following-named townships, and each of them, were voting precincts in the county of Linn, in the fifth Congressional district of the State of Iowa, to wit, Franklin Township, College Township, Fairfax Township, Clinton Township, Bertram Township, Linn Township, Brown Township, Monroe Township, Washington Township, Otter Creek Township, Maine Township, Buffalo Township, Spring Grove Township, and Grant Township.

That at said precincts, and at each of them, at said election, *thirty* persons who were not entitled to vote at the precinct where they voted, and who were not qualified electors, voted and cast their ballots for Benj. T. Frederick for Representative in Congress from said district as aforesaid, which said ballots were at each of said precincts received and counted and returned by the judges of said respective election precincts for said contestant.

Specification 18*th*.

LINN COUNTY.

Your contestee further shows and charges the facts to be, that at the November election for the year 1882 for the election of Representatives in Congress the following-named precincts, and each of them, were voting precincts in the county of Linn, in the fifth Congressional district of the State of Iowa, to wit, the first ward in the city of Cedar Rapids, in the township of Rapids, in said county and Congressional district; the second ward in the city of Cedar Rapids, in the township of Rapids, in said county and Congressional district; the third ward in the city of Cedar Rapids, in the township of Rapids, in said county and Congressional district; the fourth ward in the city of Cedar Rapids, in the township of Rapids, in said county and Congressional district; the fifth ward, and the sixth ward, and the seventh ward, and the eighth ward, in the city of Cedar Rapids, in the township of Rapids, in said county and Congressional district.

That at said precincts, and at each of them, at said election, *forty* persons who were not entitled to vote at the precinct where they voted, and who were not qualified electors, voted and cast their ballots for Benj. T. Frederick for Representative in Congress from said district as aforesaid, which said ballots were at each of said precincts received and counted and returned by the judges of the said respective election precincts for the said contestant, Benj. T. Frederick.

Respectfully yours,

JAMES WILSON,
Contestee.

MARSHALLTOWN, IOWA, *Feb'y 1st*, 1883.

J. H. BRADLEY,
Att'y for Contestee.

THE UNITED STATES OF AMERICA,
THE STATE OF IOWA, *Marshall County, ss:*

I, J. H. Bradley, being first duly sworn, do depose and affirm and state that on the first day of February, A. D. 1883, in said county and State at the city of Marshalltown, I served the foregoing answer of the contestee, by offering to read the same to J. L. Carney, esq., one of the firm of Brown and Carney, the contestant's solicitors, which reading he then and there waived, and by giving to him a true copy of said answer. Done at the office and place of business of Brown and Carney, said contestant's, solicitors, the said contestant, Benjamin T. Frederick, not being found at his usual place of business nor at his residence.

And I also served the same by giving a copy thereof to Mrs. Wealthy T. Frederick, the wife of the contestant, Benjamin T. Frederick, and a member of his family over 21 years of age, at the residence of said Benjamin T. Frederick, in said city of Marshalltown, Iowa, both the said contestant, Benjamin T. Frederick, and Timothy Brown, of the firm of Brown and Carney, being absent from said county.

Witness my hand.

J. H. BRADLEY.

Sworn to and subscribed before me this 1st day of February, A. D. 1883.
Witness my hand and seal notarial, the day and year above written.
[SEAL.]

GEO. B. LINCOLN,
Notary Public, Marshall County, Iowa.

STATE OF IOWA,
Benton County, ss:

We, the undersigned, members of the board of supervisors, and ex-officio board of county canvassers for Benton County, do hereby certify the following to be a true and correct abstract of the votes cast in said county at a general election held on the 7th day of November, A. D. 1882, for the office of Representative in Congress for the fifth Congressional district, as shown by the poll-books returned from the several townships and election precincts:

For the office of Representative in Congress there were three thousand nine hundred and ninety-nine (3,999) votes cast, of which James Wilson received two thousand and seventeen (2,017) votes; B. T. Frederick received seventeen hundred and sixty-eight (1,768) votes; scattering received one (1) vote; David Platner received two hundred and thirteen (213) votes.

In testimony whereof, we have hereunto set our hands and caused this to be attested by the clerk of the board of supervisors, and the seal of said county.

Done at Vinton, the county-seat of said county, this 13th day of November, A. D. 1882.

[SEAL.]

JOHN L. YOUEL,
Chairman,
N. VANSKIKE,
C. MAHOLM,
Members of the Board of Supervisors, and ex-officio Board of County Canvassers.

Attest:

E. M. EVANS,
County Auditor, and Clerk of Board of Supervisors

STATE OF IOWA,
Iowa County, ss:

We, the undersigned, members of the board of supervisors and ex-officio board of county canvassers for Iowa County, do hereby certify the following to be a true and correct abstract of the votes cast in said county at a general election, held on the 7th day of November, A. D. 1882, for the office of Representative in Congress, for the fifth Congressional district, as shown by the poll-books returned from the several townships and election precincts:

For the office of Representative in Congress there were twenty-nine hundred and twenty (2,920) votes cast, of which James Wilson received thirteen hundred and thirty-five (1,335) votes; B. T. Frederick received fourteen hundred and six (1,406) votes; David Platner received one hundred and seventy-nine (179) votes.

In testimony whereof, we have hereunto set our hands and caused this to be attested by the clerk of the board of supervisors, and the seal of said county.

Done at Marengo, the county-seat of said county, this 13th day of November, A. D. 1882.

[SEAL.]

WM. E. MORSE,
Chairman,
WM. POPHAM,
CHARLES O. VETTE,
Members of the Board of Supervisors, and ex-officio Board of County Canvassers.

Attest:

J. S. WAGNER,
County Auditor, and Clerk of Board of Supervisors.

STATE OF IOWA,
Johnson County, ss:

We, the undersigned, members of the board of supervisors and ex-officio board of county canvassers for Johnson County, do hereby certify the following to be a true and correct abstract of the votes cast in said county at a general election, held on the 7th day of November, A. D. 1882, for the office of Representative in Congress for the 5th Congressional district, as shown by the poll-books returned from the several townships and election precincts:

For the office of Representative in Congress there were forty-five hundred and eighty-one (4,581) votes cast, of which B. F. Frederick received twenty-six hundred and thirty-five (2,635) votes; James Wilson received eighteen hundred and thirteen (1,813) votes; David Platner received one hundred and thirty-two (132) votes; scattering received one (1) vote.

In testimony whereof we have hereunto set our hands and caused this to be attested by the clerk of the board of supervisors and the seal of said county.

Done at Iowa City, the county seat of said county, this 14th day of November, A. D. 1882.

[SEAL.]

JAMES B. STRONG,
Chairman,
JOHN W. JAYNE,
GEO. ULCH,
HENRY STROHM,
BRUCE PATTERSON.
Members of the Board of Supervisors and ex-officio Board of County Canvassers.

Attest:

A. MEDOWELL,
County Auditor and Clerk of Board of Supervisors.

STATE OF IOWA,
Linn County, ss:

We, the undersigned, members of the board of supervisors and ex-officio board of county canvassers for Linn County, do hereby certify the following to be a true and correct abstract of the votes cast in said county at a general election, held on the 7th day of November, A. D. 1882, for the office of Representative in Congress for the fifth Congressional district, as shown by the poll-books returned from the several townships and election precincts:

For the office of Representative in Congress there were six thousand two hundred and eight (6,208) votes cast, of which James Wilson received two thousand eight hundred (2,800) votes; B. T. Frederick received two thousand eight hundred and fifty-eight (2,858) votes; David Platner received five hundred and forty-two (542) votes; scattering received eight (8) votes.

In testimony whereof we have hereunto set our hands and caused this to be attested by the clerk of the board of supervisors and the seal of said county.

Done at Marion, the county seat of said county, this thirteenth day of November, A. D. 1882.

[SEAL.]

ROBERT SMITH,
Chairman,
J. T. HAMILTON,
Members of the Board of Supervisors and ex-officio Board of County Canvassers.

Attest:

JOS. MOORHEAD,
County Auditor and Clerk of Board of Supervisors.

STATE OF IOWA,
Marshall County, ss:

We, the undersigned, members of the board of supervisors and ex-officio board of county canvassers for Marshall County, do hereby certify the following to be a true and correct abstract of the votes cast in said county at a general election, held on the 7th day of November, A. D. 1882, for the office of Representative in Congress for the fifth Congressional district, as shown by the poll-books returned from the several townships and election precincts:

For the office of Representative in Congress there were thirty-four hundred seventy-six (3,476) votes cast, of which James Wilson received eighteen hundred (1,800), votes; B. T. Frederick received sixteen hundred seventy-six (1,676) votes.

In testimony whereof we have hereunto set our hands and caused this to be attested by the clerk of the board of supervisors and the seal of said county.

Done at Marshalltown, the county seat of said county, this 13th day of November, A. D. 1882.

[SEAL.]

GEORGE A. TURNER,
Chairman,
R. H. ARCHERD,
J. M. GILCHRIST,
Members of the Board of Supervisors and ex-officio Board of County Canvassers.

Attest:

A. N. FRENCH,
County Auditor and Clerk of Board of Supervisors.

We, the board of supervisors of Marshall County, Iowa, hereby certify to the following facts in regard to the canvass of votes cast at the last general election in Taylor Township, in said county, on November 7th, 1882:

The poll-book of votes cast in said Taylor Township showed that it was attested as "a true return" by two judges of said election, signing their names in proper form and in the proper place; but the name of the third judge, W. H. Steward, was written in the following manner: "W. H. Steward, per cl'k," and showed on its face that the returns were not signed by W. H. Steward. Two clerks signed the said returns in proper form as clerks of said election.

We further certify that the said returns show that—

For sec'ty of state:
J. A. T. Hull rec'd 54 votes.
T. O. Walker " 4 "
Wm. Gaston " 2 "

For auditor of State:
John L. Brown rec'd 54 votes.
Wm. Thompson " 4 "
G. A. Wyatt " 2 "

For treasurer of State:
Edwin H. Conger rec'd 54 votes.
John Foley " 4 "
Geo. Derr " 2 "

For attorney-general:
Smith McPherson rec'd 54 votes.
J. H. Bremerman " 4 "
James Rice " 2 "

For judge of supreme court:
Wm. H. Seevers rec'd 54 votes.
Charles E. Bronson rec'd 4 "

For clerk of supreme court:
Gilbert B. Pray received 54 votes.
H. F. Bonorden " 4 "
E. N. Clark " 2 "

For reporter of supreme court:
Ezra C. Ebersole rec'd 54 votes.
L. A. Palmer " 4 "
J. H. Wilson " 2 "

For judge 11' judicial district:
H. C. Henderson rec'd 54 votes.
B. L. Burritt " 5 "

For dist. attorney 11' judicial dist.:
John L. Stevens received 54 votes.
Martin W. Anderson rec'd 4 votes.

Forty-eight votes were cast in said Taylor Township for James Wilson for Representative from the 5th Congressional district of Iowa, and that eight votes were cast at said election for B. T. Frederick and two votes were cast for David Platner, candidates for said office.

We further certify that because the said returns showed they were not signed by all of the judges of the election in Taylor Township we rejected the vote of said township, and if the same should be counted under the facts shown the votes above named should be added to the number of votes of each candidate named. The auditor is hereby directed to certify to the State canvassing board the returns from Taylor as they appear on file in his office.

Done at Marshalltown this 14th day of Nov., 1882.

Moved by Supervisor Archerd that the within certificates be adopted and spread upon the records, seconded by Supervisor Gilchrist. On call of the roll Supervisors Turner and Archerd voted aye and Supervisor Gilchrist voted nay. So the motion was adopted.

Done at Marshalltown, Nov. 14, 1882, in session.

GEORGE A. TURNER,
R. H. ARCHERD,
Members of the Board of Supervisors and ex-officio Board of County Canvassers.

Attest:
[SEAL.]

A. N. FRENCH,
Co. Auditor and Clerk of the Board of Supervisors.

I, A. N. French, auditor and clerk of the board of supervisors of Marshall County, Iowa, do hereby certify that the within is the original certificate as presented and passed by the board of supervisors as aforesaid.

A. N. FRENCH,
Co. Aud. and Clerk of Board.

STATE OF IOWA,
Tama County, ss:

We, the undersigned, members of the board of supervisors and ex-officio board of county canvassers for Tama County, do hereby certify the following to be a true and correct abstract of the votes cast in said county at a general election, held on the 7th day of November, A. D. 1882, for the office of Representative in Congress for the fifth Congressional district, as shown by the poll-books returned from the several townships and election precincts, except the townships of Carroll and Tama:

For the office of Representative in Congress there were three thousand and eighty-four (3,084) votes cast, of which James Wilson received seventeen hundred and forty-four votes, Ben. T. Frederick received eleven hundred and fifty-six votes, David Platner received one hundred and eighty-four votes.

N. B.—The above aggregates do not include the votes of Carroll and Tama Townships. For the facts as to the votes from these townships see our additional certificate hereto attached.

In testimony whereof we have hereunto set our hands and caused this to be attested by the clerk of the board of supervisors and the seal of said county.

Done at Toledo, the county seat of said county, this 17th day of November, A. D. 1882.

H. H. WITHINGTON,
Chairman,
B. SMITH,
A. Z. RAWSON,
Members of the Board of Supervisors and ex-officio Board of County Canvassers.

Attest:
[SEAL.]

R. G. McINTIRE,
County Auditor and Clerk of Board of Supervisors.

STATE OF IOWA,
Tama County, ss:

We, the undersigned members of the board of supervisors and ex-officio board of county canvassers for Tama County, do hereby certify the following to be a true and correct abstract of the votes cast in Carroll and Tama Townships, in said county, at a general election held on the 7th day of November, A. D. 1882, for the office of Representative in Congress for the fifth Congressional district, as shown by the poll-books returned from the said townships:

For the office of Representative in Congress there were cast in Carroll Township ninety-two (92) votes, of which James Wilson received forty-nine (49) votes, Ben. T. Frederick received forty-three (43) votes. In Tama Township, four hundred and four-

teen (414) votes, of which James Wilson received one hundred and eighty-five (185) votes; Ben. T. Frederick received two hundred and eighteen (218) votes; David Platner received ten (10) votes; scattering, one (1) vote.

We further certify that the votes of said Carroll and Tama townships were not by us consolidated and returned with the other votes of the county, only because the returns from said Carroll Township was not signed by any one as judge of election, and the return from said Tama Township was not attested by any one as clerk of election, and, being in doubt as to whether these returns (so called) bear upon their face sufficient evidence to entitle them to be considered and counted, we certify them and the facts affecting them separately, requesting the board of State canvassers to count or not count them, as in their judgment the law in the case and justice to all concerned may require.

In testimony whereof we have hereunto set our hands and caused this to be attested by the clerk of the board of supervisors and the seal of said county.

Done at Toledo, the county seat of said county, this 17th day of November, A. D. 1882.

H. H. WITHINGTON, *Chairman*,
B. SMITH,
A. Z. RAWSON,
Members of the Board of Supervisors and ex-officio Board of County Canvassers.

Attest:
[SEAL.]

R. G. McINTIRE,
County Auditor and Clerk of the Board of Supervisors.

Abstract of votes cast at the general election held on the seventh day of November, A. D. 1882, for the office of Representative in Congress, for the fifth Congressional district of the State of Iowa, in the several counties composing said district, to wit, the counties of Benton, Iowa, Johnson, Linn, Marshall, and Tama.

Counties.	For Representative in Congress, Congressional district No. 5.			
	James Wilson.	B. T. Frederick.	David Platner.	Scattering.
Benton	2,017	1,768	213	1
Iowa	1,335	1,406	179	.....
Johnson	1,813	2,635	132	1
Linn	2,800	2,858	542	8
Marshall	1,848	1,684	2	.....
Tama	1,978	1,417	185	.....
Total	11,791	11,768	1,253	10

STATE OF IOWA, *ss:*

We, the undersigned board of State canvassers of the State of Iowa, do hereby certify that at the general election held on the seventh day of November, A. D. 1882, there were twenty-four thousand eight hundred and twenty-two (24,822) ballots cast for the office of Representative in Congress for the fifth Congressional district of the State of Iowa, of which James Wilson received eleven thousand seven hundred and ninety-one (11,791) votes; and B. T. Frederick received eleven thousand seven hundred and sixty-eight (11,768) votes; and David Platner received one thousand two hundred and fifty-three (1,253) votes; and scattering received ten (10) votes.

We therefore declare that James Wilson is duly elected Representative in Congress of said district for the term of two years ending March 3d, A. D. 1885.

In testimony whereof we have hereunto set our hands and caused to be affixed the great seal of the State, at Des Moines, this 11th day of December, A. D. 1882.

[SEAL.]

BUREN R. SHERMAN,
J. A. T. HULL,
W. V. LUCAS,
E. H. CONGER,
Board of State Canvassers.

STATE OF IOWA,
Office of Secretary of State:

I, John A. T. Hull, secretary of state of the State of Iowa, hereby certify the foregoing to be a true and correct copy of the election returns from all the counties composing the fifth Congressional district of the State, to wit, the counties of Benton, Iowa, Johnson, Linn, Marshall, and Tama, of the ballots cast in said counties at the general election held on the 7th day of November, A. D. 1882, for the office of Representative in Congress for said district, and of the abstract of votes and finding made by the board of State canvassers from the returns from said district, as appears from the original returns and abstract on file in this office.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State, at Des Moines, this 25th day of October, A. D. 1883.

[SEAL.]

J. A. T. HULL,
Secretary of State.

In the district court of the State of Iowa in and for Polk Co.

B. T. FREDERICK *vs.* BUREN R. SHERMAN, GOVERNOR; J. A. T. HULL, secretary of state; W. V. Lucas, auditor; and E. H. Conger, treasurer; constituting and sitting as a State board of canvassers.	Petition in equity.

Your petitioner, B. T. Frederick, humbly complaining of the def'ts above named as a State board of canvassers who hold respectively the offices above indicated in the State of Iowa, respectfully shows to the court as follows, to wit:

That heretofore, to wit, at the general election held on the 7th day of November, 1882, in the State of Iowa, the plaintiff was a candidate in the 5 Congressional district of Iowa for the office of Representative in Congress, said Congressional district being composed of the following counties, to wit: Johnson, Iowa, Tama, Marshall, Benton, and Linn, and that in accordance with the provisions of the law the respective boards of supervisors of said counties met as boards of canvassers on the Monday following said election, to wit, Nov. 13, 1882, and proceeded to and did canvass the returns of the votes cast in said counties, respectively, and declared the result thereof by resolution in due form of law and made due return thereof to the secretary of state. That the board of canvassers of Marshall County duly performed said duty and made due return thereof to said secretary of state, which said return was duly and formally opened by the said official in the presence of all of the above-named def'ts, sitting as a board of canvassers, on the 7th day of December, 1882, and which said return is in words and figures as shown in Exhibit A, hereto attached and made a part hereof, and pl'ff avers that said return is the true and only return of Marshall County and of the board of canvassers of said county made of said official canvass, and that as appears by said return the said canvass was completed on the 13 day of November, 1882. That the above-named deft's, by virtue of their official positions held by them, constitute the board of State canvassers, and that, as above stated, the said return of the board of canvassers of Marshall County was duly kept under seal by the secretary of state until said State board met as a board of canvassers on the 7th day of December, 1882, when the same was duly and formally opened by him in presence of the board and was accepted by them as being duly authenticated and in due form and having attached thereto the genuine signatures of the proper officers and duly attested. That about the time of the opening of said returns from Marshall County the secretary of state, J. A. T. Hull, produced before said board a certain paper, a true copy of which is hereto attached and made a part hereof, marked Exhibit B.

That plaintiff is not advised as to whom and from whom said paper was obtained by said Hull, but avers and charges that said Hull received said paper by mail in an envelope containing and having indorsed thereon nothing but the usual post-mark and the words "Secretary of State, Des Moines, Iowa." That said def'ts now threaten because of the production of said papers to change and modify the return of the board of canvassers of Marshall County, made as aforesaid, by adding thereto forty-eight votes for James Wilson, pl'ff's competitor, and eight votes for plaintiff for the office of Representative in Congress in and for said Congressional district, thereby adding to the vote of Wilson, in said county, above the amount duly returned as cast for him, the net number of forty votes, pl'ff avers that the said action contemplated and threatened by said board would change the result of said canvass of votes of said election for Representative in Congress, and would show that said James Wilson had received a majority of the votes in said Congressional district for Representative in Congress, whereas if said return from said county of Marshall shall not be thus changed and modified, pl'ff would be and is shown by the aggregate of the

returns of said counties in said Congressional district, all of which have been duly opened according to law, have received the highest number of votes for said office and would be entitled to a certificate of election accordingly. That the action of said board as contemplated and threatened would thus result in great irremedial injury to pl'ff, and would deprive him of said certificate of election to which he is justly entitled according to said returns. That said board have no right whatever to take said paper into consideration, nor can said return from said county as made and duly certified be lawfully changed or modified by State board, but that nevertheless and notwithstanding the illegality thereof and the great prejudice and irreparable injury done to pl'ff thereby, def'ts, acting as a State board of canvassers, will so modify and change said return from Marshall County, unless restrained from so doing by a writ of injunction from this court, and that plaintiff will thereby be deprived of the certificate of election to which he would otherwise be entitled, and that plaintiff has no other adequate remedy in the premises. Wherefore plaintiff prays for a preliminary writ of injunction restraining def'ts and each of them, and as a State board of canvassers, from making use of said paper to affect said canvass and from changing or modifying the return of the vote of Marshall County as made and certified to them as shown in Exhibit A, hereto attached, and that on final hearing hereof said injunction be made perpetual, and for costs of suit.

T. BROWN AND NOURSE & KAUFFMAN,
Att'ys for Pl'ff.

STATE OF IOWA,
Polk County, ss:

I, B. T. Frederick, on oath, state that I am plaintiff in above cause; that I know the contents of the foregoing petition, and that the averments thereof are true as I verily believe.

B. T. FREDERICK.

Subscribed in my presence by B. T. Frederick, and before me by him sworn to on the 8th day of December, 1882.

W. H. McHENRY,
Judge of the District Court.

(Indorsed:) B. T. Frederick *vs.* B. R. Sherman, gov., *et al.* Petition in equity. Filed Dec. 8th, 1882. P. D. Aukeny, clerk. T. Brown, and Nourse and Kauffman, for pl'ff.

Let the writ of injunction issue as prayed, on filing a bond in the penal sum of five hundred dollars, with sureties to be approved by the clerk.

W. H. McHENRY,
Judge of said Court.

THE STATE OF IOWA:

To Buren R. Sherman, governor, J. A. T. Hull, Sec'y of State, W. V. Lucas, State Auditor, and E. H. Conger, State Treasurer, as and sitting as a State board of canvassers of Iowa, defendants:

Whereas B. T. Frederick, as plaintiff, has this day filed in the office of the district court of the State of Iowa, in and for Polk County, a petition duly sworn to, making the above-named defendants therein, and praying for the allowance of a writ of injunction against said defendant; and whereas the Hon. Wm. H. McHenry, judge of the district court of said county, has made an order allowing said writ of injunction to issue, upon the filing of a bond, with sureties, pursuant to said order; and whereas said order has been complied with, and such bond filed and approved: Now, therefore, you, the said above-named officers of the State of Iowa, as a State board of canvassers, defendants as aforesaid, in the name and by the authority of the State of Iowa, are hereby strictly enjoined and restrained from using a certain paper produced by the secretary of state before you, purporting to show certain alleged facts as to the canvass of the vote by the board of supervisors of Marshall County, sitting as a board of canvassers concerning the vote of Taylor Township, in Marshall County, Iowa, and purporting to be the act of the board of supervisors of said county, done Nov. 14, 1882, to affect in any way the regular return from said county, opened by the secretary of state in your presence on Dec. 7, 1882, and that you be further restrained from changing or modifying in any way, by reason of said paper, the said return so opened in your presence, and signed and attested Nov. 13, 1882, by said board of canvassers of Marshall County, Iowa, until the further order of our said court in the premises.

To the Sheriff of Polk County:

You are hereby commanded to make due service of this writ upon said defendant, and hereof fail not, and make return of the writ unto our said district court, with your doings hereon, on the first day of our said district court.

Witness P. D. Aukeny, clerk of said court, and the seal thereof hereunto affixed, this 8 day of Dec., A. D. 1882.

[SEAL OF DISTRICT COURT.] P. D. AUKENY, *Clerk.*

The within writ came into my hands on the 8th day of December, 1882, and on the same day I served the same on the within-named Buren R. Sherman, governor, J. A. T. Hull, sec'y of state, W. V. Lucas, auditor of state, and E. H. Conger, treasurer of state, sitting as a State board of canvassers of Iowa, by reading the original to them and delivering them one copy, they each waiving individual copies.

All done in Polk County, Iowa.

A. D. LITTLETON, *Sheriff.*

Fees, $2.60.

(Indorsed:) Writ of injunction. The State of Iowa to board of canvassers. Filed Dec. 12, 1882. P. D. Aukeny, clerk.

STATE OF IOWA,
Marshall County, ss:

We, the undersigned, members of the board of supervisors and ex officio board of county canvassers for Marshall County, do hereby certify the following to be a true and correct abstract of the votes cast in said county at a general election held on the 7th day of November, A. D. 1882, for the office of Representative in Congress for the 5th Congressional district, as shown by the poll-books returned from the several townships and election precincts: For the office of Representative in Congress there were thirty-four hundred and seventy-six (3,476) votes cast, of which James Wilson received eighteen hundred (1,800) votes, B. T. Frederick received sixteen hundred and seventy-six (1,676) votes.

In testimony whereof we have hereunto set our hands and caused this to be attested by the clerk of the board of supervisors and the seal of said county.

Done at Marshalltown, the county seat of said county, this 13th day of November, A. D. 1882.

GEORGE A. TURNER,
Chairman,
R. H. ARCHER,
J. M. GILCHRIST,
Members of the Board of Supervisors and ex officio Board of County Canvassers.

Attest:
[SEAL.]
A. N. FRENCH,
County Auditor and Clerk of Board of Supervisors.

STATE OF IOWA,
Marshall County, ss:

I, A. N. French, county auditor and clerk of the board of supervisors, do hereby certify the foregoing to be a true and correct copy of the official canvass made on the vote cast for Representative in Congress for the fifth Congressional district in Marshall County, Iowa, as made by the canvassing board, November 13th, 1882.

[SEAL.] A. N. FRENCH,
County Auditor and Clerk of Board of Supervisors.

NOVEMBER 14.

The board of supervisors convened pursuant to adjournment. Members all present.

Minutes of yesterday read and approved.

The following was presented and read:

We, the board of supervisors of Marshall County, Iowa, hereby certify the following facts in regard to the canvass of votes cast at the last general election in Taylor Township, in said county, Nov. 7th, 1882. The poll-book of votes cast in said Taylor Township showed that it was attested as a true return by two judges of said election signing their names in proper form and in the proper place, but the name of the third judge, W. H. Steward was written in the following manner, "W. H. Steward, per cl'k," and showed on its face that the returns were not signed by W. H. Steward.

Two clerks signed the said returns in proper form as clerks of said election. We further certify that the return showed that—

For secretary of State:

John A. T. Hull received 54 votes.
T. O. Walker received 4 votes.
Wm. Gaston " 2

For auditor of State:

John L. Brown received 54 votes.
Wm. Thompson " 4 "
G. A. Watt " 2 "

For treasurer of State:

Edwin H. Conger received 54 votes.
John Foley " 4 "
Geo. Derr " 2 "

For attorney-general:

Smith McPherson received 54 votes.
J. H. Bremerman " 4 "
James Rice " 2 "

For judge of supreme court:

Wm. H. Suvers received 54 votes.
Charles E. Bronson " 4 "

For clerk of supreme court:

Gilbert B. Pray received 54 votes.
H. F. Brunden " 4 "
E. N. Clark " 2 "

For reporter of supreme court:

Ezra C. Ebersole received 54 votes.
L. A. Palmer " 4 "
J. H. Wilson " 2 "

For district judge, 11th district:

H. C. Henderson received 54 votes.
B. L. Burritt " 5 "
B. F. Frederick " 1 "

For district attorney, 11th district:

John L. Stevens received 54 votes.
Martin N. Anderson 4 "

Forty-eight votes were cast in said Taylor Township for James Wilson for Representative from the 5th Congressional district of Iowa, and that eight votes were cast at said election for B. T. Frederick, and two votes were cast for David Stubbs, candidates for said office. We further certify that because the said return showed they were not signed by all of the judges of the election in Taylor Township we rejected the vote of said township, and if the same should be counted under the facts shown, the votes above named should be added to the number of votes of each candidate named. The auditor is hereby directed to certify to the State canvassing board the return from Taylor Township as they appear on file in his office.

Done at Marshalltown this 14th day of Nov., 1882.

Moved by Supervisor Archerd that the foregoing certificate be adopted and spread upon the minutes. Motion seconded by Supervisor Gilchrist. On call of the roll Supervisors Turner and Archerd voted ay, and Supervisor Gilchrist voted nay; so the motion prevailed.

The board then adjourned to one o'clock p. m.

I, A. N. French, county auditor for Marshall County, Iowa, and clerk of the board of supervisors, do hereby certify that the above and foregoing is a true and correct copy of the proceedings of the board of supervisors relating to the canvass of Taylor Township vote, had November 14th, 1882.

[SEAL.] A. N. FRENCH,
Co. Auditor and Clerk of Board of Supervisors.

STATE OF IOWA,
Polk County, ss:

I, P. D. Aukeny, clerk of the district court, Polk County, Iowa, do hereby certify that the foregoing is a full, true, and complete copy of the petition, order for injunction, and return of service in the case of B. T. Frederick *vs.* Buren R. Sherman *et al.*, as the same appears on file in my office, and that said cause is still pending, and said injunction has not been dissolved.

In witness whereof I have hereunto set my hand and affixed the seal of said district court at Des Moines, this 1st day of November, A. D. 1883.

[SEAL.]

P. D. AUKENEY, *Clerk.*
WM. D. FOOTE, *Deputy.*

STATE OF IOWA,
Polk County, ss:

I, W. H. McHenry, sole presiding judge of the district court of the State of Iowa in and for the 5th judicial district, including the county of Polk of said State, do hereby certify that the official certificate of P. D. Ankney, clerk of the district court of Polk County, Iowa, to which this is annexed, attesting the proceedings and record in the foregoing proceedings pending in the said district court of Polk County, in which B. F. Frederick is plaintiff and Buren R. Sherman, governor, J. A. T. Hull, secretary of state, W. V. Lucus, auditor, and E. H. Conger, treasurer, constituting and sitting as State board of canvassers, are defendants, is a valid certificate of such record, and that the said attestation is in due form of law, and full faith and credit should be given thereto in any court within the United States, and such proceedings are properly authenticated under the laws of the State of Iowa to give them full credit in any court of such State.

In witness whereof I have hereto set my hand this 7 day of November, A. D. 1883.

W. H. MCHENRY, *Judge.*

STATE OF IOWA,
Polk County:

I, P. D. Ankeny, clerk of the district court of Polk County, Iowa, do certify that the Honorable W. H. McHenry, by whom the foregoing certificate was made and who has thereunto subscribed his name, was at the time thereof, and still is, presiding judge of the district court, 5th judicial district, Iowa, duly commissioned and sworn, to all whose acts as such full faith and credit are and ought to be given as well in courts of judicature as elsewhere.

In testimony whereof I have hereunto set my hand and affixed the seal of said district court at Des Moines, Ia., this 7th day of November, A. D. 1883.

[SEAL.]

P. D. ANKENY,
Clerk of District Court.

(Indorsed:) Benj. T. Frederick *vs.* Buren R. Sherman, Gov. et al. Board of State Canvassers. Copy record. Bundle No. 1. B. .T Frederick *v.* James Wilson.

(No. 2.)

TESTIMONY FOR THE CONTESTANT.

No. 1.

Depositions of witnesses taken in pursuance to an agreement made by and between the parties hereto so to do, by and before Cassius M. Norton, a notary public in and for Marshall County, State of Iowa, the same to be used in the hearing of a certain contested election case for the office of Representative to the United States Congress from the Fifth Congressional District of the State of Iowa, now pending in the House of Representatives of the United States, wherein Benjamin T. Frederick, of Marshall County, Iowa, is contestant, and James Wilson, of Tama County, Iowa, is contestee, or respondent, on the part of said contestant.

A. N. FRENCH, of lawful age, being produced, sworn, and examined on part of the contestant, testifies as follows:

Int. 1. State your name, age, place of residence, and occupation.—Ans. A. N. French; 45 years; Marshalltown, Iowa; am auditor of Marshall Co., Iowa.

Int. 2. How long have you been county auditor?—Ans. My last term commenced in Jan'y, 1882.

Int. 3. Are you *ex-officio* clerk of the board of supervisors?—Ans. I am.

Int. 4. State if you remember of the election returns of Marshall County for the

election of a Representative to the United States Congress being returned to you last fall from the several precincts of Marshall Co., Iowa.—Ans. I do so remember of the returns being made.

Int. 5. In what condition was the returns of Taylor T'w'p, Marshall County, Iowa, when they were returned to you?

(Contestee objects, because the returns are the better evidence.)

Ans. The returns were made in their proper envelope, properly indorsed and properly sealed.

Int. 6. Was the return, after it was brought into your office, taken out of your office by any person, to your knowledge?

(Objected to as irrelevant and immaterial.)

Ans. It was not.

Int. 7. Did you see the return at any time before it was sealed?—Ans. I did not.

Int. 8. Did you see the return at any time before it was opened before the board of supervisors?

(Objected to, same as to No. 6, above.)

Ans. I did not.

Int. 9. Who delivered the returns to you?—Ans. I do not remember whether it was Mr. Strang, or Mr. Adna Fogg, or Mr. Santee; they were all in the office at the time.

Int. 10. Did you have any conversation with any of those gentlemen concerning its return before its delivery; or, was there any conversation in your presence, between them and others, concerning it; and if so, state what it was.

(Objected to same as to int. 6 above.)

Ans. The gentlemen named came into the office and asked advice in regard to signing the return. They had sealed the envelope before signing, and they wanted to know what they should do. I furnished them a new envelope, and took them into the room adjacent to the auditor's office—being a part of it—and furnished them with writing materials, and advised them to complete their return. I may also add that Mr. Malmsberry, one of their township trustees, was also with them.

Int. 11. What did they do there?—Ans. I left the room then, and do not know.

Int. 12. Do you know whether they removed the envelope from the return as brought in or not; or whether any one did?—Ans. I suppose it must have been, for when the returns were opened before the board they were signed.

Int. 13. Did you see any portion of the old envelope the return came in after that in the room, or do you know that they used the new envelope that you furnished them to inclose the return?—Ans. I saw only the envelope the return was made in; I don't know whether it was the old or new one.

Int. 14. Who was in the room besides the trustees and persons you have named at the time you furnished these parties with pen, ink, and a new envelope?—Ans. I don't think there was anybody in the room; at least I didn't see anyone.

Int. 15. Was Mr. Wm. H. Stewart there at that time?—Ans. No, sir; I think not.

Int. 16. Was he one of the trustees of Taylor Township at that time?—Ans. I believe he was.

Int. 17. State how the returns of State Centre Township, Marshall County, Iowa, of the last November election, 1882, for a Representative in Congress were delivered to you, and by whom?

(Objected to as irrelevant.)

Ans. I am under the impression the returns were made to me by mail.

Int. 18. Is that an impression, or are you satisfied that such was the fact? State what you know of it.—Ans. One township returns, and perhaps more, came through the mails; and I think State Centre was one of them.

Int. 19. What other township in Marshall County sent its election returns for the Nov. election, 1882, to you by mail, if you remember?

(Objected to as irrelevant.)

Ans. I do not remember.

Int. 20. Did you act as the clerk of the board of supervisors at the time of making the abstract of the election returns of Marshall County, Iowa, and in transmitting them to the office of the secretary of the state?

(Objected to as immaterial.)

Ans. I did.

Int. 21. Have you in your office a copy of the abstract of the votes certified to by the board of supervisors and transmitted to the office of the secy. of state, signed by the entire board?—Ans. I have.

Int. 22. Will you make a copy of said abstract, certify to it, and attach it to this your deposition, and make it a part of your testimony?—Ans. I will.

Cross-examination:

X Int. 1. Who were the township trustees for Taylor Township whom you have referred to?—Ans. Isaac Malmsberry, Wm. H. Steward, and Adna Fogg.

X Int. 2. And who were the clerks of election?—Ans. R. E. Strang and E. N. Santee I think.

X Int. 3. Was there more than one return from Taylor Township?—There was not.

X Int. 4. Does your abstract called for by the 22nd direct int. include the votes from the whole county?

(Objected to by contestant as immaterial and irrelevant; abstract being the best evidence.)

Ans. It does not include the whole vote of the whole county.

X Int. 5. Why does it not?—Ans. The vote of Taylor Township was thrown out by direction of the board of supervisors.

X Int. 6. Why was it thrown out?

(Objected to by the contestant because the record is the best evidence.)

Ans. Because the name of Wm. H. Steward attached to the certificate did not appear to be in his own handwriting, and on its face showed that it was not his handwriting.

X. Int. 7. What was there on the face of the return showing that the name was not in Wm. H. Steward's handwriting?—Ans. The return was signed "Wm. H. Steward, per cl'k."

X Int. 8. Did the board of supervisors make a subsequent return of the election in Taylor Township to the sec'y of state?—Ans. They did.

X Int. 9. Can you produce a copy of that return to be attached to your deposition; and if so, will you do so?

(Objected to as incompetent and because the board of supervisors cannot make a second return.)

Ans. I can make a copy, and will do so.

X Int. 10. How many votes did the contestee, Mr. Wilson, receive in Taylor Township that were not put in the abstract sent the first day to the sec'y of state, as shown by the return from that township?

(Objected to as not the best evidence, irrelevant, and immaterial.)

Ans. Mr. Wilson received forty-eight votes.

X Int. 11. Was the fact that Wm. H. Steward's name was followed by the words "per clerk" the only reason for rejecting that township by the board?—Ans. I heard of no other objection.

A. N. FRENCH.

Subscribed and sworn to before me and in my presence by the said A. N. French this 15th day of February, A. D. 1883.

[SEAL] CASSIUS M. NORTON,
Notary Public in and for Marshall County, Iowa.

STATE OF IOWA,
Marshall County, ss:

We, the undersigned, members of the board of supervisors and ex-officio board of county canvassers for Marshall County, do hereby certify the following to be a true and correct abstract of the votes cast in said county at a general election held on the 7th day of November, A. D. 1882, for the office of Representative in Congress for the fifth Congressional district, as shown by the poll-books returned from the several townships and election precincts.

For the office of Representative in Congress there were thirty-four hundred seventy-six (3,476) votes cast, of which James Wilson received eighteen hundred (1,800) votes. B. T. Frederick received sixteen hundred seventy-six (1,676) votes.

In testimony whereof we have hereunto set our hands and caused this to be attested by the clerk of the board of supervisors and the seal of said county.

Done at Marshalltown, the county seat of said county, this 13th day of November, A. D. 1882.

GEORGE A. TURNER,
Chairman.
R. H. ARCHERD,
J. M. GILCHRIST,
Members of the Board of Supervisors and ex-officio Board of County Canvassers.

Attest:

A. N. FRENCH,
County Auditor and Clerk of Board of Supervisors.

Costs, $1.00.

Filed Feb'y 15th, 1883, as Exhibit A to deposition of A. N. French, same thereto attached and so marked.

CASSIUS M. NORTON, *N. P., &c.*

We, the Board of Supervisors of Marshall County, Iowa, hereby certify the following facts in regard to the canvass of votes cast at the last general election in Taylor

Township, in said county, November 7th, 1882. The poll-book of votes cast in said Taylor Township, showed that it was attested as a true return by two judges of said election signing their names in proper form and in the proper place, but the name of the third judge, W. H. Steward, was written in the following manner, "W. H. Steward, per clk." and showed on its face that the returns were not signed by W. H. Steward.

Two clerks signed the said returns in proper form as clerks of said election. We further certify that the return showed that—

For Secretary of State:
John A. T. Hull received 54 votes.
T. O. Walker " 4 "
Wm. Gaston " 2 "

For Auditor of State:
John L. Brown, received 54 votes.
Wm. Thompson " 4 "
G. A. Wiatt. " 2 "

For Treasurer of State:
Edwin H. Conger received 54 votes.
John Foley " 4 "
Geo. Derr " 2 "

For Attorney-General:
Smith McPherson received 54 votes.
J. H. Bremermann " 4 "
James Rice " 2 "

For Judge of Supreme Court:
Wm. H. Seevers, received 54 votes.
Chas. E. Bronson " 4 "

For Clerk of Supreme Court:
Gilbert B. Pray received 54 votes.
H. F. Bonorden " 4 "
E. N. Clark " 2 "

For Reporter of Supreme Court:
Ezra C. Ebersole received 54 votes.
L. A. Palmer " 4 "
J. H. Wilson " 2 "

For District Judge, 11th District:
H. C. Henderson received 54 votes.
B. L. Burritt " 5 "
B. T. Frederick " 1 "

For district attorney, 11th district:
John L. Stevens received 54 votes.
Martin W. Anderson " 4 "

Forty-eight votes were cast in said for James Wilson for Representative from the 5th Congressional district of Iowa, and that eight votes were cast at said election for B. T. Frederick, and two votes were cast for David Stubbs, candidates for said office.

We further certify that because the said return showed they were not signed by all of the judges of the election in Taylor Township we rejected the vote of said township, and if the same should be counted under the facts shown, the vote above named should be added to the number of votes of each candidate named.

The auditor is hereby directed to certify to the State canvassing board the return from Taylor Township as they appear on file in his office.

Done at Marshalltown this 14th day of Nov., 1882.

Moved by Supervisor Archerd that the foregoing certificate be adopted and spread upon the minutes.

Motion seconded by Supervisor J. M. Gilchrist.

On call ot the roll Supervisors Turner and Archerd voted *aye*, and Supervisor Gilchrist voted *nay*.

So the motion prevailed.

I, A. N. French, auditor for Marshall County, Iowa, do hereby certify the foregoing to be a true and correct copy of the record of the board of supervisors of said county, as the same appears of record, so far as the proceedings of Nov. 14th relate to the canvass of the votes cast Nov. 7th, 1882.

[SEAL.]

A. N. FRENCH,
County Auditor and Clerk of Board of Supervisors.

(In pencil:) Cost, $1.50.

Filed Feb'y 15th, 1883, as Exhibit B, to deposition of A. N. French, same thereto attached, and so marked.

CASSIUS M. NORTON,
Notary Public, &c.

A. J. MELTON, of lawful age, being produced, sworn, and examined on the part of contestant, testifies as follows:

Int. 1. State your name, age, place of residence, and occupation.—Ans. A. J. Melton; 52 years; reside in Taylor Township, Marshall County, Iowa; occupation, farmer.

Int. 2. How long have you resided in Taylor Township.?—Ans. A year ago the 13th of this month.

Int. 3. How long have you resided in the State of Iowa?—Ans. Twenty-eight years last April.

Int. 4. Are you a citizen of the United States?—Ans. Yes, sir.

Int. 5. Did you vote at the Nov. election, 1882, for the office of Representative to Congress; and if so, for whom and where?—Ans. I voted in Taylor Township, Marshall County, Iowa, and Mr. B. T. Frederick is the man I voted for; this gentleman here (pointing to contestant) is the man I voted for.

Int. 6. State if you was present at the November election, 1882, in Taylor Township, and if yea, state whether the ballot-box in said township was opened at the time the electors were voting.—Ans. I was at the election that day. I did not see the ballot-box open while I was there.

Int. 7. What time of day was you there at the election?—Ans. I think it was about 11 o'clock a. m. when I got there; I came 3 miles.

Cross-examination:

X Int. 1. Was your ballot put in the ballot-box?—Ans. I think it was.

X Int. 2. Where were you born?—Ans. I was born in the State of Indiana.

A. J. MELTON.

Subscribed and sworn to before me and in my presence, by the said A. J. Melton, this 15th day of Feb'y, 1883.

[SEAL.]

CASSIUS M. NORTON,
Notary Public in and for Marshall County, Iowa.

S. BOSWORTH, of lawful age being produced, sworn, and examined, on part of contestant, testifies as follows:

Int. 1. State your name, age, place of residence, and occupation?—Ans. Stewart Bosworth; age, 53 years; reside in Marshalltown, Iowa, now; am a carpenter.

Int. 2. Were you present at an election held in Taylor Township, being the general election held in November, 1882?—Ans. I was.

Int. 3. Where was it held?—Ans. I think it was called the Willow Hill Schoolhouse.

Int. 4. Was that the election at which the electors were voting for the office of Representative in Congress?—Ans. It was, as I understood it.

Int. 5. You may state whether you observed the ballot-box open during the time the electors were voting.—Ans. Directly after I voted it was proposed that they commence counting off, and they did so, that was sometime before night.

Int. 6. Did they receive votes after they commenced counting out?—Ans. I couldn't say, as I went away.

Int. 7. About what time of day was it that they opened the box and commenced counting out?—Ans. It was, as near as I can remember, between four and five o'clock.

Int. 8. What time did you get to the polls?—Ans. It was about 4 o'clock, I think.

Int. 9. How long was it before they opened the box after you got there?—Ans. It might have been three-quarters of an hour, perhaps.

Int. 10. Did you see any other persons vote before or after the box was opened while you were there?—Ans. I saw persons vote before but not after.

Int. 11. How do you fix the time as to when the box was opened?—Ans. Only from my recollection and from the box being opened, as I thought, before the time for opening provided by law, and besides I went home three miles and got home before sundown—quite early I thought. I will correct that, it is four miles.

STEWART BOSWORTH.

Subscribed and sworn to before me and in my presence by the said Stewart Bosworth, this 15th day of Feb'y, 1883.

[SEAL.]

CASSIUS M. NORTON,
Notary Public in and for Marshall Co., Iowa.

WM. ERNST, being produced, sworn, and examined on the part of the contestant, testifies as follows:

Int. 1. State your name, age, place of residence, and occupation.—Ans. Wm. Ernst; age 53 years; reside in Taylor Township, this county; am a farmer.

Int. 2. How long have you resided in Taylor Township, and are you a citizen of the United States?—Ans. About eighteen years. Yes.

Int. 3. Did you vote in Taylor Township at the Nov. election, 1882, for the office of Representative in Congress; and if yea, for whom did you vote?—Ans. Yes. I voted for Benj. T. Frederick, the contestant.

Int. 4. You may state where the election was held in said township, and state, if you know, whether the ballot-box was open during the time the electors were depositing their votes.—Ans. The election was held at the "Willow Hill School-house," and the box was open during the time of voting.

Int. 5. State if you saw persons handling the ballots in the box during the hours and time of voting; and if so, who they were and what you saw done.—Ans. Yes, I saw the ballots handled during the hours and time of voting. I saw Wm. H. Steward handling the ballots. I asked him to tell me how many Frederick votes there were in the box, and he dug around in the box until he got about all there was. He called my attention to a ticket—to a Republican ticket—that was filled out with Frederick's name in place of Wilson's.

Int. 6. What was the peculiarity of this ticket, and what did he say about it?—Ans. It was this: I was peddling tickets for all Republicans, except for Frederick, for Congress, and Steward thought it was strange they didn't take the printed tickets in place of filling them out themselves.

Int. 7. How many tickets did he find in the box on which Frederick's name appeared for the office of Representative in Congress?—Ans. At that time, I cannot recollect exactly, but I think there was five or six at that time.

Int. 8. What time of day was it that the ballot-box was opened and the ballots handled by Steward?—Ans. About two o'clock, I think, in the afternoon.

Int. 9. Do you know how many ballots were cast for Frederick for the office of Representative to Congress there that day? If so, state.—Ans. I know of eight, and if the person who wrote Frederick's name on a Republican ticket is outside of them there was nine; there might have been more, but them I knew.

Int. 10. Did you see this ballot that had the name of Frederick written upon it for the office of Representative in Congress, and did you see Steward take it out of the box?—Ans. I saw it, and I saw him take it out of the box.

Int. 11. Was this ballot-box opened before they commenced counting; that is, before commencing to make up their tally-sheets, and was it opened more than once?—Ans. I suppose it was opened to count the ballots; it remained open all the afternoon from the time they opened; it never was closed, I guess; I don't think it was closed; I was around there most of the afternoon, only as persons were voting, taking in a vote, and I don't know as it was closed then.

Int. 12. At the time Steward was hunting around to see how many Frederick votes were polled, were they counting or was he hunting around irrespective of the count?—Ans. The box was open, and they were counting at the time.

Int. 13. Had these votes been counted when he told you the number of Frederick votes that were cast, or was he only looking through the box to see how many votes Frederick had got?—Ans. He was looking through the box at the time to see; I asked him to look; I told him to see how many Frederick votes there was in the box.

Int. 14. State anything else you may have observed at that time that you have not already stated.—Ans. I cannot recollect of anything else that occurred at that time.

Int. 15. Did Mr. Steward remain till the ballots were all counted?—Ans. I don't think he did; I think not; I didn't understand the question; I know he did not stay till they were all counted.

Int. 16. Was there opportunity for Mr. Steward or others to change the ballots in the box if he or they desired so to do?—Ans. Well, I think there was; the way it was I think there was opportunity for "stuffing" the box; that a person might have thrown in and taken out ballots.

Cross-examination:

X Int. 1. Did you see any changes made in the ballots?—Ans. No.

X Int. 2. Did you see eight men vote there for Frederick that day?—Ans. Yes.

X Int. 3. Who were they?—Ans. Estel, Melton, Webber, Lundstrum, O. N. Lane, Horner, D. C. Ernst; I saw seven vote besides myself.

X Int. 4. Did you give each one of these men the ticket that he voted, and did you see him put it in the hands of the judges?—Ans. I gave them tickets and followed them to the box and saw them hand them to the judges.

X Int. 5. Was each one of these tickets printed with Frederick's name, or was his name written in?—Ans. I think they were all printed but two, and they were "Greenback" tickets; one was voted by Mr. J. M. Webber and the other by Mr. Lundstrum.

X Int. 6. Were these tickets that were printed with Frederick's name, Republican or Democratic tickets, otherwise than his name?—Ans. They were both Republican and Democratic, with his name in them.

X Int. 7. They had the names of the different candidates for State and county offices on them, had they not?—Ans. I think they had.

X Int. 8. How many names were on each ticket—about how many, if you cannot give the exact number?—Ans. I should have to guess at it; I think twenty on some of them—the Greenback ticket was not as large as the others, and still it might have been.

X Int. 9. Were you peddling, as you say, Republican tickets with Frederick's name upon them?—Ans. Yes.

X Int. 10. You say you voted for Frederick; was your ticket all printed, and was it a Republican or Democratic ticket?—Ans. My ticket was all printed; it was a Democratic ticket.

X Int. 11. Did all these men whose names you have given look at their tickets and see Frederick's name upon them?—Ans. I can't say that they saw it; but I know that I told them if they wouldn't take a Democrat ticket I would give or offer them a Republican ticket, telling them it was all Republican except Frederick's name for Congressman.

X Int. 12. How near were you to the polls when these men voted?—Ans. I generally went up with them as near as a man can ordinarily get to the polls.

X Int. 13. How near the ballot-box were you when Estel voted?—Ans. I think him and I were sitting right close to the polls when he made out his ticket, as near as I can recollect about it.

X Int. 14. How near when he voted?—Ans. I was sitting right by the teller at the time.

X Int. 15. How long before that had he made out his ticket?—Ans. I think he voted right off, as soon as he got his ticket ready.

X Int. 16. What had he to do to get his ticket ready?—Ans. Simply to fold it and to get the appendage to it for township officers cut off and fixed.

X Int. 17. Had his ticket that he gave to the judges of election any writing upon it, or was it all printed?—Ans. I can't say as to that; I wasn't so particular as to whether it was printed or wrote.

X Int. 18. Was the election board in the school-house; that is, inside of the school-house all the time?—Ans. They was during the time they voted; they went home to dinner, and took the box with them; they wasn't in then.

X Int. 19. From what hour to what hour was the poll kept open?—Ans. I think probably they opened between 8 and nine o'clock in the morning, and I staid till about dark, when I went away, and the poll was open yet; I cannot say about what time that was, as I don't know what time it became dark.

X Int. 20. Did you remain in the house all the day, or while the poll was open?—Ans. I was in the house the principal part of the time.

X Int. 21. What part of the time in the afternoon were you in the house?—Ans. I was in the house the principal part of the afternoon, from one o'clock till evening, until I went away; I would go the door when any one came and would look to see if any one was coming; sometimes after I had canvassed those thoroughly that were in the house I would step out to see if any one was coming.

X Int. 22. Did you sit close by the ballot-box all the time you were in the house?—Ans. No.

X Int. 23. What was Melton's ticket, all in print, or was there some writing upon it?—Ans. His was all in print, unless there was some of us voted in the morning without cutting the township appendage off; he might have neglected his, I can't say positively.

X Int. 24. Did you see the name of Frederick on his ticket that he gave to the judges?—Ans. I gave him a straight Democrat ticket, and he voted it; I didn't look to see if it was there, but it was a straight Democrat ticket; I wasn't particular when I gave a man a Democrat ticket.

X Int. 25. How far were you from Melton when he gave the judges his ballot?—Ans. Oh, I was close enough by to see him give it to them.

X Int. 26. How close?—Ans. I was probably within eight or ten feet of him; I was not very particular about him.

X Int. 27. Where were you sitting or standing when you gave him his ticket?—Ans. I was sitting on the north side of the house.

X Int. 28. How far from the ballot-box?—Ans. Probably eight or ten feet from the ballot-box.

X Int. 29. How was O. N. Lane's ticket printed or written, in whole or in part?—Ans. I think his was scratched some, but I wouldn't be positive about his.

X Int. 30. Was his a Republican, Democrat, or Greenback ticket?—Ans. I think his was a Greenback ticket.

X Int. 31. How far were you from him when he gave his ballot to the judges?—Ans. I couldn't say positively, it might have been eight, ten, or twelve feet, or it might have been within five or six feet.

X Int. 33. Did Estel and Melton and O. N. Lane vote before or after noon?—Ans. They voted before noon.

X Int. 34. Was Horner's ticket that he gave the judges all printed?—Ans. Yes.

X Int. 35. How far were you from him when he gave the judges his ballot?—Ans. I was right close to him.

X Int. 36. Was it a straight Republican ticket, except Frederick's name?—Ans. Yes.

X Int. 37. Did he vote before or after noon?—Ans. It was late in the evening.

X Int. 38. Did Webber and Lundstrum vote before or after noon?—Ans. Late in the evening.

X Int. 39. Were their tickets Greenback tickets?—Ans. Webber's was; and I thought the other was, but I think I am mistaken about Lundstrum's.

X Int. 40. What do you now think Lundstrum's ticket was?—Ans. I think it was Republican, with the exception of Frederick's name.

X Int. 41. Was Frederick's name printed or written on Lundstrum's ballot which he gave to the judges?—Ans. Well, I couldn't say positive; it was there.

X Int. 42. How do you know, if you may be mistaken about the ticket he voted?—Ans. He was a pretty hard man to get to vote to suit me; I had to electioneer him a considerable.

X Int. 43. How do you know that Frederick's name was on his ballot, if you may be mistaken about the ticket he voted?—Ans. I wasn't mistaken in the name that was in the ticket, but can't say whether it was written or printed now.

X 44. Did you see his ticket open before he folded it and handed it to the judges?—Ans. Yes.

X Int. 45. And was it a Republican or Greenback ticket?—Ans. I think it was a Republican; I can't say positive.

X Int. 46. Did you see Frederick's name upon his ticket?—Ans. Yes.

X Int. 47. And can't you tell whether it was printed or written?—Ans. I can't tell; it is my impression that the ticket was pretty badly scratched; that is my impression now.

X Int. 48. Can't you tell whether Wilson's or Platner's name was scratched off Lundstrum's ticket?—Ans. I can't. I think Wilson's name was scratched off his ticket.

X Int. 49. What other scratching was on his ticket except the candidate for Congressman?—Ans. I can't tell you; I noticed that the ticket was scratched.

X Int. 50. Were there three or four erasures on his ticket?—Ans. I didn't count them particularly; I know there was erasures made, but I didn't count them.

X Int. 51. Has not Lundstrum told you of the ticket he voted since then?—Ans. No.

X Int. 52. Had he any ticket except the one you gave him?—Ans. I don't know as he did or did not; I gave him a variety.

X Int. 53. Where did you get the straight Republican tickets with Frederick's name upon them?—Ans. At the "Statesman's" office.

X Int. 54. Was the ballot which Steward showed you from the box erased with pen or pencil, in substituting Frederick's name upon it?—Ans. I can't say positively, but I think with a pencil.

X Int. 55. Was it erased as to any other candidate than for Congressman?—Ans. I can't say.

X Int. 56. Was the ballot-box opened before you asked Steward to show you the Frederick ballots?—Ans. Yes.

X Int. 57. When was it that you asked him to show you the Frederick ballots—at what time?—Ans. It was between two and three o'clock.

X Int. 58. What length of time was consumed in looking them over by you and Steward?—Ans. It didn't take long; probably two or three minutes or five.

X Int. 59. What time did Steward go away from the election board that afternoon?—Ans. I can't say, but it was about dark; he wanted to take the train to go West.

X. Int. 60. Did you remain at the polls till its close?—Ans. No; I left about the same time that Steward did.

X Int. 61. Did you go before he did?—Ans. I went out of the house just afore he did.

WM. ERNST.

Subscribed and sworn to before me and in my presence by the said Wm. Ernst this 15th day of Feb'y, A. D. 1883.

[SEAL.]

CASSIUS M. NORTON,
Notary Public in and for Marshall County, Iowa.

D. C. ERNST, being produced, sworn, and examined on the part of the contestant, testifies as follows:

Int. 1. State your name, age, place of residence, and occupation.—Ans. D. C. Ernst, 25 y'rs of age, reside in Taylor Township, Marshall Co., Iowa, am a farmer.

Int. 2. How long have you resided in Taylor Township?—Ans. Eighteen years.
Int. 3. Are you a citizen of the United States?—Ans. Yes, sir.
Int. 4. Did you vote at the gen'l election in Nov., 1882, in Taylor Township for the office of Representative to Congress; and if yea, who did you vote for?—Ans. Yes; Benj. T. Frederick.
Int. 5. What time of day were you at the polls?—Ans. I came between eight and nine.
Int. 6. Had Bill Steward commenced counting the votes then?—Ans. I didn't see him counting the votes while I was there.

Cross-examinati

X Int. 1. Did you vote straight Democrat ticket?—Ans. I did.
X Int. 2. Did you look at each name upon it before voting?—Ans. It was a ticket I got of my father. I saw Frederick's name on it.
X Int. 3. From your las answer do you wish me to infer that you did not look at any other name than Frederick's?—Ans. I seen the whole ticket, and probably looked at it all, but I do not remember any names now but Frederick's; am certain it was a Democratic ticket.
X Int. 4. Your father did not ask you to vote the straight Republican ticket except Frederick, did he?—Ans. I voted as I pleased; he asked me nothing. He knew how I voted.
X Int. 5. How long did you remain at the polls?—Ans. I came between 8 and 9, and staid till twelve o'clock.

D. C. ERNST.

Subscribed and sworn to before me and in my presence, by the said D. C. Ernst, this 15th day of Feb'y, 1883.
[SEAL.]

CASSIUS M. NORTON,
Notary Public in and for Marshall Co., Ia.

ANTON ESTEL, of lawful age, being produced, sworn, and examined on the part of contestant, testifies as follows:

Int. 1. State your name, age, place of residence, and occupation.—Ans. Anton Estel; 48 years; reside in Taylor Township, Marshall County, Iowa; am a farmer.
Int. 2. How long have you resided there?—Ans. About four years—a little over.
Int. 3. Are you a citizen of the United States?—Ans. Yes, sir.
Int. 4. Did you vote at the Nov. election, 1882, in Taylor Township, and if so, for whom did you vote for, for office of Representative to Congress?—Ans. Yes, I voted for Benj. T. Frederick.
Int. 5. What time of day were you at the polls, and how long did you stay?—Ans. I went between eleven and twelve, and staid about fifteen minutes.

Cross-examination:

X Int. 1. Did you vote a scratched or erased ticket, or a straight one?—Ans. Straight.
X Int. 2. Was it a straight Democratic ticket?—Ans. Yes, it was a straight Democratic ticket.
X Int. 3. Who gave the ticket to you?—Ans. I believe Mr. Melton gave it to me.
X Int. 4. Who was present when you voted?—Ans. Mr. Ernst, Mr. Melton; that is all I recollect.
X Int. 5. Did you look at each name on your ticket?—Ans. I don't know as I did particularly, but I looked particularly about Mr. Fredrick's name.
X Int. 6. Did Mr. Wm. Ernst give you the ticket that you voted?—Ans. No.
X Int. 7. Was he in the room when you voted?—Ans. Yes; he was sitting alongside of me.
X Int. 8. Was your attention called to the name of Fredrick on your ticket by any one; if so, by whom?—Ans. No, sir; by nobody.
X Int. 9. Who did you vote for for judge?—Ans. I don't recollect now anymore.

ANTHONY ESTEL.

Subscribed and sworn to before me and in my presence by the said Antony Estel, this 15th day of Feb'y, A. D. 1883.
[SEAL.]

CASSIUS M. NORTON,
Notary Public in and for Marshall Co., Iowa.

J. M. WEBBER, being produced, sworn, and examined on the part of contestant, testifies as follows:

Int. 1. State your name, age, place of residence, and occupation.—Ans. John M. Webber, aged 51 years, reside in Taylor Township, Marshall Co., Iowa; by occupation a farmer.

Int. 2. State how long you have resided in Taylor Township, Marshall County, Iowa.—Ans. About sixteen years.

Int. 3. Are you a citizen of the United States?—Ans. Yes.

Int. 4. Did you vote at the Nov. election, 1882, in said Taylor Township, for the office of Representative to Congress; if yea, for whom did you vote?—Ans. I did; I voted for B. T. Frederick.

Int. 5. State what time in the day you voted.—Ans. About four o'clock in the afternoon.

Int. 6. State whether the ballot-box was open or not during the time the board of election was receiving the ballots of the electors?—Ans. It was open while I was there.

Int. 7. How long were you there?—Ans. Probably an hour and a half.

Int. 8. What time did you get there?—Ans. I think it was about four o'clock.

Int. 9. Was there opportunity for parties who felt so disposed to "stuff" the ballot-box and change the votes, particularly those that had control of it?—Ans. Yes, sir; I do, I think so.

Cross-examination:

X Int. 1. What were the judges of election doing while you were there?—Ans. Most of the time they were receiving and counting out votes.

X Int. 2. Were they counting when you got there?—Ans. That was about the first I saw of them; I think they was, the ballots were open.

X Int. 3. Had they just commenced to count when you got there?—Ans. I could not say.

X Int. 4. Did they continue to count while you remained?—Ans. Yes, most of the time.

X Int. 5. Did you remain till the poll closed?—Ans. No, sir.

X Int. 6. How many votes were polled while you were there?—Ans. I could not say, sir.

X Int. 7. Can't you tell approximately? Come as near as you can.—Ans. I should say twelve or fifteen; somewheres near that.

X Int. 8. Did you see any ballots taken out of the box except for counting?—Ans. I ain't sure as I did, but it seems to me they took out one vote, Mr. Horner's vote, to look at it, but I won't be positive.

X Int. 9. Did you see any ballot changed by anybody?—Ans. I believe not, sir, if I understand the question.

X Int. 10. Were you there when Mr. Horner voted?—Ans. Yes, sir.

X Int. 11. Was Mr. Horner there when you think they looked at his ballot?—Ans. I think he was.

X Int. 12. How came the question of his ballot to be raised?—Ans. He went to hand his ballot and Mr Steward wanted to look at it before he put it in; there was some talk then, some saying "Shove it in," and they hesitated somewhat before putting it in.

X Int. 13. Who was it that insisted that it should not be looked at?—Ans. Mr. Wm. Ernst, I believe.

X Int. 14. Did Mr. Horner say anything about it; if so, what?—Ans. He insisted in putting that ticket in that he first handed to him.

X Int. 15. What did he say?—Ans. He said the ticket was all right, and wanted to vote.

X Int. 16. Did Steward want to look at it, or did he want Horner to look at it?—Ans. It appeared that Steward wanted to look at it and drew back and turned a little one side from the polls and that he should take another ticket and vote, from the one he was putting in.

X Int. 17. Wasn't it suggested to Horner that there might have been a mistake about his ticket, that it contained the name of Frederick instead of Wilson, and wasn't it said that he better see that it was a straight ticket before depositing it?—Ans. There might have been something to that effect said, but Horner knew the ticket he was voting, he knew that Frederick was on the ticket himself.

X Int. 18. Did you vote the Greenback ticket?—Ans. Yes, sir.

X Int. 19. Was Frederick's name printed or written on your ballot?—Ans. Written.

Redirect examination:

R. D. Int. You erased Platner's name and wrote Frederick's in place of it?—Ans. Yes, sir.

J. M. WEBBER.

Subscribed and sworn to before me and in my presence by the said J. M. Webber, this 15th day of February, A. D. 1883.

[SEAL.]

CASSIUS M. NORTON,
Notary Public in and for Marshall Co., Iowa.

G. P. LUNDSTRUM, of lawful age, being produced, sworn, and examined on the part of contestant, testifies as follows:

Int. 1. State your name, age, place of residence, and occupation.—Ans. G. P. Lundstrum; 47 years; reside in Taylor Township, Marshall County, Iowa; am a farmer.

Int. 2. Are you a citizen of the United States?—Ans. Yes, sir.

Int. 3. Did you vote in Taylor Township at the general election in Nov., 1882, for the office of Representative in Congress? If so, for whom did you vote?—Ans. Yes, sir; I voted for Ben Frederick.

Int. 4. That is, for the contestant here?—Ans. Yes, sir.

Int. 5. What hour of the day did you vote, about?—Ans. About between five and six in the evening.

Int. 6. Was the ballot-box open when you voted?—Ans. It was not.

Int. 7. Do you know whether it was opened?—Ans. They opened it a little bit after I voted. I don't know whether it had been opened before or not.

Cross-examination:

X Int. 1. What was it opened for when you were there?—Ans. I suppose it was to count the votes.

X Int. 2. Did they count them while you was there?—A. Yes; they counted some of them.

X Int. 3. Did you see any ballots changed and taken from the box by anybody?—Ans. No; I didn't give any attention to it. I was not inside the house over five minutes.

X Int. 4. Who gave you your ticket that you voted?—Ans. Mr. Bill Ernst.

X Int. 5. What was it, a Republican or a Democratic ticket?—Ans. It was a Republican turned over to a Democratic ticket.

X Int. 6. What do you mean by "turned over"? How changed or turned over?—Ans. For instance, as if you should print Republican and Democrat in one ticket.

X Int. 7. Was it a Republican ticket, except the name of Mr. Frederick?—Ans. I cannot recollect that, whether it was a Republican ticket or not.

X Int 8. Was Frederick's name printed or written on your ballot?—Ans. it was written.

X Int. 9. Who wrote it?—Ans. I forget whether I done it myself, or Mr. Webber.

X Int. 10. Don't you know whether it was a Republican or a Democratic ticket scratched?—Ans. I ain't sure, but think it was a Republican ticket

G. P. LUNDSTRUM.

Subscribed and sworn to before me, and in my presence, by the said G. P. Lundstrum, this 15th day of February, A. D. 1883.

[SEAL.]

CASSIUS M. NORTON,
Notary Public in and for Marshall County, Iowa.

WM. J. HORNER, being produced, sworn, and examined on the part of the contestant, testifies as follows:

Int. 1. State your name, age, place of residence, and occupation.—Ans. Wm. J. Horner; aged 22 years; reside in Taylor Township, Marshall County, Iowa; am a farmer.

Int. 2. Are you a citizen of the United States?—Ans. Yes, sir.

Int. 3. Did you vote in Taylor Township at the Nov. election, 1882, for the office of Representative to Congress, and if so, for whom did you vote?—Ans. Yes, I did; I voted for Mr. Frederick.

Int. 4. State what time of day you voted.—Ans. It was between five and six o'clock in the evening.

Int. Did you see the ballot-box open that day while the electors were voting?—Ans. I don't mind seeing it open that day; I saw it open that evening.

Cross-examination:

X Int. 1. After you went to the poll did you remain till it closed?—Ans. I remained there till eight o'clock; they were not done counting votes yet; perhaps later than eight.

X Int. 2. How long did the judges continue to receive votes after you came?—Ans. I don't think they received any after I voted, that I know of.

X Int. 3. Did any one offer to vote after you?—Ans. Not that I know of.

X Int. 4. How do you know Frederick's name was on the ballot you voted?—Ans. I don't really know that it was.

X Int. 5. Did you see his name on the ballot before you voted it?—Ans. I read the ballot, all the names that were on it. Mr. Wm. Ernst gave me the ticket; he said it was a Republican ticket.

X Int. 6. Did he tell you that Frederick's name was on the ticket?—Ans. I don't remember whether he did or not.

X Int. 7. If you did not know that Frederick's name was upon your ballot, how do you know that you voted for Frederick?—Ans. Why they had some false tickets there. I don't know why they were gotten up in that way, and they gave me one of those.

X Int. 8. Did you intend to vote for Frederick when you voted?—Ans. No, sir.

X Int. 9. Did you know that Frederick's name was upon your ballot?—Ans. I believe I told you once I was not certain. When I went to the poll, Mr. Steward asked me if I had a straight Republican ticket; I told him I supposed I had, and handed it to him.

X Int. 10. Was Mr. Ernst spoken of, the Wm. Ernst who has given his testimony before the notary here to-day?—Ans. Yes, sir; he is.

X Int. 11. You say you looked at the names on the ticket?—Ans. I looked at the names on the ticket, but being a stranger here I did not know Mr. Frederick from Mr. Wilson, and did not know the Republican candidate from the Democrat without being told.

Redirect examination:

R. D. Int. 1. If you read the names on your ticket you knew the name of Benj. T. Frederick was on the ticket, didn't you—you knew at the time the names were there?—Ans. Not knowing the candidates before I went to the election, I would not know. I presume if his name was on it I read it.

WM. J. HORNER.

Subscribed and sworn to before me, and in my presence, by the said Wm. J. Horner, this 15th day of Feb'y, 1883.

[SEAL.]

CASSIUS M. NORTON,
Notary Public in and for Marshall County, Iowa.

THORNTON HUBBARD, of lawful age, being produced, sworn, and examined on the part of the contestant, testifies as follows:

Int. 1. State your name, age, place of residence, and occupation.—Ans. Thornton Hubbard; 67 years old; reside in Taylor Township, Marshall County, Iowa; am a farmer.

Int. 2. Were you at the general election held in Taylor Township in Nov., 1882; and if so, during what time of the day were you there?—Ans. Yes; I was there from a half after two, I think, till a half after four.

Int. 3. Was the ballot-box open or kept open by the judges while you were there; and if so, did you see the ballots that had been deposited by the electors handled by any one; if so, by whom?—Ans. The ballot-box was open when I went there. I see some of the tickets handled by Mr. Steward and passed over to Mr Adna Fogg.

Int. 4. What else did you see that appeared to be irregular?—Ans. I don't know hardly what. Well, the ballot-box while I was there, was shut and three votes received.

Int. 5. Were these ballots that were handled and passed around ballots from the ballot-box?—Ans. They were.

Int. 6. Were the judges discussing among themselves how the several electors had voted from examining the ballots as they were deposited?—Ans. I didn't hear a word to that effect.

Cross-examination:

X Int. 1. Were the judges canvassing the votes and the clerks making up the tally-sheets?—Ans. I believe they were.

X Int. 2. Did you see any other handling of ballots other than was done in counting?—Ans. No, sir; I did not.

X Int. 3. Did you see any changes of ballots made by anybody?—Ans. No, sir. I didn't.

X Int. 4. Did anybody besides the judges handle the ballots?—Ans. Not that I seen of.

THORNTON HUBBARD.

Subscribed and sworn to before me, and in my presence, by the said Thornton Hubbard, this 15th day of February, A. D. 1883.

[SEAL.]

CASSIUS M. NORTON,
Notary Public in and for Marshall County, Iowa.

J. O. CUTLER, of lawful age, being produced, sworn, and examined on the part of e contestant, testifies as follows:

Int. 1. State your name, age, place of residence, and occupation.—Ans J. O. Cutler; age, 50 years; State Centre, Marshall County, Iowa; dealer in seeds, &c.

Int. 2. Do you now and did you during the month of Nov., 1882, hold any official position in State Centre Township, Marshall County, Iowa?—Ans. I did not in 1882; I am now township clerk.

Int. 2. Who were you the successor of?—Ans. Of Mr. Adams; F. W. Adams.

Int 4. Are you the custodian of the ballot-box that was used at the Nov. election, 1882, for State Centre Township, that contains the votes that were cast for the office of Representative in Congress, and how long have you been such custodian?—Ans. I am the custodian, and have had the ballot box and poll-list since I received them from the old township clerk, Mr. Adams; I received the poll-list with the other book from Mr. Adams; the ballot-box I found in the town hall where the election was held; I did not receive that from Mr. Adams.

Int. 5. Does the ballot-box contain the ballots of that election, and was it fastened when you found it?—Ans. Why, I suppose they do; I wasn't a judge of the election; I supposed it did; I found the ballots in the box; the box was locked and the key was in the lock.

Int. 6. When did you get the ballot-box?—Ans. I couldn't tell you just when it was; there was some delay in settling up with the old trustees, and I didn't get possession of anything belonging to the office until after his settlement with the trustees.

Int. 7. Does the box contain the same ballots that were in it at the time you recd. it?—Ans. Yes, sir.

Int. 8. Who occupies the town hall where you found it, and whereabouts in the hall was the box when you found it?—Ans. The town council meets there, fire companies meet there, and it is under the general supervision of the marshal for any purpose; I found it sitting on top of the corporation recorder's desk.

Int. 9. Do you know whether the ballots were in the box as they were at the time the votes were canvassed, and in what condition did they appear?—Ans. I am not able to say what condition the ballots were in at the time of the canvass, and of course cannot say whether they are in the same condition now.

Int. 10. Are they loose or in any way fastened together?—Ans. They are strung on a string.

Int. 11. Will you produce the ballots in the presence of the notary and count them, and state how many were cast for James Wilson for the office of Representative in Congress, and how many were cast for Benj. T. Frederick for the same office?

(Objected to by contestee because it is not shown that the ballots are in the same condition as when canvassed, nor that they could not have been changed.)

Ans. I have no objection to recounting the ballots, if done in the presence of at least one of the trustees; and further, I would say that after finding the box I locked it and gave the key to Mr. L. B. Goodrich, one of the township trustees.

(Mr. L. B. Goodrich being produced, the ballot-box is opened, and the ballots are counted by J. O. Cutler, township clerk, and L. B. Goodrich, township trustee.)

Int. 12. (To witness, J. O. Cutler.) Have you counted the ballots found in the box for the office of Representative to Congress, and who assisted you? And state the result of your count.

(Objected to; same as Int. 11 above.)

Ans. I have; Mr. Goodrich, one of the trustees, assisted me; one hundred and ninety-three (193) for James Wilson, and eighty (80) for Mr. Benj. T. Frederick, two for Mr. Platner, one for Mr. Snyder, and seven blanks.

Int. 13. You may state how you found the ballots in the box as to their being fastened together and as appearing not to have been changed or disturbed.—Ans. I found them strung on a string; and as to their being changed, I can't see how I can answer that question.

Int. 14. You may state if you found the ballots cast for Frederick strung together, bunched together, and the ballots for Wilson strung or bunched together, and if you found any for Frederick separately among those cast for Wilson.—Ans. I found the most of the ballots for Wilson together, and the most of the Frederick ballots together, and some ballots scattering among all the tickets.

Int. 15. State the order in which the ballots appeared on the string; if you cannot remember, examine again.

(Objected to; same as to Int. 11, above.)

Ans. First, I find 2 for Platner, and one Frederick ticket, then two Democratic tickets scratched for Wilson, then comes sixty-five votes for Frederick on Democratic tickets, then one for Wilson, then one for Billy Snyder, and then thirteen for Frederick, then seven blanks for no Congressman, then comes one hundred and sixty-four votes for Wilson, then one for Frederick, and then twenty-six for Wilson.

Cross-examination:

X Int. 1. How often has this hall where the ballot-box has been, been used by the fire company or others between the time of election and the time you took it away?—Ans. I can't say positive. The fire company has monthly meetings and the council monthly monthly regular meetings, and the marshal goes through the room to take prisoners into the "calaboose."

X Int. 2. Was the hall locked where the box was kept?—Ans. I suppose it has been but not having charge of the hall I cannot say positively.

X Int. 3. Did the recorder of the town use this hall for an office, or was his desk in the hall for council meetings simply?—Ans. Only for council meeting; he has an office aside from the town hall.

X Int. 4. When did you get this ballot-box and remove it?—Ans. I can't give the exact date; it was somewhere about the last of January or the first of February, 1883.

X Int. 5. Have you examined these ballots before this day?—Ans. I have; in the presence of Mr. Goodrich, one of the township trustees, and Mr. E. P. Thompson and Mr. C. W. Stone, of Marshalltown.

X Int. 6. When was this, and who requested the examination?—Ans. About two weeks ago; Mr. Stone requested it.

X Int. 7. Whom did he assume to act for; that is, Mr. Stone?—Ans. For Mr. Frederick.

X Int. 8. What did he say, if anything, about a discrepancy between the ballots and return, or what reason did he give, if any, for examining the ballots?—Ans. He said he was in the interest of Mr. Frederick, and wanted to know whether the ballot was correct, and after recounting the ballot he said that evidently the discrepancy was a mistake in counting.

X Int. 9. Did he say anything about any information he had that there was a mistake?—Ans. Not to my knowledge.

X Int. 10. Do you find any Republican tickets with Wilson's name erased and Frederick's name substituted in this box?—Ans. I do.

X Int. 11. About how many?—Ans. I will have to count them, I guess; there are thirteen.

X Int. 12. From the location or situation of this box in the hall, with the key left in the lock, would it have been possible for any one, so disposed, to have changed a ballot?—A. I think it would have been possible.

X Int. 13. Can you tell that all the ballots now in this box were the ballots that were left in it by the election board after canvassing, and as they were canvassed?

(Objected to by contestee as leading and immaterial.)

Ans. I can't tell positively.

Redirect-examination:

R. D. Int. 1. At the time yourself, Mr. Stone, and Mr. Thompson were present when you first counted the ballots before to-day, were any of them altered, changed, or erased for the person or persons voted for the office of Representative to Congress by any one in such count?—Ans. No, sir; they wasn't.

R. D. Int. 2. Has there been any change since that time in the ballots?—Ans. No, sir.

Recross-examination:

R. X Int. 1. By saying there was no change of the ballots when you examined them before, you mean to say there was no change then made at that time, do you not; and not that there had been none before that time?—Ans. That is what I meant.

Re-redirect ex.:

R. D. Int. 1. You don't know that any change had been made before that time, do you?—Ans. I don't know of any.

J. O. CUTLER.

Subscribed and sworn to before me, and in my presence, by the said J. O. Cutler, this 16th day of Feb'y, 1883.

[SEAL.]

CASSIUS M. NORTON,
Notary Public in and for Marshall County, Iowa.

Contestee recalls J. O. CUTLER, witness.

R. R. X. Int. 2. When you counted the ballots in the presence of Mr. Stone, did you make the count the same as you do now?—Ans. We made the count for Mr. Frederick the same, but one less for Mr. Wilson; that is, at that count we made it one less for Mr. Wilson than we did to-day.

Int. By contestant. You may state whether you can explain that discrepancy in the count made in the presence of Mr. Stone, and the one made to-day?—Ans. I think it was caused by not counting one vote for Mr. Wilson when we counted in the presence of Mr. Stone, on a ticket that had had the head of the ticket torn off for State officers.

J. O. CUTLER.

Sworn to and subscribed before me, and in my presence, by the said J. O. Cutler, this 16th day of February, 1883.

[SEAL.]

CASSIUS M. NORTON,
Notary Public in and for Marshall County, Iowa.

L. B. GOODRICH, of lawful age, being produced, sworn, and examined on the part of contestant, testifies as follows:

Int. 1. State your name, age, place of residence, and occupation.—Ans. L. B. Goodrich; 31 y'rs old; reside in State Centre, Marshall Co., Iowa; hardware dealer.

Int. 2. Are you an officer of State Centre Township; if so, how long have you been such officer, and what office do you hold?—Ans. I am one of the trustees; have been for three or four years, can't tell which.

Int. 3. Were you one of the judges at the Nov. election of 1882, in State Centre Township, at which the electors voted for the office of Representative to Congress?—Ans. I was.

Int. 4. Have you been present to-day during the examination of the ballots in the ballot-box; and were you present and assisting when the said ballots were canvassed and counted at the Nov. election, 1882?—Ans. I was present to-day, and was also present at the election.

Int. 5. How were the ballots left in the box at the time of the canvass at the said election?—Ans. They were strung on a string, and left in the box, locked up.

Int. 6. How was their appearance to-day, as compared to the manner in which they were left at the canvass of the election.

(Objected to by contestee, because it is not shown that the ballots are in the same condition as when canvassed; nor had not been changed.)

Ans. I can't tell as to each identical ticket, if that is what you mean; I think there has been a change in the ballots, in the twenty-seventh ballot.

Int. 7. What evidence of a change do you find?—Ans. From the way they were assorted and counted. I believe it impossible for there being a straight Democratic ticket mixed with a straight Republican ticket as counted and strung.

Int. 8. Did you count in the evening or by daylight?—Ans. In the evening.

Int. 9. How were the ballots separated; Democrat and Republican and mixed tickets, and placed upon the string? Please explain.—Ans. When the polls were closed we emptied the box on the table, and counted all the votes to see that they compared with the poll-list; found them correct at first count. We then separated straight Republican tickets into piles of five, then handed them to Mr. Swift, and he called them to the clerks; we separated the straight Democrat tickets into piles of five, passed them to Mr. Swift, who called them to the clerks; we separated all the scratched tickets that we could find scratched alike into piles of five, the balance we called single. Mr. Swift done all the calling. Mr. Chamberlain made the most of the piles, handed them to me, and I looked them over, and if found all alike, passed them to Mr. Swift. There being such a marked difference between a straight Democrat and a straight Republican ticket in appearance, that I believe it impossible for a Democrat ticket to have passed into one of the piles of the Republican tickets through Mr. Chamberlain, myself, and Mr. Swift's hands without being noticed; as I now find one Democrat ticket among the straight Republican tickets.

Int. 10. Was these tickets counted five at a time where they were all Democratic or Republican, and were all the ballots all strung as counted?—Ans. Yes, sir.

Int. 11. This twenty-seventh ticket is the 27th from the bottom of the string, is it not?—Ans. It is the twenty-seventh from the bottom.

Int. 12. It would come right in the middle of a pile of fives, or near it, wouldn't it?—Ans. It would; it would be the second ticket in a pile of fives.

Int. 13. When a pile of fives were passed to you did you separate each of them, or simply turn up the corners to count them?—Ans. I held the bottom of the tickets between my thumb and finger and turned them over and counted them.

Int. 14. Did you go over each pile more than once?—Ans. I can't answer that positively.

Int. 15. Did you find any mistake at any time in the character of the ballots that Mr. Chamberlain handed to you?—Ans. I think I found one or two mistakes.

Int. 16. Mr. Chamberlain you regard as a careful and upright man, do you not?—Ans. I do.

Int. 17. If Mr. Chamberlain made one or two mistakes, do you now mean to swear that it is absolutely impossible for you to make one; or do you mean to say that you counted those ballots not intending to make any mistake?—Ans. I do not swear that I did not make a mistake; I swear that I believe it impossible to pass the three without discovery, and no mistake was reported from Mr. Swift.

Int. 18. Would not he be as liable to make a mistake as you or Mr. Chamberlain?—Ans. I think he would; I think any man is liable to make a mistake—although I think he would be more apt to discover a mistake than Mr. Chamberlain or myself, as he had nothing to do but call them, while we had to place them in piles.

Int. 19. Yet he called them in fives, and not separately?—Ans. He examined them separately before calling.

Int 20. In the same manner that you did, did he not?—Ans. Not exactly; he had to call the county and township ticket separately; I would call them in this way: five down to county or township ticket, as the case might be; he would then examine

them, and then called them in the same way, and the balance he would call separately.

Int 21. Do you know that the package from the twenty-sixth to thirtieth ticket was not also supposed to be straight as to county and township officers; and if so, would they not have been called in fives?—Ans. They would not have been straight with a Democratic ticket in there; I do not remember whether there was any straight township tickets called in piles of five or not, either Republican or Democrat; there was a great deal of scratching on township tickets; there may have been some township tickets called in fives, but I do not remember any.

Int 22. In order for any person to have changed this 27th ticket from the bottom, it would have been necessary to have removed all other tickets above that from the string, would it not; or to have removed all below that from the string?—Ans. It would.

X Int 23. You have no direct recollection of this particular ticket, the 27th, and you only base your opinion that it has been changed upon your belief in the correctness of the count when the canvass was made?—Ans. I have no particular recollection of the ticket at the time the count was made, and I believe the count correct.

Cross-examination:

X Int 1. There were several names on each ballot, both in State, and county, and township, were there not; and all on a single strip or slips of paper on each party ticket?—Ans. Yes, sir.

X Int 2. About how many names were there on each ticket to be called off to the clerks?—Ans. I don't know whether I can give an idea without seeing a ticket; I could't remember half, especially the state officers.

X Int 3. Were there not many persons of each party standing by or around the table while the canvass was made, observing the count?—Ans. The room was full; I should think there was as many as fifteen in front of the table looking over on the ballots, some of them keeping tally as to some of the officers; there were persons there of both parties, Democrat and Republican, and I think there were one or two Greenbackers there.

X Int. 4. Do you believe the canvass and return then made was correct?—Ans. I do.

Redirect examination:

R. D. Int. 1. Did you assist Mr. Cutler in counting the ballots in the box to-day, and did you find the count testified to by him of eighty ballots purporting to be cast for Benj. T. Frederick and one hundred and ninety-three for James Wilson for the office of Representative to Congress correct as the ballots now show?—Ans. That is correct.

L. B. GOODRICH.

Sworn to and subscribed before me, and in my presence, by the said L. B. Goodrich this 16th day of February, A. D. 1883.

[SEAL.]

CASSIUS M. NORTON,
Notary Public in and for Marshall County, Iowa.

J. D. CHAMBERLAIN, being produced, sworn, and examined on the part of the contestant, testifies as follows:

Int. 1. State your name, age, residence, and occupation.
(Witness Chamberlain before answering is excused by contestant's att'y.)

F. W. ADAMS, of lawful age, being produced, sworn, and examined on the part of contestant, testifies as follows:

Int. 1. State yonr name, age, place of residence, and occupation.—Ans. F. W. Adams; 28 years of age; State Centre, Iowa; attorney.

Int. 2. Was you clerk of State Centre Township, Marshall County, for the year 1882?—Ans. Yes, sir; the latter part of the year.

Int. 3. Were you one of the clerks of the November election, 1882, held in this township, at which the electors voted for the office of Representative in Congress?—Ans. I was.

Int. 4. Did you have the care and control of the ballot-box up to the time your successor was elected?—Ans. The ballot-box was left at the place of election, at the time of election, up to the time my successor was qualified, and I turned the same and books over to him.

Int. 5. Was the box left locked?—Ans. I couldn't say positively whether it was or was not.

Int. 6. Did you see the ballot-box open to-day; and, if yea, how did the appearance of the ballots compare with the manner in which they were left?—Ans. I did see the ballot-box open to-day, and the ballots appeared much as they did on the night of the election when they were first counted.

Int. 7. Did you see any indications that they had been in any manner tampered with?—Ans. I did not.

Int. 8. Who put the ballots on the string when they were strung after election?—Ans. One of the trustees; I wouldn't be positive which.

Cross-examination:

X Int. 1. You did not examine the ballots critically to-day, did you?—Ans. I did not.

X Int. 2. You did not handle them at all to-day, did you?—Ans. I did not.

X Int. 3. You could not from what you saw of them to-day say whether the erasures on any of the tickets was made before or since election, could you?—Ans. I could not. The general appearance of the tickets is much the same as they were the night of the election.

X Int. 4. Did you on the night of the election examine the tickets as to scratches or erasures?—Ans. I did not.

X Int. 5. Can you now, from the examination you have made to-day, tell whether this batch of tickets contains all that were canvassed on the night of the election?—Ans. I could not.

F. W. ADAMS.

Sworn to and subscribed before me, and in my presence, by the said F. W. Adams, this 16th day of Feb'y, A. D. 1883.

[SEAL.]

CASSIUS M. NORTON,
Notary Public in and for Marshall County, Iowa.

L. B. GOODRICH, recalled by contestant, testifies as follows:

Int. 1. Did you place the ballots that have been counted to-day upon the string at the time of the election?—Ans. I did.

Int. 2. Was there several Republican tickets, as you remember, that had Wilson's name scratched and Frederick's written?—Ans. I think there were a few.

Int. 3. Are the general appearance of the ballots as a whole, and the manner in which they appear on the string to-day, similar, to your recollection, to the manner in which they were placed on the string at the time of the canvass?—Ans. I think they are.

Cross-examination:

X Int. 1. Can you tell from the examination made to-day of the ballots that none of them have been changed since the canvass?—Ans. No, sir; I can't.

L. B. GOODRICH.

Subscribed and sworn to before me, and in my presence, by the said L. B. Goodrich this 16th day of February, A. D. 1883.

[SEAL.]

CASSIUS M. NORTON,
Notary Public in and for Marshall County, Iowa.

Fee-bill before C. M. Norton, N. P.

	Name of witnesses.	Attendance.	Mileage, one way.	
				Rec'd our fees:
Feb'y 15, '83	A. J. Melton	1 day	3 miles, $1.05	A. J. Melton.
" " "	S. Bosworth	1 "	1 " 85	Stewart Bosworth.
" " "	Wm. Ernst	1 "	4 " 1.15	Wm. Ernst.
" " "	D. C. Ernst	1 "	4 " 1.15	D. C. Ernst.
" " "	Anton Estel	1 "	2 " 1.00	A. Estel.
" " "	J. M. Webber	1 "	5 " 1.25	J. M. Webber.
" " "	G. P. Lundstrum	1 "	5 " 1.25	G. P. Lundstrum.
" " "	A. N. French, c'k, ac. 1 50/100	1 "	1 " 1.85	A. N. French.
" " "	Wm. J. Horner	1 "	3 " 1.05	Wm. J. Horner.
" " "	T. Hubbard	1 "	4 " 1.15	J. Hubbard.
" " "	D. McDonald	1 "	4 " 1.15	David McDonald.
" 16 "	J. O. Cutler	1 "	1 " 85	J. O. Cutler.
" " "	L. B. Goodrich	1 "	1 " 85	L. B. Goodrich.
" " "	J. D. Chamberlain	1 "	1 " 85	J. D. Chamberlain.
" " "	F. W. Adams	1 "	1 " 85	F. W. Adams.
Total witness fees			$16.30	Paid and receipted for.

Ben. O. Rhoades, sh'ff: To serving 17 subpœnas, $3.40; to serving 17 copies, $3.40; to mileage on same, $6.50—$13.30.

Cassius M. Norton, N. P.: Taking testimony, 115½ folios, $11.55; administering 28

oaths, @ 5c., $1.40; issuing 3 subpœnas, @ 25c., 75 cents; certificate, 50 cents; R. R. fare and hotel bill State Centre, $3.72; stationery, $1.00; postage, $1.20—$2.20; copy furnished contestant, $12.00—total, $32.12.

STATE OF IOWA,
Marshall County, ss:

I, Cassius M. Norton, a notary public, within and for said county and State, do hereby certify that in pursuance to an agreement so to do, by and between the parties hereto, I did on the 15th day of February, A. D. 1883, cause the following-named witnesses to appear before me at my office in Marshalltown, said county and State, A. N. French, A. J. Melton, S. Bosworth, Wm. Ernst, D. C. Ernst, Anton Estel, J. M. Webber, G. P. Lundstrum, Wm. J. Horner, and Thornton Hubbard; and on the 16th day of Feb'y, 1883, caused the following-named witnesses to appear before me at the office of Jas. Allison, esq., in State Centre, in said county and State, J. O. Cutler, L. B. Goodrich, J. D. Chamberlain, and F. W. Adams, who being then and there by me first duly sworn, were examined, and their examinations by me reduced to writing, when the same were read by me to them, respectively, in their presence and hearing, when the same were by them, respectively, subscribed and sworn to by them before me and in my presence, and their said depositions so taken are now herewith returned to the Clerk of the House of Representatives of the United States, to be used in the hearing of said cause on the part of contestant.

I further certify that Hon. T. Brown was present and conducted the examination of said witnesses on behalf of Benj. T. Frederick the contestant, and that Hon. J. H. Bradley was present and conducted the cross-examination of said witnesses on the part of James Wilson the contestee or respondent; further saith not.

Witness my hand and seal notarial, affixed at Marshalltown, said county and State, this 10th day of March, A. D. 1883.

[SEAL.] CASSIUS M. NORTON,
Notary Public within and for Marshall County, Iowa.

No. 2.

STATE OF IOWA,
Marshall County, ss:

S. BOSWORTH, being produced and sworn before J. H. Bradley, notary public for Marshall County, on the 4th day of May, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and J. H. Bradley on the part of contestee):

Q. 1. Did you attend the November election in 1882, in Taylor Township?—A. Yes, sir.

Q. 2. What time did you get there, Mr. Bosworth?—A. About 4 o'clock; I got there about the time Mr. Seibert did; I saw him there.

Q. 3. Did you vote at the election?—A. Yes, sir.

Q. 4. Was the ballot-box open when you got there?

(Contestant objects—immaterial; not proper rebutting evidence.)

A. I did not notice that they were counting any votes; simply that the box was open.

Q. 5. Were they counting votes?—A. I didn't see them.

Q. 6. Was it open while you were there?—A. Not that I noticed.

Q. 7. Did you pay any attention to them to see whether they were counting votes?—A. I saw them all the time; I was coming away, and I heard them make a remark about counting votes, and they opened the box just as I was leaving.

Q. 8. Did you know they had counted up to that time?—A. I did not know that any such thing would be done.

Q. 9. How long did you stay?—A. Perhaps nearly an hour.

Q. 10. What time did you go home?—A. Sometime before sun down.

Q. 11. About sun down?—A. Yes, sir.

Q. 12. How far did you go to get home?—A. I believe about three miles; I think the sun was about half an hour high.

Q. 13. You don't know the time you precisely got there?—A. No, sir; I had been at work some time in the afternoon; I said to the man who came there, "Is to-day election day?" said he, "Yes." I stopped work and rode up with him.

Q. 14. You don't exactly know the time you got there?—A. No, sir; not exactly.

Q. 15. That was in November; you must not have gotten home before 5 o'clock?—A. Well, it was 6 o'clock before dark at that time, I remember.

Q. 16. You think the sun was half an hour high when you got home?—A. The sun was not down yet; I did the chores before night.

Q. 17. Were they receiving votes during the time that they were counting votes?—A. I don't think they took any in after that time; my impression is that they were looking them over; I have that in my mind. It seemed to be generally understood that it was not time to close the polls.

Recross-examination:

Q. 18. They were not through when you left?—A. Mr. Seibert was there, and also Mr. Ernst.

Q. 19. Was Mr. Stewart?—A. Yes, sir; he was there at the table with the others of the board.

($1.35 paid as fee by contestant.)

S. BOSWORTH.

STATE OF IOWA,
Marshall County, ss:

Deposition of witnesses produced before me, Eldon Moran, notary public and commissioner agreed upon to take testimony, and duly sworn by J. H. Bradley, a notary public for Marshall County, Iowa, on this 4th day of May, 1883, in pursuance of the notice hereunto attached, in a proceeding pending before the House of Representatives of the United States of America in a contested election for the office of Representative in Congress, in which proceeding Benj. T. Frederick is contestant and James Wilson, contestee.

The following testimony was taken before me:

STATE OF IOWA,
Marshall County, ss:

THORNTON HUBBARD, being produced and sworn before J. H. Bradley, notary public for Marshall County, Iowa, on this 4th day of May, '83, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and J. H. Bradley on part of coutestee):

Q. 1. Do you reside in Taylor Township?—A. Yes, sir; I have for 20 years.

Q. 2. Did you go to the Nov. election, '82?—A. Yes, sir; I did.

Q. 3. What time did you go there?—A. I left home about two o'clock; it was about one and three-fourths or two miles; I went right along at a common gait.

Q. 4. What time did you get there?—A. I was home by five o'clock.

Q. You may state what time you got there, or what time you saw the ballot-box open.

(Contestee objects; not proper rebutting evidence.)

A. It was open when I got there.

Q. 6. When you got there?—A. Yes, sir.

Q. 7. Was it open from that time till you went away?—A. No, sir; it was shut up for a while.

Q. 8. It was open when you got there?—A. Yes, sir.

Q. 9. What were they doing with the box; who had it open?—A. Stewart appeared to have it open.

Q. 10. What was he doing with it; was he handling the tickets?—A. I believe that he was.

Q. 11. What ticket do you usually vote, the Democratic or Republican?—A. I usually vote the Republican ticket.

Q. 12. You didn't vote at that election?—A. No, sir, not at all.

Q. 13. Why didn't you vote?

(Objection as immaterial.)

A. Because I had made up my mind before the election a good while I would not vote for either of the candidates for Congressman, consequently I didn't vote at all.

Q. 14. How long was the box open after you got there?

(Objection; not proper rebutting evidence.)

Q. 15. For how long a time was it open after you got there?—A. Well, it is possible that it was open 20 or 30 minutes, then shut up.

Q. 16. Did they open it again while you were there?—A. Well, now, I couldn't say positively.

Q. 17. Were they counting the votes when you got there?—A. I am of the opinion that they were.

Q. 18. You say they were counting votes then?—A. Yes, sir.

Q. 19. How did you go, afoot, or did you ride?—A. I went up in a wagon.

Q. 20. You started about two o'clock?—A. Yes, sir, I looked at the clock when I started.

Q. 21. You went a mile and a half?—A. Yes, sir, a mile and three-quarters.

Q. 22. Did you look at the clock when you got home?—A. Yes, sir.

Q 23. What time was it?—A. A little after 5 o'clock.

Q. 24. About how long did it take you to go over there?—A. I think not over 30 or 35 minutes from the time I started till the time I got there.

Q. 25. How long did you remain there?—A. I cannot say.

Q. 26. You were there an hour or more?—A. I think likely I was.

Q. 27. When you got home you looked at the clock and found it was 5 o'clock?—A. Yes, sir.

Q. 28. Was it sundown when you got home?—A. Yes, sir.

Q. 29. What did Stewart say about the result of the election and number of Democratic votes at the time he had the box open when you got there, about half-past two o'clock?

(Contestee objects; immaterial.)

Q. 30. State anything he said?

(Objection, immaterial, no proper rebutting evidence.)

A. I spoke to Stewart relative to the amount of votes cast, but I heard him say nothing about any particular candidate.

Q. 31. Did you see him have any tickets out of the box?—A. I believe I did.

Q. 32. Did he put them back or not?—A. I think they were passed over to the other judges of the election.

Q. 33. They looked at them?—A. I think they were passed to Adna Fogg, and he passed them to Malmsberry.

Q. 34. You are the same Mr. Hubbard that testified here before in the direct examination?—A. Yes, sir, I am.

Q. 35. Do you know what time Mr. Stewart left the polls?—A. No, sir; I don't know; he was there when I left the school-house.

Cross-examination:

Q. 36. Do you mean that they were canvassing the returns when you saw that they had the ballot-box open?—A. I mean that they were canvassing the votes and passing them over to make preparation for the returns.

Q. 37. That is, the tally-list? Were the clerks tallying the votes at that time?—A. I believe that they were.

Q. 38. Did you see any handling of the votes except in making the count and tally?—A. None at all.

Q. 39. How near were you to the ballot-box?—A. I think not over 6 feet from it.

Q. 40. Did you see William Ernst there?—A. Yes, sir.

Q. 41. What was he doing?—A. Well, he had tickets in his hand passing them around.

Q, 42. Did you see him at the ballot-box looking into the box?—A. I didn't.

Q. 43. Did you see him near the ballot-box looking at the tickets or talking to Stewart about them?—A. No, sir, I didn't.

Q. 44. How long did you say you were there?—A. I think something like an hour.

Q. 45. What time did you go home?—A. About 5 o'clock, I think, or a little before that.

Q. 46. Do you know anything about your clock being correct?—A. I think it was pretty correct.

Q. 47. Had they done counting returns when they left?—A. No, sir.

Q. 48. Was William Ernst there when you left?—A. I think that he went away.

Q. 49. Did he go before you did?—A. I think that he did.

Redirect:

Q. 50. You didn't see him in the room when you went away?—A. I think that he started out of the room and said that he was going home. That is what happened there. I am under the impression that he left.

($1.05 paid as fee by contestant.)

THORNTON HUBBARD.

STATE OF IOWA,
Marshall County, ss:

J. M. WEBBER, being produced and sworn before J. H. Bradley, notary public for Marshall County, on this 4th day of May, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and J. H. Bradley on the part of contestee):

Q. 1. Where do you live?—A. In Taylor township, Marshall County, Iowa.

Q. 2. Did you attend the election in Nov., 1882?—A. Yes, sir.

Q. 3. You know Will Horner?—A. Yes, sir.

Q. 4. Were you present when he received his ticket?—A. Yes, sir; I was.

Q. 5. What conversation took place when he received that ticket?

(Contestee objects—immaterial, and not being rebutting evidence.)

Q. 6. You may state what conversation took place; whether he knew who was on the ticket for Congressman?—A. Mr. Ernst had tickets, all straight Republican tickets, with the exception of Frederick's name on instead of Wilson's; he showed them to him, and told him that all the difference there was they had Wilson's name scratched off. He wanted to vote the Republican ticket, and for Frederick. Mr. Wilson said this is the ticket you want to vote; he took the ticket, went to the polls, and put it in.

Q. 7. You heard Mr. Ernst tell Mr. Horner that?—A. Yes, sir.
Q. 8. What time did you get to the election, Mr. Webber?—A. Not far from 4 o'clock.
Q. 9. I will ask you if the ballot-box was open when you got there?—A. Yes, sir; the ballot-box was open when I got there.
(Objection to the question as immaterial and not proper rebutting evidence.)
Q. 10. What were they doing, counting out votes? Did you hear Mr. Stewart say anything as to how many Democratic or Republican votes were cast for Congressman?—A. Not particularly; there was some talk as to how many Democratic votes were cast.
Q. 11. What did Mr. Stewart say to that?
(Objection to the question as immaterial and not proper rebutting evidence.)
A. There was a little dispute about it; so they went to hunting up votes to see what there was in the box.
Q. 12. Did they hunt them up?—A. They got over the entire tally of the vote, but I don't think that they settled the matter.
Q. 13. He was hunting in the ballot-box for votes?
(Objection as immaterial and not proper rebutting evidence.)
A. Yes, sir; at one time he was.
Q. 14. How long did you remain?—A. I was there probably an hour and a half.
Q. 15. At what time did you go back home?—A. A little before dark.
Q. 16. Was Stewart there while you were there?
(Objection as immaterial and not the proper rebutting evidence.)
A. Yes, sir; he was.
Q. 17. What time did you go there?—A. I don't know.
Q. 18. How far did you have to go?—A. About a half a mile.
Q. 19. From what Mr. Stewart said did he seem to know how many Republican and Democratic votes were cast?
(Objection as immaterial and not the proper rebutting evidence.)
A. He appeared to know all about the Democratic votes.
(Objection as immaterial and not the proper rebutting evidence.)
Q. 20. He was acting as one of the judges of the election?—A. Yes, sir; he was.
Q. 21. Was you present when he was telling Ernst how many votes they had?
(Objection as immaterial and not the proper rebutting evidence.)
Q. 22. What did you hear him say about Horner's vote?
(Objection as immaterial and not the proper rebutting evidence.)
A. Mr. Stewart thought that they were putting the wrong ticket; he hesitated about receiving the vote; they stood a minute and held the ballot in his hands; Ernst said something about taking his vote and shoving it in without any blarney about it; that is all right.
Q. 23. What did Horner say?—A. He wanted to vote the ticket.
Q. 24. Did Horner tell him to put it in?—A. Yes, sir; after a few minutes.
Q. 25. What did Mr. Stewart say about it immediately afterward; about it being a Frederick ticket?—A. I don't know; I didn't remember.
Q. 26. Did you hear him make any remarks about deceiving Horner?—A. I don't remember just what words were used.

Cross-examination:

Q. 27. You say you did not settle the number of Democratic votes?—A. I believe so, but am not positive.
Q. 28. What time did you say you went away?—A. I don't know any more; I think about 4 o'clock when I came there. I think I was there about an hour and a half.
Q. 29. Who went away with you?—A. I think no one.
Q. 30. Was Ernst there when you went away?—A. Yes, sir.
Q. 31. Was Stewart there?—A. Yes, sir.
($1.25 paid as fee by contestant).

J. M. WEBBER.

STATE OF IOWA,
Marshall County, ss:

A. N. FRENCH, being produced and sworn before J. H. Bradley, notary public for Marshall County, on this 4th day of May, 1883, and examined before me, testifies as follows (T. Brown appearing on the part or contestant and J. H. Bradley on the part of contestee):

Q. 1. You are the auditor of Marshall County?—A. Yes, sir.
Q. 2. You may state if you have any record in your county, showing the number of inhabitants there are in Marshall town, and certified by city census?—A. Well, the U. S. census report.
Q. 3. That is a little printed volume, is it not?—A. Yes, sir.
Q. 4. Well, have you any under seal of the city, or from any census board in the

city, certified under seal, any ordinary return in form——— A. Of the population of the county?

Q. 5. I mean of Marshall town.—A. I don't believe I have.

Q. 6. Has there ever been any certified return of, the census, showing the population of Marshall town returned to you by any city official, or by any census board in the city? certified under seal, or report copied certified under seal, that has been placed in your hands officially?—A. I know of no census of the town or county except city census, the printed one, that is all I have any knowledge of.

Cross-examination:

Q. 7. Is there any requirement of the statute or of the office, making it your duty to have a written report from the seal of the Secretary of State of the census of the city?—A. I am not aware of anything of the kind.

Q. 8. What is the report you spoke of, the printed report of the census of 1880, of the population of Marshall town; what is the number?

(Contestant objects; not the best evidence.)

A. The U. S. census returns in 1880 is something over 66; but I don't remember just exactly the number.

Q. 9. Have you got it in your office?—A. Yes, sir; I think so.

Q. 10. Will you bring it in, and give the commissioners the number of voters, or population of the city, as by it?—A. Yes, sir; I will.

Excused for the present.—Witness having returned, evidence is resumed.

A. I will see now if I can't find that census; I can't find it; I have looked for a good long time, but I can't find it; I don't believe it is here.

(No fee.)

A. N. FRENCH.

STATE OF IOWA,
Marshall County, ss:

JEREMIAH PICKET, being produced and sworn before J. H. Bradley, notary public for Marshall County, on this 5th day of March, 1883, and examined before me, Eldon Moran, notary public and commissioner agreed upon to take testimony, testifies as follows (T. Brown appearing on the part of the contestant, and J. H. Bradley on the part of contestee):

Q. 1. Where do you reside at present?—A. Taylor Township.

Q. 2. Where did you reside in November, 1882?—A. Taylor Township.

Q. 3. What county?—A. Marshall County.

Q. 4. Did you vote at the November election, 1882, for the office of Representative in Congress?—A. Yes, sir.

Q. 5. Whom did you vote for?—A. For B. T. Frederick.

Q. 6. Where did you vote?—A. At what is called Willow School-House, Taylor Township, Marshall County, Iowa.

Q. 7. At what time did you get to the election?—A. It was some time near 11 o'clock in the morning, I think.

Cross-examination:

Q. 8. Where do you say that you live now?—A. In Taylor Township, at present.

Q. 9. I think that you said that you lived there at the time of the election?—A. Yes, sir; I did. I lived there a year. I am making arrangements to move to town here.

Q. 10. How long have you lived in Taylor Township?—A. About a year the first of next April.

Q. 11. What kind of a ticket did you vote?—A. The Republican ticket, with the exception of Mr. Frederick's name on it.

Q. 12. Did you erase Mr. Wilson's name?—A. Yes, sir.

Q. 13. Did you write Frederick's name in yourself?—A. Yes, sir.

Q. 14. You did it with a pencil?—A. Yes, sir.

Q. 15. What time did you vote?—A. Between 11 and 12 o'clock somewhere. I don't know just what time it was.

Q. 16. You voted the Republican ticket, except Wilson?—A. Yes, sir.

Q. 17. You took the straight Republican ticket?—A. Yes, sir.

Q. 18. You didn't take some of those mongrel tickets with Frederick's name printed in?—A. No, sir; but I was handed one of them.

Q. 19. You didn't take one of those?—A. Yes, sir; but I didn't vote it.

Q. 20. Who was present when you voted?—A. Well, I don't know that I can tell any, except the judges and one or two of the clerks.

Q. 21. Anybody see your ticket besides yourself?—A. No, sir.

Q. 22. Anybody present when you changed it?—A. No, sir.

Q. 23. Where did you change it?—A. On the north side of the school-house.

Q. 24. You were alone there, were you?—A. Yes, sir.

(Jeremiah Picket, paid $1.45 as fee by contestant.)

STATE OF IOWA,
Marshall County, ss:

R. E. STRANG, being produced and sworn before J. H. Bradley, notary public for Marshall County, on this 5th day of March, 1883, and examined before me, Eldon Moran, notary public and commissioner, agreed upon to take testimony, t-stifies as follows (T. Brown appearing on the part of the contestant and J. H. Bradley on the part of the contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. My name is R. E. Strang; I live in Taylor township, and my occupation is that of farmer.

Q. 2. Were you one of the clerks at the November election, 1882, held in Taylor township?—A. Yes, sir.

Q. 3. State where the poll-books of that township at the November election were signed and made up.—A. They were signed at the county board of supervisor's office at the court-house here.

Q. 4. In Marshalltown?—A. Yes, sir.

Q. 5. Was the poll-book in the envelope when you saw it there?—A. Yes, sir.

Q. 6. Who had it?—A. The clerk had it in the presence of the judges.

Q. 7. Were you one of the clerks?—A. I am not the township clerk.

Q. 8. What was his name?—A. William Santee.

Q. 9. Did the judges of the election meet there in Marshalltown, Iowa, to sign the poll-book?—A. Yes, sir.

Q. 10. One of the judges wasn't there, was he?—A. No, sir.

Q. 11. Who of the judges met there? Was Mr. Stewart there?—A. No, sir.

Q. 12. Who signed his name to it?—A. The township clerk.

Q. 13. How long was that after the election?—A. It was in the afternoon, next day after the election.

Q. 14. Did you examine the poll-book at that time?—A. I think not.

Q. 15. You don't know whether it had been changed or not, do you?—A. No, sir; I do not know. I could not swear to that, although I do not think that it had.

Q. 16. The ballot-box was kept open a part of the time on the afternoon of the election, was it?—A. Yes, sir, at different times.

Q. 17. How long before the election closed?—A. I should say two or three hours.

Cross-examination:

Q. 18. When the poll-book was signed at the auditor's office, is that the time that the poll-book was brought in from the election?—A. Yes, sir.

Q. 19. Was there any change or erasure made in the poll-book at the time by the judges or by you?—A. No, sir.

Q. 20. Upon the afternoon of the election in Taylor Township when the ballot-box was opened there, and what was the ballot-box opened for?—A. One of the judges, Mr. Stewart, made a remark something like this, "that he had to go away on the train that night," had to go west, where his stock was, and he spoke to us in this way: if any one came in after the box was closed to take their votes. Mr. Sante, the township clerk, said it was very common to do that way. I see no reason why there could be any objection to that, and the other judges consented to it, and we commenced counting.

Q. 21. Was anything done with the ballots on the afternoon of the election by the judges except to count them?—A. Mr. Stewart, one of the judges, took them out of the box and handed them to the judge next to him, and he read them to us clerks, and then the clerk, M. Fogg, handed them to the next clerk, Mr. Malmsbury.

Q. 22. He was judge, wasn't he?—A. Yes, sir; he strung them on a string.

Q. 23. The question is, whether the judge had the box open except to count the ballots—that is all—any changes made there?—A. No, sir.

Q. 24. Did you see them yourself?—A. No, sir; I did not, only as they were handed to the other judges.

Q. 25. Were you there during the whole count?—A. Yes, sir; I was.

Q. 26. What time did you get through counting them?—A. I think it was about 8 o'clock; I don't remember.

Q. 27. What time did Stewart go away?—A. He went away a little while before that; not long.

Q. 28. Did he go before you finished counting?—A. No, sir; not before we finished counting, but before we finished up our books—tally-list, that is.

Q. 29. You had counted all the ballots before Stewart went away?—A. Yes, sir; he handed the last ballots to the judge sitting next to me, and closed the box before he went away.

Redirect:

Q. 30. He wanted to take the 6.40 train, didn't he?—A. I think not.

Q. 31. What train was it?—A. 11.45 train, I understood.

Q. 32. Wasn't he going to go north on the 7 o'clock train?—A. No, sir; he was

going to Ida County, where he had his stock. He said he wanted to go home, because the hired man came after him.

Q. 33. He went home before dark, didn't he?—A. No, sir; it was a good while before dark; we had the lights lit for a good while before we finished counting.

Recross-examination:

Q. 34. He went away—John F. Stewart—Man came after him?—A. Yes; Horner is his hired man.

Q. 35. William Horner?—A. Yes, sir.

Redirect:

Q. 36. You don't know whether this poll-book had been changed or not when you sent it over here, for you didn't examine it, did you?—A. No, sir.

Q. 37. You don't mean to swear that Mr. Stewart could have taken out or changed the votes without your knowing it?—A. Mr. Stewart was not there.

Q. 38. I mean at the time of the election, when the ballot-box was opened during the p. m., at different times?—A. I don't understand the question.

Q. 39. You don't pretend to say that he could not have changed the votes without your knowledge?—A. I don't think that he could.

Q. 40. You mean to say that he could not have put any votes in or have taken any out there in the afternoon?—A. I don't see how he could have done it without our seeing him.

Q. 41. He discussed the question as to how many voted, didn't he? Didn't he want to see Mr. Horner's ticket before he voted?—A. I don't remember anything being said about that.

Q. 42. Do you say that he didn't?—A. I did not hear him say anything of that kind.

Q. 43. He may have said it and you not have heard him say it?—A. Well, I didn't hear him say it, and I sat next to him.

Q. 44. Do you not remember him discussing Mr. Horner's ticket, of telling him that he did not have the straight ticket?—A. No, sir.

Q. 45. You don't remember anything about that?—A. No, sir.

(R. E. Strang, paid $1.15 as fee by contestant.)

STATE OF IOWA,
Marshall County, ss:

J. K. JOHNSON, being produced and sworn before J. H. Bradley, notary public for Marshall County, on this 5th day of March, 1883, and examined before me, Eldon Moran, notary public and commissioner agreed upon to take testimony, testifies as follows (T. Brown appearing on the part of the contestant, and J. H. Bradley on the part of contestee):

Q. 1. You may state, Mr. Johnson, your age?—A. Twenty-one years.

Q. 2. Your place of residence?—A. Marshalltown, Iowa.

Q. 3. What is your occupation?—A. My occupation is deputy auditor of Marshall County, State of Iowa.

Q. 4. Were you deputy auditor in November of 1882?—A. I was.

Q. 5. Did you know the trustees of Taylor Township, Tarshall County, State of Iowa?—A. Let me ask you a question; you mean those at the time or now?

Q. 6. I mean those at the time?—A. Yes sir, I do; also know them now.

Q. 7. Name them?—A. Mr. William H. Steward, Anda Fogg, Isaac Malmsbury.

Q. 8. State if you have been in the auditor's office at the time—state who the clerks of that township were in November, 1882?—A. The name of the township clerk was W. N. Santee.

Q. 9. Of the clerk of the election?—A. R. E. Strang.

Q. 10. State if you were present when the judges of Taylor Township brought in the returns of the election of 1882 of that township?—A. I could not say as to that; there was quite a crowd in there (in the office) for some time after the election, and the returns were coming in pretty rapidly; don't remember.

Q. 11. Were you in the office, Mr. Johnson, auditor's office, when these gentlemen you have mentioned, or a part of them, all except Mr. Stewart, were present when the returns came for Taylor Township?—A. No, sir; I was not there.

Q. 12. Do you remember an envelope being changed, you being present, Mr. French and some others?—A. No, sir; I don't know anything about it; I am sure that it did not occur.

Q. 13. Do you know the name of the party with whom this did occur in the back room?—A. No, sir; I didn't.

Q 14. Never heard anybody say?—A. No, sir; I don't remember.

Cross-examination:

Q. 15. Was there more than one poll-book returned from Taylor Township by the judges of the election?—A. I think not, I have not seen more than one to my knowledge.

Q. 16. You have not seen more than one poll returned from any of the precincts; only one from each?—A, Yes, sir; that is all.

Redirect cross-examination:

Q. 17. Did you not know when Taylor Township brought in the returns, and filed it with the auditor, then took the envelope and went into the back room?—A. Not to my own knowledge.

Q. 18. Were you not present at the time he gave them the envelope?—A. I might have been in the outer office; that has been used by the board of supervisors as their room.

Q. 19. Did you know of the trustees of Taylor Township going in with an envelope and taking the poll-book after they had brought it in there?—A. No, sir; I don't know to my own knowledge.

Q. 20. State what you did see; also, what you heard them say.—A. The same of the board that I saw in the outer office, when they came in they went into the outer room with Mr. French; that is all I know or remember about it.

Q. 21. Did you see the old envelope that they tore off their returns?—A. No, sir; I didn't; I don't remember of it.

Q. 22. Did you take ink or paper in there for them to fix these returns?—A. No, sir; I don't think I went in there at all; I am positive of that.

J. K. JOHNSON.

STATE OF IOWA,
Marshall County, ss:

I, Eldon Moran, a notary public and commissioner agreed upon to take testimony in this cause, in pursuance of the annexed agreement, attached to the testimony of J. L. Adams, whose testimony was taken Feb. 22d, 1883, do truly certify that on the 4th day of May, 1883, in pursuance of the notice hereunto annexed, I took the depositions of the following witnesses: Thornton Hubbard, A. N. French (recalled), C. B. Pinkham (recalled), S. Bosworth, O. P. Arnold, O. B. Burrows, R. Esterbrook, whose testimony is set forth in the following manner:

Each witness was by me duly sworn or caused to be sworn in my presence as provided by law, and when sworn the questions were propounded to him by the respective parties, Benj. T. Frederick, contestant, and James Wilson, contestee, by their respective att'ys, and the question by me read to the witnesses, who answered the same, and his answer by me in the language of the witness taken down under each question propounded and reduced to writing, till the deposition was completed.

I further certify that when the testimony of each witness was taken, I carefully read the same over to the witness, who corrected the same, and each correction noted, and said testimony was then signed by the witness, and sworn to by him before me.

I further certify that T. Brown & Carney appeared as counsel for the contestant, Benj. T. Frederick; and J. H. Bradley appeared as counsel for the contestee, James Wilson.

In witness whereof I have set my hand and seal notarially, this 4th day of May, 1883.

[SEAL.]

ELDON MORAN,
Notary Public for Johnson County, Iowa, and Commissioner agreed upon to take Testimony.

No. 3.

FREDERICK
v.
WILSON. } Testimony.

MARSHALLTOWN.

STATE OF IOWA,
Marshall County, ss:

Deposition of witnesses produced before me, Eldon Moran, a notary public and commissioner ageed upon to take testimony, and duly sworn before J. H. Bradley, a notary public for Marshall County, on this 10th day of March, '83, in the town of Marshalltown, at office of Brown and Carney, in pursuance of the notice hereunto attached, in a proceeding pending before the House of Representatives of the United States of America, in a contested election for the office of Representative in Congress, in which proceeding Benj. T. Frederick is contestant and James Wilson contestee, Brown and Carney appearing for contestant, J. H. Bradley for contestee.

STATE OF IOWA,
Marshall County, ss:

W. D. FORBISH, being produced and sworn before J. H. Bradley, notary public for Marshall County, on this 10th day of March, 1883, and examined before me, testifies

as follows (T. Brown appearing on the part of contestant, J. H. Bradley on part of contestee):

Q. 1. What is your name, age, place of residence, and occupatien?—A. W. D. Forbish; Marshall County, Iowa; occupation, grocer; age, 46.

Q. 2. State if you were not an officer at the Nov. election in Gilman, Green Castle Township, in which the electors voted for the office of Representative in Congress.—A. I was township clerk last election.

Q. 3. Do you hold that office now?—A. Yes, sir; I do.

Q. 4. State whether you have the ballot-box and the ballots cast at said election.—A. I believe I have.

Q. 5. State where the ballot-box has been kept since the election.—A. In my possession, as far as I know.

Q. 6. How has it been kept?—A. No one has had access to it, it has been sealed, and it is now just as it was after the time of the election.

Q. 7. Does it now contain the same ballots cast then?—A. Yes, sir; I think it does.

Q. 8. You may open the ballot-box in the presence of the commissioner and Mr. Archer and count the vote for Representative in Congress; tell how many each candidate received.

(Contestee objects to the question for the reason that it has not been shown that the ballots have not been changed.)

Q. 9. Has the ballot-box been kept as it now is, and how is the seal put on?—A. There is a piece of white paper pasted over the end with mucilage, also pasted over the ballot-hole; we have no key to the box; 146 for Wilson, 91 for Frederick.

Q. 10. Is your count to-day a correct one?—A. Yes, sir; I believe it is.

Q. 11. Who has assisted you in making the count?—A. I have made the count myself.

Q. 12. Did any one assist you in the matter?—A. Mr. Archer tallied.

Q. 13. What office did he hold at the election?—A. He was assistant clerk.

Cross-examination:

Q. 14. What kind of a seal was there on this ballot-box?—A. A piece of white paper on the end of the box with mucilage pasted over the lid; it did not have any lock.

Q. 15. Any mark on the paper?—A. Yes, sir; there was.

Q. 16. Who put it there?—A. I did, myself.

Q. 17. Have the ballots been counted since that time till now?—A. No, sir.

Q. 18. Were they ever strung?—A. No, sir.

Q. 19. I thought I saw a string mark?—A. No, sir; never strung at all. You may examine for yourself.

Q. 20. Where has the ballot-box been kept?—A. In our store in Gilman.

Q. 21. Has the ballot-box been locked?—A. No, sir; no more than I have spoken of, only sealed as I have described.

Q. 22. How about the store now, has it been kept on the shelf?—A. Well, sir, it has been standing on the top shelf; you may call it a place above the shelving.

W. D. FORBISH.

$2.35 paid as fees.

STATE OF IOWA,
County of Marshall, ss:

O. B. BARROWS, being produced and sworn before me, J. H. Bradley, notary public, in and for Marhall County, on this 10th day of March, A. D. 1883, testifies as follows, being examined by me (T. Brown appearing on the part of contestant, and J. H. Bradley on the part of contestee):

Q. 1. Were you one of the judges of the Nov. election, second ward, in the city of Marshalltown, in which the electors voted for the office of Representative in Congress?—A. Yes, sir; I was.

Q. 2. State whether you assisted in the record of the votes cast at the election.—A. I was present, looked over Mr. Binford's shoulder when he recounted, three or four days ago.

Q. 3. Did you assist to-day in the recounting of the ballots of either of the wards?—A. No, sir; I did not.

Q. 4. At that time how many ballots did you find cast for James Wilson for Representative in Congress?—A. 125.

Q. 5. How many did you find cast for B. F. Frederick for the office of Representative in Congress?—A. 158.

Q. 6. How many for David Platner?—A. 11.

Q. 7. How many blanks?—A. I think 15.

Q. 8. You may state how the tickets were counted on the night of the election in that ward.—A. I think Mr. W. H. Hunnyton took them, strung them out, and I read the names of each ballot through by twos single. I tossed them to another gentle-

man, who folded the votes together and strung them. He doubled the tickets one under another and strung them.

Q. 9. What kind of a light did you have?—A. A kerosene lamp; perhaps two of them; I don't know.

Q. 10. Were there a good many tickets found crossed for the office of Representative in Congress in that ward?—A. There were quite a number.

Q. 11. You say that some of the tickets were dimly scratched at the recount?—A. I think that there were, perhaps, some which were dimly scratched at the recount.

Q. 12. In the count of the election, considering that it was done in the night time, was there a liability of errors?—A. I should say so.

Q. 15. Are you satisfied that your last count was the correct one?—A. I am, sir.

Q. 16. From the examination of the ballots, as you said, then when the box was opened at your last count, do you think they are the same ballots cast at the election?—A. Yes, sir; I think they are the same ones, just as Mr. Howe strung them.

Q. 17. But they have not the appearance of having been altered or changed?—A. They had no appearance or indication of having been taken off the string. I noticed that as they were taken off the string there were one or two holes punched through each ticket, as there would be necessarily in punching the needle through in re-stringing them. They would have to be careful to fold them the same way and put the needle in the same place or there would be additional holes in them.

Q. 18. Did you identify any of the tickets you counted on the evening of the election?—A. I could not be positive as to that.

Q. 19. These tickets when they were folded and strung were folded squarely, were they?—A. You mean exactly square?

Q. 20. No, sir; not that night. They were folded two ways?—A. No, sir; just one way, only not lopped on the other, so the top and bottom ones would be near together.

Q. 21. Do you have any trouble in taking a long strip of paper, unfolding it and folding it the same way?—A. No, sir, no trouble.

Q. 22. Some of the tickets were dimly scratched?—A. Yes, sir, very dimly; some of them more dimly than others.

Q. 23. Can you tell from the appearance of these ballots to-day which ones were scratched before they were put in the ballot-box?—A. No, sir.

Q. 24. You can't pick out a single one?—A. No, sir, not to say positively, for they passed out of my hand, and I can't say anything about it.

Q. 25. I judge, then, you voted the straight ticket yourself; did you vote for Frederick?—A. Yes, sir, I voted for Frederick.

Q. 26. Do you know of any liability of committing an error?—A. No, sir.

Q. 27. You think that these are the same ballots?—A. I think they are, but don't know positive about it.

Q. 28. What is there about them now; anything about the printing that is peculiar?—A. No, sir; nothing peculiar about the printing.

Q. 29. Or about the writing?—A. No, sir.

Q. 30. Or the erasures?—A. Nothing that I see.

Q. 31. Or the folding?—A. Nothing, only that they looked as if they had been folded all together, that is all.

Q. 32. On the outside, you mean?—A. Yes, sir; general appearance.

Q. 33. The printing and writing are all on the inside?—A. Yes, sir.

Q. 34. Then it is the outer appearance?—A. Yes, sir; but when he folded them together we read each ticket separately, and he folded each ticket just as it read.

Q. 35. If you would take 309 other pieces of paper and fold them up in that way, could you tell them from the outside which was which?—A. That is all true; I could not tell the difference.

Q. 36. Did you say there were any indications of their having been taken from the string and put back in the same hole?—A. No, sir; I say it was quite possible.

Q. 37. Any instrument can be put in a hole and put back a number of times, can it not?—A. Yes, sir.

Q. 38. You can't tell from the looks of the instrument how many times it had been put into the hole?—A. No, sir; of course not.

Q. 39. Did you examine them so as to determine whether the string might not have been put in twice?—A. Yes, sir; but of course I could not say that it was not.

O. B. BARROWS.

$1.85 paid as fee by contestee.

STATE OF IOWA,
Marshall County, ss:

ROBERT BINFORD, being produced and sworn before me, J. H. Bradley, a notary public in and for Marshall Co., on this 10th day of March, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and J. H. Brown on the part of contestee):

Q. 1. What is your name?—A. Robert Binford.

Q. 1. Age?—A. 40 years old.
Q. 3. What is your place of residence?—A. I reside in Marshalltown, Iowa:
Q. 4. What is your occupation?—A. Clerk for McCormick Harvesting Co.
Q. 5. Were you one of the clerks of the election in the 3d ward precinct, in Marshalltown, at the Nov. election, '82?—A. Yes, sir.
Q. 6. Is that the same ward that Mr. Burrows is in? Are you also township clerk of Marshalltown?—A. Yes, sir.
Q. 7. I will ask you if you have the ballots in your possession that were cast in the 2d ward precinct, at the Nov. election, '82?—A. Yes, sir.
Q. 8. And also the ballots cast in the 3d and 4th precincts?—A. I have the ballots as they were returned.
Q. 9. Where have the ballots been kept since they were returned and since they have been in your possession?—A. They have been kept in the box, at Mr. Pinkham's back office,
Q. 10. What condition has the box been kept in as to being closed and fastened?—A. It has never been fastened; it had what they call shoe-cartoon as a cover; no lock and fastening.
Q. 11. Where were the ballots kept; in the ballot-box?—A. No, sir; as I understand it has never had a ballot-box.
Q. 12. Who took the ballots out of the box?—A. Some of the ballots were returned without the box from some of the wards.
Q. 13. Well, I mean the 2d ward?—A. I think that they were returned by Mr. Barrows without the box.
Q. 14. Will you have it without or with the box?—A. I think it was without the box. I think that he left the box at the clerk's office. The books were the same books that were tallied from in the 2d ward; the tickets, poll-book, and affidavits were returned.
Q. 15. Are you certain about that?—A. My impression about that is that they were returned without the box; the clerk's office was on the road from where they voted to my office.
Q. 16. How were the ballots fastened?—A. They were strung on a string, simply.
Q. 17. Now, you may state if the votes on the string were tied.—A. Yes, sir; they were tied in all the wards..
Q. 18. As to 2d ward, how was it?—A. Yes, sir; the ends of the string were tied together.
Q. 25. Do you remember how you left them in the box?—A. I put them, all of the election returns of all the wards, into the box together, and marked on the bunch what wards they were returned from, and put them into the box and left them there.
Q. 26. When you opened how did they appear as to having been disturbed when you put them in the box?—A. I can't tell whether they had been disturbed or not, but I don't think they had been.
Q. 27. Was there anything lying on top of the box?—A. I think that there was, recently. There might have been, since the election, before now.
Q. 28. Who occupies this room in which they were kept?—A. Well, sir, that is what we call our back room from the office—the room the ballots were kept in. We used it for a kind of store-room to keep our coal in; also a great deal of printed matter which the company furnishes; also some other traps.
Q. 29. Who had access to that room besides yourself?—Ans. Mr. Chas. Berenick and J. W. Morgan, both of them office with us, and of course have access to the back-room office.
Q. 30. Do they have any property in that back office?—A. Mr. Berenic has a lounge in there and a couple of chairs.
Q. 31. Does Mr. Pinkham have access to it?—A. Yes, sir; it is his office.
Q. 32. Have you ever known that box being disturbed or changed since the election?—A. I have taken out the affidavits and run over them two or three times.
Q. 33. At whose request?—A. I think once or twice at B. W. Johnson's, and once at C. W. Stone's request.
Q. 34. Did any one handle the ballots, to your knowledge?—A. No; never to my knowledge.
Q. 35. When you put the ballots in the box, was there anything laid on top of the ballots?—A. The ballots, poll-book, register, and affidavits were just thrown in there; we put them all into the box together.
Q. 26. What laid on the top?—A. I can't say. I think that the ballots were put in at one end and the affidavits, and then the poll-book and the register were laid on top.
Q. 37. Did you find them that way when you looked at the poll-book and register?—A. Well, the last time we looked at them they were in that way.
Q. 38. You may state if you have the ballots of the 2d ward now in your possession.—A. Yes, sir.

Q. 39. Will you produce them before the commissioner?—A. Yes, sir; I can produce them.

(Witness produces them before the commissioner.)

Q. 40. Are they tied in the manner they were tied when they were returned to you?—A. No, sir; they were strung when returned to me.

Q. 41. Who unstrung the ballots?—A. I unstrung them, two or three days ago.

Q. 42. In whose presence?—A. O. P. Barrows, G. W. Westlake, F. D. McGrewstone, and Mr. Pinkham.

Q. 43. Who handled them at that time?—A. I did myself.

Q. 44. Anybody else?—A. No, sir; not to my knowledge.

Q. 45. Anything changed that you might not have known about at that time?—A. No, sir; I think I should have known it.

Q. 46. You may now count the ballots for the 2d ward, and call to your assistance Mr. Norton and Mr. Barrows, and state how many votes were cast, as shown by the ballots, for the office of Representative in Congress, and how many for each of the candidates.

(The contestee objects to the question as incompetent, irrelevant, because the ballots had not been shown to be the same as when the canvass was made.

Witness canvasses the votes.)

A. 309 ballots were cast—158 for Frederick, 125 for Wilson, 11 for Platner, and 15 were blanks.

Q. 47. Has that count been carefully made?—A. Yes, sir.

Q. 48. State what time of day it was when the judges canvassed the ballots at the election in that ward?—A. I can't say; I was not in that ward.

Q. 49. State if you have the poll-book of that ward in your possession?—A. Yes, sir.

Q. 50. Please produce the poll-book of the 2d ward of Marshalltown precinct.—Ans. Here it is.

Q. 51. State how many votes that poll-book shows to have been cast at the Nov. election, 1882.—A. 308.

Q. 52. State how many votes were shown by that return to have been cast for James Wilson.—A. 126.

Q. 53. How many are shown by that poll-book to have been cast for Ben. Frederick?—A. 158.

Q. 54. How many for David Platner?—Ans. It don't show any.

Q. 55. That poll-book don't show any for Platner?—A. No, sir.

Q. 56. How many does it show were returned for the office of Representative in Congress?—A. 295.

Q. 57. Turn to the tally-list and state how many appear to have been cast for David Platner?—A. 11.

Q. 58. How many for Ben. T. Frederick?—A. 126.

Q. 59. How does the number of votes that appears to have been cast by the tally-list compare with the No. of votes found in the box?—A. The same as ballots found, 308.

Q. 60. You may state if you have the ballots in your possession in the third ward precinct.—A. Yes, sir.

Q. 61. State when they were delivered to you.—A. I took possession of them immediately after the count on the evening of the 7th or early in the morning of the 8th of Nov.

Q. 62. State where you kept these ballots?—A. They were taken to Mr. Pinkham's office, where they have been kept ever since that time.

Q. 63. Where were they placed?—A. They were locked up in the office, and the next day put into the box I spoke of.

Q. 64. Have these ballots ever been disturbed to your knowledge since the election?—A. Only as we counted them over the other day, and the box has been open to get out the affidavits two or three times.

Q. 65. Who opened it?—A. I did.

Q. 66. Did you disturb any of the third ward ballots?—A. No more than was necessary to get out the affidavits.

Q. 67. Did you change any of them?—A. No, sir.

Q. 68. Do you believe these are the same ballots cast at the election in Nov.?—A. Yes, sir; I think they are.

Q. 69. Were they strung?—A. Yes, sir.

Q. 70. How were they fastened?—A. They were strung, and the ends of the string tied together.

Q. 71. Did you find them in the same position as when you first examined them?—A. Yes, sir.

Q. 72 Who, to your knowledge, has access to the box except yourself?—A. No one, to my knowledge.

Q. 73. Who is it that keeps the office that could have had an opportunity to have

opened the box?—A. S. W. Pinkham, J. W. Morgan, Chas. Bennecke, all have keys to the office.

Q. 74. Has the office been locked against all other persons besides those you have named?—A. No, only during the time we have gone to the post-office and the court-house; we don't always lock the office.

Q. 75. Has some one been there while you have been out?—A. No, sir; not always.

Q. 76. How has the office been kept as to being locked?—A. Always been locked, so far as I have known; I was always the first one there in the morning.

Q. 77. You may call to your assistance the clerks and trustees, or any of them, of the 3rd ward. Were you clerk of the third ward election?—A. Yes, sir.

Q. 78. You may state if you have the poll-book of the 3rd ward in your possession?—A. Yes, sir.

Q. 79. State how many ballots the poll-books show to have been cast at your election for the office of Representative in Congress as shown by the tally-sheets for each candidate?—A. The tally-list shows James Wilson 112, Frederick 260, David Platner 2.

Q. 80. Turn to the returns and read the totals?—A. For the office of Representative in Congress there were 374 ballots cast, of which James Wilson had 112, B. T. Frederick 260, David Planter 2.

Q. 81. I will ask you if at that election there were no mistakes as to the keeping of these talleys at the time of the election, that is, if the clerks at any time went ahead of one another?—A. I don't think they did; I don't remember.

Q. 82. Now, notice the ballots of the 3rd ward, Mr. O. P. Arnold and S. M. Norton, and count the ballots and state how many ballots were cast for the office of Representative in Congress, third ward, Marshall precinct, Marshall County, Iowa, and how many each candidate received.

(The contestee objects to the question as incompetent, irrelevant, because the ballots were not shown as being the same as when the canvass was made.)

A. There were 383 votes cast altogether; for James Wilson, 110; Ben. T. Frederick, 262; David Platner, 2; blank, 6; E. Shurtz, 2; O. Caswell, 1.

Q. 83. You may now present the poll-books of the third ward, and state how many votes are shown to have been cast in that election. Read the number of votes as shown by the record.—A. The poll-books show 383 votes cast.

Q. 84. How many cast for Wilson?—A. The tally list shows Wilson 112.

Q. 85. How many for B. T. Frederick?—A. 260. David Platner 2.

Q. 86. Now, turn to the certificate.—A. For Representative in Congress, 374 ballots cast, of which Jas. Wilson had 112 votes; B. T. Frederick, 260; David Planter, two.

Q. 87. Any retnrns for any of the others?—A. No, sir; no returns for any of the others.

Q. 88. You may state if at the time of the election there were no errors of the clerks that kept tally-list in that ward or any discrepancy between them?—A. I don't remember any discrepancy.

Q. 89. Were both clerks present all the time?—A. Yes, sir.

Q. 89. What time of day was it when you counted the votes in that ward?—A. Well, it was after night, somewhere between 9 and one or two o'clock.

Q. 90. Were the votes counted more than once?—A. No, sir; they were only counted once; that is, by counting off each name.

Q. 91. What kind of light did you have?—A. We had one gas-burner.

Q. 92. State if some of these ballots were erased with lead pencil so that it would be difficult to see by the light at night.—A. Some are erased rather dim that might be overlooked at night.

Q. 93. Have these ballots ever been removed from the string?—A. Not but once, to my knowledge; that was three or four days ago.

Q. 94. Who removed them at that time?—A. I removed them.

Q. 95. Who was present?—A. O. B. Barrows, J. W. McGrew, and Mr. Stone and Pinkham part of the time.

Q. 96. State if any of the ballots were changed.—A. No, sir; not to my remembrance or knowledge.

Q. 97. Would you have been likely to have known if there had been any change?—A. Yes, sir; if there had been change at that time.

Q. 98. State if you remember if the ballots at the time were open that belonged in the third ward. Were they the same as when placed in the box after the election?—A. Yes, sir; apparently.

Q. 99. How were they folded and put into the box?—A. You mean on election day?

Q. 100. Yes, sir.—A. Generally doubled up in small enough compass to go into a little hole about an inch long and a quarter of an inch wide.

Q. 101. No; I mean how were they folded when they were strung, double or single?—A. They were strung double in that ward.

Q. 111. Did you find them so at the time you took the ballot-box and counted the second time?—A. Yes, sir.

Q. 112. Does the number of ballots found in the box compare with the number shown in the poll-book at the original count of the election?—A. I remember of whole tickets found in the box at that time, I think, tallied with the tally list. There were three pieces of tickets strung on there for some cause, I don't know what.

Q. 113. Have any of these pieces been counted to-day for either Wilson or Frederick?—A. No, sir.

Q. 114. Have you the ballots of the first ward in your possession, in Marshall precinct, Marshall Co., Iowa?—A. Yes, sir.

Q. 115. Where have these ballots been kept since the election?—A. They have been kept with the others, in the same manner that the ballots from the other wards were.

Q. 116. In the same position and circumstances and place?—A. Yes, sir; in exactly the same circumstances.

Q. 117. You may now call to your assistance any of the judges, trustees, or clerks of the first ward, and count the ballots that you find in that ward.—A. Yes, sir.

Q. 118. Which one of the judges is present now?—A. Two of the judges—N. S. Nelson and S. B. Pinkham.

Q. 119. You may proceed to count the ballots cast for Representative in that ward, and state how many were cast for the office of Representative in Congress, as shown by the ballots in your possession, and how many for each candidate.

(Witness proceeds, with the aid of Messrs. Nelson and Pinkham.)

(Contestee objects to the question as incompetent and irrelevant, because the ballots were not shown to be the same as when the canvass was made.)

Q. 120. You have recounted the ballots, have you?—A. I find 250 ballots cast for Representative: B. T. Frederick, 164; Jas. Wilson, 76. I won't testify that Jas. Wilson has 76 or B. T. Frederick 164, for some of them did not get the vote. For Platner, 3; blanks, 10; E. Lee, one; and Delos Arnold, one. Did not want to have it put down that Jas. Wilson or B. T. Frederick had so many, because some of the ballots are marked Wilson and some Frederick, without the initials.

Q. 121. State how many ballots B. T. Frederick received for the office of Representative and how many ballots James Wilson received for the same office. That is, I mean from your count?—A. I have just got them now. Do you want it from the return?

Q. 122. Yes, sir. Look at the poll-book and see how many ballots cast at said election agree with tally-book in the precinct first ward in Marshalltown?—A. Tally-list shows 255 votes cast and tally-list shows Jas. Wilson, 84; B. T. Frederick, 163; David Plattner, 2.

Q. 123. Now then to the return made to the board of supervisors, Marshall Co., and state what the record shows as cast for the office of Representative in Congress, 5th district of Iowa, city of Mariette?—A. For the office of Representative in Congress, 5th dist., 249 ballots, of which Jas. Wilson has 84, and B. T. Frederick 163, and David Plattner two votes.

Q. 124. State how many votes you find there? You may state if there is a ballot there on which the name of Wilson is written; also state what is written on said ballot for the office of Representative in Congress?

(Witness examines the ballots.)

I find one ballot which says for Representative in Congress, 5th dist., B. T. Frederick, of Marshall Co., name printed and crossed out; also under it on the following list Wilson. The "I" is not written on account of not having room enough. The "I" is left out.

Q. 124. Please take out the ballot that has the name of Wilson on it and permit the commissioner to attach it to the evidence as an exhibit marked "F."

EXHIBIT F.

REPUBLICAN STATE TICKET.

For Secretary of State,
JOHN A. T. HULL,
of Davis County.

For Auditor of State,
JOHN L. BROWN,
of Lucas County.

For Treasurer of State,
EDWIN H. CONGER,
of Dallas County.

For Attorney-General,
SMITH McPHERSON,
of Montgomery County.

For Judge of Supreme Court,
WILLIAM H. SEEVERS,
of Mahaska County.

For Clerk of Supreme Court,
GILBERT B. PRAY,
of Hamilton County.

For Reporter of Supreme Court,
EZRA C. EBERSOLE,
of Tama County.

CONGRESSIONAL TICKET.

For Representative in Congress—Fifth Dist.
BENJ. T. FREDERICK (erased).
of Marshall County.
(In pencil:) WLSON.

JUDICIAL TICKET.

For District Judge, Eleventh Judicial Dist.
H. C. HENDERSON.
of Marshall County.

For District Attorney, Eleventh Judicial Dis.
JOHN L. STEVENS,
of Story County.

COUNTY TICKET.

For Clerk of the Courts,
SAMUEL R. McLERAN.

For County Recorder,
J. B. JENNINGS.

For Member Board of Supervisors,
GEORGE A. TURNER.

For Building Jail.
Against Building Jail (erased).

For Appropriating $22,000 Swamp Land Fund.
Against Appropriating $22,000 Swamp Land Fund (erased).

TOWNSHIP TICKET.

For Justice of the Peace,
H. A. CHURCH.
A. F. HARADON (erased).
B. C. CLARK.
M. T. WHITNEY.

For Constable,
GEO. W. McMILLAN.
L. P. HARRINGTON.

For Township Clerk,
ROBERT BINFORD.

For Township Trustee,
C. B. PINKHAM.

(Witness examines the same.)

(Contestee objects to the introduction of the same ballot in evidence for the reason that the contestee may want to use it in the evidence.)

Q. 125. In your count to-day you saw this ticket counted, and for whom?—A. The ticket was counted for Wilson.

Q. 126. How was the name spelled there?—A. I should say W-l-s-o-n.

Q. 127. Is the n distinguishable?—A. About half of the n is written; the writing runs clear out to the end of the paper.

Q. 128. As it reads now there is one half of the n that appears to have never been on the ticket?—A. Yes, sir; a little over half of the n.

Q. 129. You may state whether there is a ticket that is apparently torn through Frederick's name. Was that ticket counted for Frederick?—A. No, sir; not this count, it wasn't.

Q. 131. You may also attach that ticket to your evidence as an exhibit, G, and make it a part of the answer. You see any pencil marks or erasures on that ticket other than it is torn across the name of Frederick?

EXHIBIT G.

REPUBLICAN STATE TICKET.

For Secretary of State,
JOHN A. T. HULL,
of Davis County.

For Auditor of State,
JOHN L. BROWN,
of Lucas County.

For Treasurer of State,
EDWIN H. CONGER,
of Dallas County.

For Attorney-General,
SMITH McPHERSON,
of Montgomery County.

For Judge of Supreme Court,
WILLIAM H. SEEVERS,
of Mahaska County.

For Clerk of Supreme Court,
GILBERT B. PRAY,
of Hamilton County.

For Reporter of Supreme Court,
EZRA C. EBERSOLE,
of Tama County.

CONGRESSIONAL TICKET.

For Representative in Congress—Fifth Dist.
BENJ. T. FREDERICK,
of Marshall County.

JUDICIAL TICKET.

For District Judge, Eleventh Judicial Dist.,
H. C. HENDERSON,
of Marshall County.

For District Attorney, Eleventh Judicial Dis.,
JOHN L. STEVENS,
of Story County.

COUNTY TICKET.

For Clerk of the Courts,
SAMUEL R. McLERAN.

For County Recorder,
J. B. JENNINGS.

For Member Board of Supervisors,
GEORGE A. TURNER.

For Building Jail.
Against Building Jail (erased).

For Appropriating $22,000 Swamp Land Fund.
Against Appropriating $22,000 Swamp Land Fund (erased).

TOWNSHIP TICKET.

For Justice of the Peace,
A. F. HARADON.
B. C. CLARK (erased.)
M. T. WHITNEY.
(In pencil:) H. A. CHURCH.

For Constable,
GEO. W. McMILLAN.
L. P. HARRINGTON.

For Township Clerk,
ROBERT BINFORD.

For Township Trustee,
C. B. PINKHAM.

A. Yes, sir; I think that I can.

Q. 132. Please examine it with the glass.

(Witness examines the ticket with the magnifying glass).

A It looks to me as if it were torn with a pencil.

Q. 133. Was that ticket counted for Frederick to-day in your count?—A. No, sir; it was counted as a blank.

Q. 134. Have you the ballot-box in your possession in the 4th ward?—A. No, sir.

Q. 135. Have you the ballots cast at the 4th ward in your possession?—A. I have.

Q. 136. How have those ballots been kept while in your possession, and when did you receive them?—Ans. I received them on the morning of the 8th, next morning after the election; in the ballot-box of the 4th ward; canvass was made; there were 383 votes cast, of which Frederick receives 271; Wilson, 96; Platner, 4; blanks, 12. I took them out of the ballot-box myself, and kept them just as I have kept the ballots when of the other wards.

Q. 137. To your knowledge, have any of the ballots been changed or disturbed or meddled with since the election?—A. No, sir; not to my knowledge.

Q. 138. Were they tied?—A. Yes, sir.

Q. 139. Describe to the commissioner how they were strung?—A. They were strung open, just single, without being folded.

Q. 140. State how the string was fastened?—A. Just tied.

Q. 141. Have the ballots the same appearance as they had when you received them?—A. Yes, sir.

Q. 142. Did you know who the judges of the election in the 4th ward were, also who the clerks were?—A. No, sir; only by the returns.

Q. 143. You may call to your assistance Mr. R. Eastbrook and W. H. Harrington, and count the tickets, and state how many votes, for Representative for the 5th district, 4th ward, in this city, and you may also state how many each candidate received.

(Objection, incompetent and irrelevant, because the ballots were not shown to be the same as when the canvass was made.)

A. There were 383 votes cast, of which Frederick receives 271; Wilson, 96; Platner, 4; blanks, 12.

Q. 144. Have you the poll-book of the 4th ward of the precinct of Marshalltown?—A. Yes, sir.

Q. 145. Please present it and see how many votes on tally-list of the Nov. election, 1882, for Representative in Congress?—A. Tally-list shows Jas. Wilson, 98; B. T. Frederick, 270; David P. Platner, 4; Andy Abbott, 7.

Q. 146. Turn to the returns in that book and read them to the commissioner that he may copy the same?—A. The returns show for Representative in Congress, 5th Cong. dist. of Iowa, that there were 373 votes cast, of which James Wilson had 98; B. T. Frederick, 270; Andy Abbott, 7; David Platner, 4.

Q. 147. You may state if there is a ballot there which you have counted for Wilson in which the name is written Wilso for Congressman?

(Witness examines the ballots.)

A. I think that there is such a ballot here. For Representative in Congress, 5th Iowa dist., Marshall Co., Wisson Congress; that is the way it reads.

Q. 148. You may take that ballot from the files, pass it to the commissioner, and let him attach it as an exhibit to your answer to his interrogatory, marked Exhibit H. You may state if you counted that ballot for Wilson in your return.

EXHIBIT H.

REPUBLICAN STATE TICKET.

For Secretary of State,
JOHN A. T. HULL,
of Davis County.

For Auditor of State,
JOHN L. BROWN,
of Lucas County.

For Treasurer of State,
EDWIN H. CONGER,
of Dallas County.

For Attorney-General,
SMITH McPHERSON,
of Montgomery County.

For Judge of Supreme Court,
WILLIAM H. SEEVERS,
of Mahaska County.

For Clerk of Supreme Court,
GILBERT B. PRAY,
of Hamilton County.

For Reporter of Supreme Court,
EZRA C. EBERSOLE,
of Tama County.

CONGRESSIONAL TICKET.

For Representative in Congress—Fifth Dist.,
BENJ. T. FREDERICK (erased),
of Marshall County.
(In pencil:) for Wisom, Congress.

JUDICIAL TICKET.

For District Judge, Eleventh Judicial Dist.,
H. C. HENDERSON,
of Marshall County.

For District Attorney, Eleventh Judicial Dis.,
JOHN L. STEVENS.
of Story County.

COUNTY TICKET.

For Clerk of the Courts,
SAMUEL R. McLERAN.

For County Recorder,
J. B. JENNINGS.

For Member Board of Supervisors,
GEORGE A. TURNER.
For Building Jail (erased).
Against Building Jail.
For Appropriating $22,000 Swamp Land Fund (erased).
Against Appropriating $22.000 Swamp Land Fund.

TOWNSHIP TICKET.

For Justice of the Peace,
H. A. CHURCH.
A. E. HARADON (erased).
B. C. CLARK (erased).
M. T. WHITNEY.

For Constable,
GEO. W. McMILLAN.
L. P. HARRINGTON.

For Township Clerk,
BOBERT BINFORD.

For Township Trustee,
C. B. PINKHAM.

A. We did in this count to-day count for Wilson.

Cross-examination:

Q. 149. How many ballots that you have counted to-day from the Second ward, ballots that you count blank, were scratched?—A. I don't know that I could tell without an examination.

Q. 150. In the Second ward are the ballots counted blank by you to-day, most of them or nearly all of them, scratched tickets?—A. Yes, sir; I think that they are.

Q. 151. Are there several of the ballots of that ward with Wilson's name erased and Frederick's written in pencil?—A. Yes, sir.

Q. 152. Is that also true of the 3rd ward?—A. Yes, sir; to the erasure of Wilson and the writing of Frederick.

Q. 153. Is that also of the First ward?—A. Yes, sir.

Q. 154. And of the 4th ward?—A. Yes, sir.

Q. 155. Can you tell from the books of these tickets to-day where Wilson's name is erased and Frederick written in pencil when it was done?—A. No, sir.

Q. 156. Can you tell from the face of the ticket that erasures were not made since the canvass?—A. No, sir; I can't.

Q. 157. You were on the election board of the Third ward, were you?—A. Yes, sir.

Q. 158. One of the clerks of the election?—A. Yes, sir.

Q. 159. Who took the tickets out of the box—ballot-box—of that ward at the canvass on the night of the election?—A. I think that the judges took them out; I think that all the judges took some out.

Q. 160. Who were the judges?—A. Mr. O. P. Arnold, D. W. Hartwell, and B. S. Burrett.

Q. 161. Can you explain the manner in which the tickets were counted in the box at night after the election?—A. The tickets were all taken from the box and strung, and then they were sorted, first the straight tickets, so far as they were straight, and then we counted, I think, every bunch. They were passed from one to another and marked on the back; then afterward they were counted; then I think they were tallied down so far as a State ticket.

Q. 162. You mean from one to another of the judges?—A. After they were sorted out in bunches one of the judges or clerks would count the tickets, then the other clerk would recount the bunch to see whether they were right; then they would recount until they were satisfied as to the number of bunches; then the whole number of tickets, without any scratches on the State tickets, were tallied, and so on through the whole State ticket; then we finished the scratched ones; then sorted out the tickets for Representative; also for judge and attorney.

Q. 163. What evidence have you, aside from the taking of the ballots and counting them, that there was any error committed?—A. I haven't any evidence that I can think of just now.

Q. 164. When you say in the 4th ward the ballots have the same appearance as the ballots returned to you, as township clerk, do you mean individual ballots or a bunch of ballots?—A. I mean a bunch of ballots; I never examined them individually.

Q. 165. Did you examine the ballots when they were returned to you at all after the canvass, until two or three days ago?—A. No, sir; not any further than I examined them when they were returned; they were returned in bunches; I marked them on the back of each bunch what ward they were in; marked them just as they were returned.

Q. 166. You say there were four men that had keys to your office?—A. Yes, sir.

Q. 167. How often has your office been left unlocked or open during the day when nobody was in?—A. I suppose almost every day from the election day until now.

Q. 168. For how long a time have you known it for any one time to have been so?—A. It was our custom, except when going to the post-office or going out for a few minutes, perhaps not more than half an hour, to lock the office; if we were to be gone for any length of time it was always locked.

Q. 169. When did Mr. Stone apply to you to see the poll-book—about what time?—A. I should say four or six weeks ago. The first time I have looked at the poll-books and affidavits for Mr. Stone.

Q. 170. Did he know where the poll-books were kept—in what room—at that time?—A. I could not say whether he did or not.

Q. 171. When he came in did he go to the back room and get them and bring them to the front room?—A. Yes, sir.

Q. 172. Did he go to the back room with you?—A. No, sir; I went in, brought them out, examined them on the desk in the front room.

Q. 173. Did you bring in the box and all of them at that time?—A. I think at one time we did not and at another time we did.

Q. 174. He knew that these ballots were in an open paper box, without being locked?—A. Yes, sir.

Q. 175. You think that was as much as four or six weeks ago?—A. Yes, sir; I think so.

Q. 176. Now Mr. Stone is at work for Mr. Frederick in looking up testimony?—A. It is so stated.

Q. 177. You say simply that you have never seen anybody change these ballots?—A. Yes, sir; that is what I say.

Q. 178. In the Third ward did you count the ballots to see if they corresponded to the number of votes on the night of the canvass?—A. I would not be positive; we counted them to compare with the tally-list, but they were counted in bunches before we commenced to tally.

Q. 179. How many votes, as shown by the tally-books, in all, were cast in the Second ward?—A. 308.

Q. 180. The number of ballots you find in the box to-day is 309?—A. Yes, sir.

Q. 181. How many votes, as shown by the poll-book, have you in the 4th ward?—A. 380.

Q. 182. And the ballots you have counted to-day are 383?—A. Yes, sir.

Q. 384. When were these ballots put in that room you have spoken of—the room in the office?—A. The next day after the election.

Q. 183. When did you first count them?—A. We first counted them on the 7th of this month—the 7th of March.

Q. 184. You say in your direct examination as to the third ward, that you would have known of a change if any had been made—you would have known it?—A. I don't know what that relates to; I don't know that I could answer as to mark or erasure on any ballot.

Q. 185. You don't mean to say that in your answer to that question on direct examination that you don't know that there was any mark or erasure on any ballots?—A. No, sir; I don't mean that in my answer.

Q. 186. I think you have testified that the ballots were all kept in one place?—A. Yes, sir.

Q. 187. They have not been under lock and key, except being in the room when the room was locked, since the election?—A. No, sir.

Q. 188. Did you count the ballots of the third ward at the time of the election, 1882—the canvass?—A. Yes, sir.

Q. 189. Do you believe that the ward returns were rightly made at that time?—A. Yes, sir.

Redirect:

Q. 190. You did not count the ballots yourself on the night of the election?—A. Yes, sir; I counted some of them. They were counted in bunches, not being sorted out; first, as to the straight tickets, State tickets, Greenback, Republican, &c., and then the scratched tickets that we counted in bunches, one clerk and a judge would count, and then pass them to another.

Q. 191. Did you look carefully to see whether any ticket was scratched?—A. Yes, sir; we tried to reckon carefully, and only one of us attended to the sorting.

Q. 192. Was there any liability to mistake or error, it being done in the night?—A. Yes, sir; of course there was a possibility.

Q. 193. It being night and the name not being very clearly erased, in looking over the tickets it would be very difficult to determine whether some were erased or not?—A. Yes, sir; some that were erased lightly might have been overlooked.

Q. 194. You are satisfied that your count to-day is correct?—A. Yes, sir.

Q. 195. It is a much more careful examination than you made on the night of the election?—A. Yes, sir; I should say so.

Q. 196. Here you have looked for one office; there you have a good many to look out?—A. Yes, sir.

Q. 197. You never knew of Mr. Stone being in there to disturb the ballots?—A. No, sir; not to my knowledge.

Q. 198. Mr. C. W. Stone is a Republican, is he not?—A. Yes, sir; I have always understood him to be a Republican.

Q. 199. What are the politics of these gentlemen that keep your office, Pinkham, Brennecke, &c.?—A. I think they are Republicans.

Q. 200. Was it possible for C. W. Stone to have changed these tickets from the time you were there with him without your having known it?—A. He did not do it when he looked them over with me, for we did not take the tickets out of the box.

Q. 201. At the time you counted them on that day was it possible for him or any one else to have changed the ticket without your having known it?—A. Yes, sir; it might have been possible, but not probable.

Q. 202. Who handled the tickets on that day?—A. I handled them.

Q. 203. Did any one besides you handle them?—A. I don't know that they did; I don't remember now that they did.

Q. 204. You may state if there were any tickets of the third ward that had Wilson's

name erased and Frederick's name put in that you remember of when you canvassed the votes of the election?—A. I am satisfied that there were. I know that there were such ballots.

Q. 205. Did you attend the election you attended that day, and did you not know of men erasing Wilson's name in the third ward and voting the ticket with Frederick's name printed?—A. Yes, sir; I know of some such.

Q. 206. Do you know of tickets being voted where another name was put on for Congressman?—A. Yes, sir; with name printed on and scratched off, so that it was counted blank.

Recross-examination:

Q. 207. These last you have counted to-day as blank?—A. Yes, sir.

Q. 208. Now, about the politics of Col. Stone; is he not for Frederick?—A. He told me that he was working in the interest of Frederick.

Q. 209. Is he a thorough Frederick man?—A. He never said that he voted for him.

Q. 210. Now, take the gentlemen who occupied your office; how did they vote; how about Mr. Pinkham?—A. I have always understood that Mr. Pinkham voted for Frederick.

Q. 211. Voted for Frederick?—A. Yes, sir; I understood that Mr. Pinkham supported Frederick; he said that he was a neighbor of his. Mr. Morgan said to-day that he didn't vote for any one for Representative. I scratched Wilson's name and voted blank as to Representative.

Q. 212. You state that there were tickets voted on the day of election that you say had Wilson's name scratched and Frederick's name substituted?—A. Yes, sir.

Q. 213. You cannot tell how many?—A. No, sir.

Q. 214. You cannot tell whether all those that appear here so to-day were generally so that day?—A. No, sir.

(Paid as fee by contestant, 85 cents.)

ROBERT BINFORD.

STATE OF IOWA,
Marshall County, ss:

C. M. NORTON, being produced and sworn before J. H. Bradley, a notary public for Marshall County, on this 10th day of March, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, J. H. Bradley on the part of contestee):

Q. 1. Were you one of the judges of the Nov. election, '82, in the second precinct, Marshall Township, in which the electors of said ward voted for the office of Representative in Congress?—A. I acted as clerk of the election in the ward at that time.

Q. 2. You may state if you have at any time since that time aided or assisted in the counting of the ballots cast at said election.—A. I assisted the township clerk to-day in counting the votes cast.

Q. 3. How many ballots did you find in the count to-day that were for the office of Representative in Congress for each candidate?—A. Well, my tally list shows that there were 125 votes for James Wilson, 158 for B. T. Frederick, 11 for Platner; 15 ballots on which no name for Representative in Congress appeared.

Q. 4. You may state, if you remember at the time the votes were counted on the evening of the 7th of Nov., '82, whether any of the ballots had the name of Wilson erased and the name of Frederick written in?—A. Well, I saw some ballots of that kind. I did not examine them or have them in my hands.

Q. 5. You may state how often the ballots were counted over in the count made on the part of the precinct canvass at that election?—A. I think they were counted twice; that is, before they were tallied one judge counted them and the next judge would take them and examine them to verify them and his count.

Q. 6. What kind of light did you have?—A. We had two lamps.

Q. 7. Was it done in the night?—A. Yes, sir.

Q. 8. Was there liability of mistake in the count?—A. There is a possibility of a mistake being made.

Q. 8. Do you remember how the ballots were put into the ballot-box at the time?—A. Mr. Howe had charge of stringing the ballots, and doubled them over, stringing them. He made some remark about its being a good old Democratic way.

Q. 9. Have you assisted in any other count of any other wards to-day?—A. I kept list for the Third ward with Mr. Arnold.

Q. 10. How many ballots did you find in your tally-list in your count to-day, for the office of Representative in Congress, and how many for each candidate?—A. I can remember better by looking at the sheet. Third ward had 110 for Wilson and 262 for Frederick; two for Platner, besides two blanks.

Q. 11. Did you keep your tally correct to-day?—A. Yes, sir; I did as called.

Q. 12. Did you announce your tally each time that it was called to you?—A. Yes, sir; I did.

Cross-examination:

Q. 13. You can't tell how many ballots had Wilson's name errased and had Frederick's name written in at the election?—A. No, sir; I can't.

Q. 14. You can't tell how many of that kind were counted to-day?—A. No, sir; I did not examine them to-day. I think that some of the ballots had Wilson's name erased and Frederick's name written in.

Q. 15. That would not be witness that there were more at one time than at another of that character?—A. No, sir.

Q. 16. It would not satisfy you so, would it?—A. I do not know; it might have been so.

Q. 17. You say the ballots were counted twice before they were tallied?—A. Yes, sir.

Q. 18. Was it the intention and purpose there to count correctly?—A. Yes, sir; it was.

Q. 19. You were careful to-day?—A. We endeavored to be.

Q. 20. You say there was a possibility of mistake?—A. Yes, sir; a possibility.

Q. 21. And so there is or was to-day, was not there?—A. Yes, sir; a possibility.

Q. 22. There were officers on the board, were there not?—A. Yes, sir.

Q. 23. How many to-day have counted these ballots of this ward?—A. I don't remember of anybody else besides Mr. Binford, township clerk.

Q. 24. You didn't count them, did you?—A. No, sir; I merely tallied them.

Q. Then you acted as counter to-day; you mean you simply made the tally-list from the calling?—A. That is all.

Q. 25. You didn't count the ballots at all, then?—A. No, sir.

Q. 27. Now is there anything about these ballots, as folded or strung, that would satisfy you to a mathematical certainty that they are the same ballots with the same number of erasures and scratches?—A. It is possible that they may have been changed so far as that is concerned.

Q. 28. They could have been changed at the canvass?—A Yes, sir.

Q. 29. There is a possibility of their being changed between those two days?—A. Yes, sir; they might have been.

Q. 30. You kept tally correctly to-day?—A. Yes, sir; according to my judgment.

Q. 31. You did, according to your judgment, on the night of the canvass?—A. Yes, sir; I did.

Q. 32. You then believe that the canvass was right?—A. Yes, sir.

Q. 33. You now believe that this canvass is right?—A. Yes, sir.

Q. 34. And both may be true, may they not?—A. No, sir; hardly.

Q. 35. You understand me; you made the tally correctly on the night, as you believe?—A. I believe we did.

Q. 36. You made it correctly to-day, did you?—A. Yes, sir.

Q. 37. You might have been correct both times. Could the ballots have been changed between the two?—A. Yes, sir; there might have been a change or mistake one way or another.

Q. 38. Nobody is infallible.—A. No, sir.

Q. 39. The three judges and two clerks were supposed to be under oath?—A. Yes, sir; we subscribed to the proper oath.

Q. 40. Were you under oath when you made the tally to-day?—A. Yes, sir; I was.

Q. 41. You were not testifying then?—A. No, sir.

Q. 42. Mr. Robt. Binford was testifying?—A. Yes, sir.

Q. 43. Can you take any ballot here and tell whether an erasure was made before or since canvass?—A. No, sir.

Q. 44. Not a single one of them?—A. No, sir; not positively.

Q. 45. Unless it was your own?—A. Mine was a printed ticket.

Redirect:

Q. 46. To-day you have canvassed the vote as to one office, have you?—A. Yes, sir; that was all.

Q. 47. Is not there less liability to mistake when you canvass for one office only, than when you canvass for two of them?—A. Yes, sir; I think there is a chance of making a more correct count of only one particular office than canvassing for the whole of them?

Recross-examination:

Q. 48. Suppose it to be admitted that you counted rightly to-day does it necessarily follow in your opinion that these ballots have been changed?—A. Well——

Q. 49. Suppose it to be admitted that you counted rightly to-day, does it necessarily follow that these ballots have been changed?—A. No, sir; I don't think it would.

Q. 50. Did not you testify to the counting the other day at Binford's office?—A. No, sir; I did not.

C. M. NORTON.

Paid as fee of the contestee, 85 cts.

STATE OF IOWA,
Marshall County, ss:

W. H. HARRINGTON, being produced and sworn before me, J. H. Bradley, a notary public in and for Marshall County, on this 10th day of March, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and J. W. Bradley on the part of the contestee):

Q. 1. What is your name, place of residence, and occupation?—A. I reside in 4th ward, city of Marshalltown; age, 34 years; my occupation is that of a farmer.

Q. 2. Were you one of the clerks of the election of the 4th ward, city of Marshalltown, November, 1882, in which electors voted for the office of Representative in Congress?—A. Yes, sir.

Q. 3. You may state what was done with the ballots after the election in your ward—I mean after the votes were canvassed.—A. After the votes were cast, and after the polls were closed, the ballots were taken out of the box, I think, wholly by Mr. Estbrook, as one of the judges of the election. He counted them out as he took them out. He counted them up in bunches of five, passed them across the table to C. C. Shaw, who was another one of the judges of the election; he counted them again, then called the names from the ticket, then passed them to Mr. Doolittle, who was one of the judges, who then strung them.

Q. 4. Did you return the ballots to Mr. Binford?—A. No, sir.

Q. 5. You were not clerk of the election?—A. Yes, sir; I was one of the clerks; but the ballots were not returned at that time to Mr. Binford. I think that they were taken to Mr. Frenche's office in the court-house.

Q. 6. Was the ballot-box locked?—A. Yes, sir; it was shut and locked, as I understood it. I did not do it myself, but it was done with that understanding.

Q. 7. Did you assist in canvassing and counting the ballots in 4th ward to-day?—A. Yes, sir; I did.

Q. 8. How many ballots did you find cast for the office of Representative in Congress at the October election, 1882, and how many for each candidate?—A. There were—well, some of these were declared not cast for any. The total number of votes cast, according to count to-day, was 383. Frederick received 271; Wilson, 96; Platner, 4; blanks, 12.

Q. 9. Did you examine the ballots as they were counted to-day?—A. Not particularly, except to count them.

Q. 10. Did you count them?—A. Yes, sir.

Q. 11. Did you make correct count?—A. I think I did; I calculated to.

Q. 12. How many times did you count them over?—A. Twice.

Q. 13. Are you satisfied your count made to day is correct?—A. I am satisfied it is correct.

Q. 14. You may state what time in the day or night it was when counted or canvassed the ballots of the election.—Ans. The polls were closed at eight o'clock, and we commenced counting at once; we counted continually until we finished. My impression is now that it was pretty close to three o'clock in the morning when we got through.

Q. 15. What kind of light did you have?—A. I think we had three kerosene lamps all the time; later in the evening they brought another.

Q. 16. Do you remember at the election some of the ballots had the name of Wilson scratched off and that of Frederick written in?—A. Yes, sir.

Q. 17. Were there a good many such tickets?—A. Well, sir, quite a good many; of course I could not tell just how many.

Q. 18. In view of the fact that there were many scratched tickets for the office of Representative in Congress, and the count was made in the night, was not there a liability to a mistake in that count?—A. Yes, sir; I should think there was; there is a chance for a mistake at all times.

Q. 19. In the canvass to-day you have only looked at the ballots as they were cast for one office?—A. That is all.

Q. 20. There has been no liability for a serious mistake in your count to-day?—A. I should say not; I think no man is infallible.

Q. 21. Who assisted in your count to-day?—A. Mr. Binford.

Q. 22. Was that count made rather hurriedly on the evening of the election, in view of the number of tickets you had to canvass and the number of scratched tickets?—A. Of course we worked as fast as we could; still there was plenty of time to have counted the votes; the worst trouble there was, was the lights.

Q. 23. The light was not good?—A. No, sir; it was not.

Q. 24. What do you say as to light being good?—A. It was poor, especially in the latter part of the evening.

Cross-examination:

Q. 25. Can you pick out any ballots out of this bunch you saw to-day and say that

they were counted wrongly that night?—A. I cannot take out any and say that it was counted wrongly.

Q. 26. Are you sure you counted wrongly that night?—A. No, sir.

Q. 27. Are you sure you counted rightly to-day?—A. No, sir; I cannot swear positively; still I believe that they are counted right.

Q. 28. A man is liable to make a mistake?—A. Yes, sir.

Q. 29. Often bank cashiers make mistakes?—A. Yes, sir.

Q. 30. Sometimes bank presidents?—A. Yes, sir.

Q. 31. And when you made this canvass you were endeavoring to count rightly: you did not intend to make any mistakes?—A. We did not intend to make any mistakes.

Q. 32. Did you count any ballots?—A. No, sir; not any ballots.

Q. 33. You simply made a tally?—A. Yes, sir; but I kept watch of the tickets as best I could.

Q. 34. You counted the ballots twice to-day?—A. Yes, sir.

Q. 35. Did you separate them, the Frederick and the Wilson tickets?—A. I separated them once; no, sir; not the Frederick and Wilson tickets.

Q. 36. Robt. Binford separated them?—A. Yes, sir.

Q. 37. You counted two different polls?—A. Yes, sir.

Q. 38. When you counted these two different polls, did you look to see whether Frederick's or Wilson's name was on each one just to see how many pieces of paper there were in each poll?—A. Yes, sir; that is all; I tallied from his count; he read the names and I supposed they were correct.

Q. 39. Then what did you mean when you said there was no liability of serious mistake to-day?—A. I say in the count; I do not see how there could be an error when they were counted twice.

Q. 40. You did not know but what Wilson's name was on some of Frederick's votes to-day or vice versa?—A. Yes, sir.

Q. 41. Then you say there might have been an error in that respect?—A. Yes, sir.

Q. 42. Would not think it very serious if Mr. Esterbrook took out the ballots; he was the county auditor here last term?—A. Yes, sir.

Q. 43. You endeavored to count rightly on the night of the canvass?—A. Yes, sir.

Q. 44. And supposed that you had done so?—A. Yes, sir.

Q. 45. You do not know now that you did so?—A. No, sir.

Q. 46. Do you find more ballots in the box than there were persons voting?—A. Yes, sir.

Q. 47. That was correct?—A. Yes, sir.

Redirect:

Q. 48. Did you count there the evening of the election to see whether there were more ballots in the box than names on the ballot book?—A. I don't think the ballots were counted as a whole that evening; as I said, they were taken out of the ballot-box, five in a bunch, passed from one judge to another; he then counted or called the names, and they were tallied.

Q. 49. Then you did not count the ballots on the evening of the election to see whether the count was the same?—A No, sir.

Q. 50. Or to compare it with the number of votes cast?—A. No, sir; we did not.

W. H. HARRINGTON.

85 cts. paid as fee by contestee.

STATE OF IOWA,
Marshall County, ss:

Deposition of witness produced and sworn before me, Eldon Moran, a notary public and commissioner, agreed upon to take testimony on this 10th day of March, A. D. 1883, in a proceeding pending before the House of Representatives of the United States of America in a contested election for the office of Representative in Congress, in which proceeding Benj. T. Frederick is contestant, and Jas. Wilson is contestee; Brown and Carney appearing as attorneys for B. T. Frederick, and J. H. Bradley appearing as attorney for Jas. Wilson, contestee.

R. E. EVERETT, of lawful age, being produced and sworn in due form of law, testifies as follows:

Q. 1. What is your name, age, residence, and occupation?—A. R. E. Everett; age, 24; occupation, broker; reside at Montour, Iowa.

Q. 2. State whether you now hold any official position or had in the year 1882?—A. I held the office of township clerk since January first, 1882.

Q. 3. Have you the ballot-box containing the ballots cast in the November election, 1882, for the office of Representative in Congress? How has the ballot-box been kept since that election, and where has it been kept?—A. It has been kept since about Jan.

second or third in my store, that is, since I received it, and previous to that time I think it has been kept in the bank building. The township clerk at that time was the cashier of the bank, so I think that he kept it in the bank building.

Q. 4. Now, as to its being kept locked?—A. It has been locked since I have had it.

Q. 5. Who has had the key?—A. I have had it.

Q. 6. Has anybody had access to that box since it has been in your possession?—A. No, sir.

Q. 8. Does it contain the same ballots it did contain at the time you received it?—A. It does, so far as I know, as I have not examined them from that time until last Monday.

Q. 9. Are there none of the officers of Indian Township here with you?—A. Yes, sir; A. B. Taplin is here with me.

Q. 10. You may, in connection with that gentleman, open the ballot-box in the presence of the commissioners, count the ballots, and see how many were cast in that township, for the office of Representative in Congress, fifth district, and also how many each candidate for that office received.

(Contestee objects to the question because the witness has only had possession of the ballot-box since Jan. 2nd, and it is not shown that they are the same ballots that were thrown at the election in Nov., 1882, and because the ballots are not shown to be the same ballots cast at the election; also because it is irrelevant.)

(Witness, assisted by Mr. A. B. Taplin, produces and makes the canvass of the votes cast at the Nov. election, 1882, Indian Village Township, Tama County, Iowa.)

Q. 11. Have you now counted the votes?—A. Yes, sir.

Q. 12. Now state how many were cast for the office of Representative in Congress, 5th dist.?—A. At the time of that examination we had 108 for Frederick, 121 for Wilson, and 6 for David Platner.

Q. 13. You may state how carefully you have counted the votes this time.—A. To the best of my ability.

Q. 14. Have you counted them so that you are satisfied that there is no mistake in your count?—A. So far as I am concerned, I am satisfied that there is no mistake.

Q. 15. How many times did you count them over, or were they counted over in your presence?—A. I believe two different times.

Q. 16. State how they were counted, whether separately or by fives.—A. They were counted separately.

Q. 17. Who assisted in making the count?—A. Mr. A. B. Taplin.

Q. 18. Did any other person, after you got through counting, count them over?—A. Yes, sir; this gentleman here, Mr. J. H. Bradley.

Q. 19. State whether the count made by each of you was the same?—A. So far as 120 for Wilson is concerned they are the same; also the same for Platner.

Q. 20. How about that for Mr. Frederick?—A. There was one more counted by Mr. Bradley than by myself. I counted 107; Mr. Bradley made 108.

Q. 21. How did the other judge make the count?—A. The same; 107 was agreed upon for Mr. Frederick. I made it 107.

Q. 22. Did not you count them yourself and make them 108?—A. Yes, sir; I am satisfied that I made it 108. As to the count, it was 107.

Q. 23. I mean when you counted the ballots yourself, and made it 108?—A. No, sir; I made it 107.

Q. 24. That would require a recount, because there are 108 ballots there. Now state what you will have it.—A. Well, I would say just as I did at first.

Q. 25. Will you recount these ballots for Frederick and say how many there are there?

(Witness proceeds to make the count of Frederick's votes again.)

Q. 26. What is the result of your recount?—A. 108.

Q. 27. Are you satisfied that this count is correct?—A. So far as I am able to count, I judge it is correct.

Q. 28. There have been no ballots changed since that election to your knowledge?—A. No, sir.

Q. 29. Where do you keep the key to the box?—A. Well, it has been in the corner of the desk just above the ballots. The box also has been sitting on the desk, and the key I dropped into one corner of the desk.

Q. 30. Did anybody else have access to it?—A. If they had they had without my knowledge. I did not calculate that anybody should know anything about it.

Q. 31. Did any one else know anything about where that box and key was?—A. No, sir; I think not.

Q. 32. Have you the tally list of Indian Village Tonwship with you?—A. Yes, sir.

Q. 33. Please produce the poll-book, and state how many votes were returned for James Wilson as shown by the poll-book at said election.—A. 132; that is the way it reads in writing.

Q. 34. How many are returned for B. T. Frederick?—A. 107.

Q. 35. Please read the certificate to the commissioner that he may copy the same.—

A. There were 235 ballots cast, of which Jas. Wilson had 132 votes and B. T. Frederick had 107.

Q. 36. For what office?—A. Also David Platner 6 votes; that is all that there is here.

Q. 37. For what office?—A. It says at the head for the office of Representative in Congress, fifth dist.

Q. 38. Turn to the tally-list of the book and say how many are shown by the tally-list.—A. 241.

Q. 39. How many cast for each candidate as shown by the tally-list?—A. 122 for Mr. Wilson.

Q. 40. How many for B. T. Frederick?—A. 107.

Q. 41. Is that a copy of the return sent to the board of supervisors of Tama County?—A. I suppose so; I was not clerk at that time.

Q. 42. Is that the poll-book in your possession as township clerk?—A. Yes, sir; this is the one turned over to me.

Cross-examination:

Q. 43. You obtained these papers and this ballot-box on the 2nd of Jan., you say?—A. Yes, sir; I think it was the 2nd or 3rd.

Q. 44. Who delivered them to you?—A. Mr. Stevens, a former clerk.

Q. 45. Did he bring them to you?—A. Yes, sir; he brought them to my store.

Q. 46. Whereabouts have you kept this ballot-box—in what kind of a room?—A. I have kept it in my dining-room, in the desk or book-case.

Q. 47. The dining-room of your house?--A. No, sir; in my store. Since last Monday it has been kept in my house.

Q. 48. I mean where when you first got it?—A. In the same place; in the dining-room in my store.

Q. 49. Have you a dining-room attached to your store?—A. Yes, sir; dining-room attached to my restaurant.

Q. 50. Public dining-room?—A. Yes, sir.

Q. 51. It was kept in the secretary, and the key in the desk?—A. Yes, sir.

Q. 52. I understood it was a steel key?

Q. 53. Is it anything more than a hundred others?—A. No, sir; of course not.

Q. 54. Like any other iron key, is it not?—A. No, sir; I think steel key.

Q. 55. Cast-steel key, no doubt; it came from France.—A. Yes, sir; cast-steel key.

Q. 56. Have you ever counted these ballots before to-day?—A. I have never counted them, but I simply took them out and ran them over, and Mr. Stone, I believe, then checked off the names.

Q. 57. Is that Col. Stone C. W. Stone?- A. He was from this place; I don't know his name.

Q. 58. Frederick's agent?—A. I think so. Since that I took them to my house.

Q. 59. What did you do with them then—call them over?—A. I did just as I did the first time; I said Wilson, and he checked it.

Q. 60. Did he handle any of the ballots?—A. No, sir; he did not touch them.

Q. 61. After that you took them to your house?—A. Yes, sir.

Q. 62. Do you know that they have been changed since the canvass was made?—A. No, sir; I don't know.

Q. 63. Were you one of the clerks at the election last year?—A. No, sir; not in November.

Q. 64. You say there were 241 votes cast in that township in all?—A. Yes, sir.

Q. 65. That is the number of voters?—A. Yes, sir.

Q. 66. As by the list shown, that is the full number of votes cast you find in the ballot-box to-day?—A. Yes, sir.

Q. 67. Two hundred and forty-three ballots; did you not say you found that number of ballots to-day?—A. I guess that is what it is.

Q. 68. You find 121 for Wilson?—A. Yes, sir.

Q. 69. Did you say 108 for Frederick?—A. Yes, sir.

Q. 70. 6 for Platner?—A. Yes, sir.

Q. 71. Eight blanks?—A. Yes, sir.

Q. 72. Now, in regard to this certificate, you say that it shows that there were 235 ballots cast for Congressmen, did you?—A. I took it for that.

Q. 73. Please give it once again, so that it will be no mistake about it.—A. 132.

Q. 74. Please read the whole of this certificate, beginning with this point, and let the commissioner copy it.—A. For the office of Representative in Congress, 5th dist., there were were 235 ballots cast, of which James Wilson had 132 votes, Ben. T. Frederick had 107 votes, and David Platner six votes.

Q. 75. You say you swear that you believe that that is 132?—A. Yes, sir.

Q. 76. Is that 30 or 20?—A. I believe it is meant for 30.

Q. 77. Did not it read 122?—A. I am testifying as to what it was meant for.

Q. 78. Did you say it was 132?—A. I say that that is what I did say.

Q. 79. Did you say that is what it reads now?—A. I won't say what it was meant for

Q. 80. Well, do you say that that is thirty or twenty? Is there any "h" in it?—A. I don't think there is anything very plainly written.

Q. 81. Is there any "h" in that word?—A. Well, you cannot get anything more out of me than what I will testify to. I suppose the man who wrote it can tell you all about it—more about it.

Q. 82. Now, let me ask you for the second letter on the twenty—or thirty, as you call it. Is not the low letter like a "u" or a "w," and goes up about half way to the height of a "t"?—A. You mean a capital T?

Q. 83. No, sir; there are no capitals in it. You call it a thirty?—A. That is what I call it.

Q. 84. Did you say that that letter is not a low letter like a w or a u, going about half way to the height of a t? and is not that letter what you call t-h-i-r-t-y and what I call t-w-e-n-t-y?—A. I will tell you what is the letter now; the d and the t are combined; the d in the hundred, I suppose that is meant for twenty-two.

Does not it read 122?—Ans. Well, I will tell you. It did not read anything; it looks as though he meant it to be written in the h.

Q. 86. You say that it did not read anything; why did you read it 132?—A. Because the t and y are very plain.

Q. 87. Is there an hi there?—A. Just as much as there is a t.

Q. Is there any th there?—A. That is what I took it for.

Q. 89. I did not ask you what you took it for.—There is no use of us quarreling.

Q. 90. I want to ask you how the hundred is spelled?—A. It is spelled h-u-n-d--e-d-t-.

Q. 91. What is the next letter?—A. I don't know.

Q. 92. Is it an "h"?—A. It looks like a "th".

Q. 93. h and t?—A. Yes, sir.

Q. 94. What next?—A. It looks like an i.

Q. 95. Is it dotted?—A. No, sir.

Ques. 96. Does the letter next to the t come up higher than the t or about half as high?—A. No, sir; about half a space higher than the t. I will spell it most any way you want to.

What is the next letter to the d in hundred? The one here, this d here, the d and t is what I call.—A. Capital T in the first place.

Q. 98. Is there any h there? You say there are three letters there. dth all together?—A. tth. I will tell you what is the matter. A man can make most anything out of it.

Q. 99. It seems that you are able to. Now begin with the hundred and spell the letters as you make them out.—A. What good will that do? I may make it out one thing one time and another time just something else.

Q. 100. Is it possible for you to do that?—A. It is possible that I have already done it. I have discovered so since I commenced looking at it.

Q. 101. Now take that to the light and tell us whether you think that was written and appears to be one hundred twenty-two or one hundred thirty-two?—A. I told you a few moments ago that I believe it has been written for a 122. That is what I believe it has been written for.

You don't believe it was intended for a 132?—A. No, sir.

Q. 103. That has always been your impression?—A Well, it has been since I have heard the opinion of others.

Q. 104. Then when you first said that you thought it was 30 or 20 what did you mean?—A. I mean that is the way I read it.

Q. 105. Now, how did you read it?—A. Well, if I were to read it as I read the writing, it would read much as I had it in the first place; but if I should read it as I believe it was meant, it would read one hundred thirty-two.

Q. 106. Is there any letter following the t in the twenty or thirty that goes up to more than half the height of t except the last t?—A. No, sir; there is not, unless it is the combined d in the hundred.

Q. 107. But is not the d before the t?—A. Yes, sir; in the hundred, of course.

Q. 108. You are calling the d in the hundred a t.—A. Since I sat down here I have discovered that the d ending the 100 is combined with the commencement of the twenty.

Q. 109. You call the d in the 100 a t?—A. Yes, sir; a capital T.

Q. 110. Then you read h-u-n-d-r-e-d; now, does not that read on its face 122 instead of 132?—A. What is it you want to make out of this now?

Q. 201. Does it not spell on its face 122 plainer than it reads 132?—A. If a man wanted to spell 22 it would spell it, and if a man wanted to spell just what it is it would not change my mind.

Q. 202. If you wanted to spell it 132 you would not change it?—A. I can spell it about as well one way as the other, if I wanted to. As I said before, I am a poor hand at reading writing.

Q. 203. Were you not led into the error simply by taking the d in the hundred as being a capital t, then the d as an h?—A. I was not led into it; that is the way to read it. I am a poor hand to read writing readily. Since I examined it more clearly and carefully, I am willing to consider that it is meant for a t; that is, for twenty.

Q. 204. When you see that it makes more votes than were cast you are satisfied that it was 20?—A. Yes, sir; I am.

Q. 205. You see no indication of a dotted i there?—A. No, sir; I see no indications of any dot. No, sir; there is none.

Q. 206. Was there any person beside you when these ballots were counted except Mr. Stone?—A. There were none in the room, I believe. I do not know but that there was some one in the front room.

Q. 207. Any one near you?—No, sir.

Q. 208. Who suggested to you that there was a mistake in the counting of these ballots?—A. There was not any one.

Q. 209. Who asked to have the ballots counted at first?—A. There was not any one asked to have them counted.

Q. 210. What did Stone want?—A. He wanted me to take the ballots out of the box and run them over. When I came to the name of Frederick or Wilson, to name them. They were not counted the day he checked them; I did not watch him check them; I know that he did not handle them, because he said he did not want to handle them.

Q. 211. He told you so, then?—A. Yes, sir.

Q. 212. He was particular to tell you that, was he?—A. I told him that I did not know whether to take particular pains or not.

Q. 213. You were not a member of the board at the time of the election?—A. No, sir; but I went to the polls and voted and went away again.

R. E. EVERETT.

$2.05 paid as fee by contestee.

STATE OF IOWA,
Marshall County, ss:

C. W. STONE, being produced and sworn before me, J. H. Bradley, a notary public in and for Marshall County, on this 10th day of March, A. D. 1883, and examined before me, testifies as follows: T. Brown appearing on the part of contestant, and J. H. Bradley on the part of contestee:

Q. 1. What is your name, age, place of residence, and occupation.—A. Age, 41 years; re-idence, Marshalltown, Iowa; occupation, railroading.

Q. 2. You may state if you were present when the ballots have been counted in the different precincts of Marshall County and Tama County?—A. I have been in nearly all of them to see all of the clerks in this county, also in Tama County.

Q. 3. I will also ask you if at any time you have changed or altered any votes after the ballots have been counted, or handled any of the votes?—A. I have been particular to say to the clerk, or either of the parties who counted the votes, that they should handle them themselves, and I did not wish to touch them, so that if there was any mistake found they could come into court themselves and say that no one handled them but themselves.

Q. 4. Have you changed or altered any ballot?—A. I have not touched any ballot; have not changed or altered any. I think that the first township I went to I may have taken my pencil in indicating to the man what I wanted read. I never had the ballots in my hand.

Cross-examination:

Q. 5. What do you mean by slipping them down?—A. The ballots were strung on the string and I said to Carter to run them down and then the names would come prominently before me.

Q. 6. Did you do that with your pencil?—A. Yes, sir; I had my pencil in my hand.

Q. 7. You may have made a mark on the ballot without knowing it?—A. No, sir.

Q. 8. Why not?—A. Because I did not use that end of my pencil.

Q. 9. How do you know?—A. I would not have made one without knowing it.

Q. 10. You say you would not have made one without knowing it?—A. Yes, sir.

Q. 11. How do you know that you have?—A. I know that I have not.

Q. 12. You know that you have not?—A. Yes, sir.

Q. 13. How do you know it?—A. Because I did not touch them only with the but end of my pencil with rubber on it.

Q. 14. That occurred in Bangor, did it?—A. Yes, sir.

Q. 15. Now, you may have brought your pencil across the name of James Wilson?—A. No, sir.

Q. 16. Did not you remember a ticket there with the pencil mark over a part of the name?—A. I don't know that I ever examined them; Mr. Carter counted them up; he sat on the other side and examined them.

Q. 17. You are employed by Mr. Frederick in this canvass?—A. Yes, sir.

Q. 18. Employed by the day or month?—A. Yes, sir; by the day.

Q. 19. You have been at work pretty near ever since this county was canvassed?—A. I think 21 days for Frederick.

Q. 20. What township have you had the ballots counted in in Marshall County?—A. I think in every township in Marshall County, except Gilman and Liscomb—I have not been present at all of them; sometimes I would ask them to do it; they did it and reported afterwards.

Q. 21. How many townships have you seen the ballots counted at in this county?—A. I think of 22; in the county I have seen about 16 or 17, probably.

Q. 22. How many in Tama County?—A. 12 or 14.

Q. 23. You told the clerks in the first place you went to that they should not let you touch them or hold them, so that they could testify that no one had hold of them but them.—A. I do not think I told them just that way.

Q. 24. How then?—A. I told them I wanted them to count them and I would check them off; no one else was present; both of us compared the ballots, but they held the ballots themselves, so if there was any discrepancy they could say that nobody else touched them, especially towards the last, I said so in the first one or two townships.

C. W. STONE.

STATE OF IOWA,
Marshall County, ss:

O. P. ARNOLD, being produced and sworn before J. H. Bradley, notary public in and for Marshall County, on this 10th day of March, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and J. H. Bradley on the part of contestee):

Q. 1. State your name, age, place of residence, and occupation?—A. Age, 37 years; occupation, furniture dealer.

Q. 2. Were you one of the judges of the election of either of the precincts in the city of Marshalltown at the Nov. election, 1882?—A. I was judge in the third ward.

Q. 3. You may state at what hour of the day or night the votes of that precinct were canvassed?—A. Between the hours of 8 and half-past 12 in the night.

Q. 4. What kind of light did you have in canvassing the votes?—A. Gas light.

Q. Who assisted in making the canvass?—A. G. W. Hartwell, B. L. Burrett, J. W. Morgan, Robt. Binford.

Q. 6. Have you since assisted in the canvass of the votes of that precinct for the office of Representative in Congress, or have you recounted the ballots?—A. I tallied at the recount here, Saturday.

Q. 7. Did the ballots have the same appearance as they had at the time of the election, the same general appearance?—A. Yes, sir; I think they had the same general appearance.

Q. 8. State how many votes you found cast in the last count for the office of Representative in Congress?—A. My tally-sheet shows 110 cast for Mr. Jas. Wilson, 262 for Mr. B. T. Frederick; I do not remember how many for Platner; I could not swear that they were all for Benj. T. Frederick, or all for James Wilson, or for either Wilson or Frederick.

Q. 9. You may state what discrepancy you find in the return made at the election in the last count and in the original count.—A. In the original count our certificate shows 262 for Frederick, 112 for Wilson; the tally shows 110 for Wilson and 262 for Frederick.

Q. 10. You may state what process you used in counting the ballots on the night of the Nov. election.—A. We straightened the ballots in the first place, and then counted in bunches of fives and tens; for instance, one judge would examine the ballots in a bunch, then count them and mark on the back the number of votes in the package, and then it would be passed to another judge, and then to another, and they would recount them.

Q. 11. Now, were the tickets read separately at the time of the recount, that is, the names of each counted separately there, or were the tickets looked over and supposed to be all right and straight tickets?—A. I don't know that I understand your explanation.

Q. 12. Was the name of each candidate read by the judges, or were they looked over in the bunches of 5 or 10 and marked on the back—you supposed to be straight tickets and counted in that way?—A. I do not know about the three judges; I examined all I counted.

Q. 13. Did you suppose them to be correct by looking at each one?—A. I examined them by looking them over, of course; I read the names; if not orally, I read them.

Q. 14. You may state if a good many of the ballots for the office of Representative in Congress were scratched ballots?—A. I should say they were; yes, sir.

Q. 15. Where the printed matter had been changed by pencil?—A. Yes, sir; I should say quite a good many.

Q. 16. Now you may say if some of them were erased without any name written.—A. Yes, sir; I should say that there were.

Q. 17. Now, might there have been an error in looking over the ballots, particularly where the name of the Representative was erased and written in—in the count at that time?—A. Yes, sir; there might have been; it would have been an easy matter to make an error of that kind.

Q. 18. How many persons were candidates for the different offices that were on each ticket, all the offices, I mean?—A. I should be afraid to make a guess; I cannot tell, but I should say from 35 to 30, probably.

Q. 19. When you examined the other day, you only counted over the names for one office, for Representative in Congress?—A. That is all that I tallied.

Q. 20. Would not such an examination be much more thorough than where you were examining for all the offices, and only went through once?—A. Well, I should think probably; less liability.

Q. 21. How many times did you go over the ballots?—A. At least three times.

Q. 22. Each of you; all of the judges?—A. Well, I can only swear for myself; I do not think that I went through a package more than once, unless some other judge disagreed with me in a count.

Q. 23. Were there some disagreements in the count at the election or canvass?—A. I cannot remember that there was.

Q. 24. Was that not true of each of the jndges, that they only went through those packages once?—I cannot swear to that, because I did not ask them how many times they counted them; they were all busy counting them.

Q. 25. Were there a good many persons around at that time?—A. No, sir; we had a stall of our own, and kept them away.

Q. 26. These names were called, that is, when you had the tickets from which you called the names of each candidate one after another through the tally-list, where there were straight tickets?—A. Yes, sir; through the list of each bunch.

Q. 27. Were they called off in so many each bunch, or was each name called singly, tally one, or tally five, or ten?—A. We tallied the same numbers as there were in the bunch.

Q. 28. Now, at the time of the canvass of the ballots, when you looked them over, did you take out each ticket separately and look it over carefully, or did you take the bunch and turn them over?—A. Well, I took them separately; we did that when we were stringing them; we would string them out, look them over carefully, and we would put them in these packages.

Q. 29. Was there not a liability, after the ticket was looked over, to make a mistake by accidentally laying it up with the wrong package?—A. It might possibly occur.

Q. 30. Did you canvass the votes for Representative in Congress separately from the others, or did you take out straight tickets for the State officers first, and canvass them in the different canvasses for the office of Representative?—A. My impression is that we canvassed the State tickets together; that is, straight tickets; then we canvassed the scratched tickets separately.

Q. 31. Then, if the name of Frederick or Wilson, on the ticket for Representative in Congress, had been erased and it was not very clear, it might pass through your hands by error?—A. I think that all the scratched tickets were all called off separately. They were assorted and counted out after we had run through straight tickets, and counted out separately.

Cross-examination:

Q. 32. How good was your light?—A. We had a very good bright light.

Q. 33. Was there any trouble in seeing; did anybody make any complaint?—A. Not from me, nor did I hear anybody make any complaint.

Q. 34. Who took the tickets out of the box?—A. We all three judges strung the tickets.

Q. 35. Did you mean to say that each of the tickets passed through the hands of each of the judges?—A. Yes, sir; I think so.

Q. 36. Now, when there were scratched tickets, as for Representative in Congress, would not your attention be called very particularly to the correctness of the count for that reason than for other candidates, and was not your attention called more particularly to them than to the other candidates because of the scratches?—A. My impression is that that particular night we counted the scratched tickets, and counted them separately, because there were other names scratched on the State ticket as well as for the office of Representative.

Q. 37. You laid the straight tickets in bunches?—A. Yes, sir.

Q. 38. Then counted scratched tickets separately?—A. Yes, sir.

Q. 39. Now, when you counted scratched tickets would you not be very likely to examine with correctness the scratched ballot for the name of the ticket that was

not scratched?—A. Yes, sir; I presume we would, because we did not examine the straight tickets very closely; we bunched them.

Q. 40. Then the great care to be observed was in scratched tickets?—A. Yes, sir.

Q. 41. You say the general appearance of the tickets was as canvassed; can you tell anything about these ballots by your observations Saturday; can you identify them?—A. I mean their general appearance was the same as the names of the candidates presented who ran for that office at the general election.

Q. 42. Could you take the ballots from each of these wards and tell by its general appearance in which ward it was cast?—A. No, sir; I think not.

Q. 43. Then the appearance of the tickets would not be any indication that they were the same tickets that you cast?—A. No, sir; I think not.

Q. 44. In making the count here on Friday, you did not count the ballots then, did you?—A. No, sir.

Q. 45. You simply kept tally as Mr. Bunford called them off?—A. Yes, sir.

Q. 46. You did not assist in the calling off yourself?—A. No, sir.

Q. 47. Now, is there not greater probability of one man counting the tickets and one man keeping tally, than in three counting tickets and two tallying, as in the case of the canvass; would there not be greater probability of mistake in counting them here Saturday than at the canvass, considering the manner in which they were counted?—A. I think not; I can't say; well, there would be a probability of mistake every time.

Q. 48. Well, at this canvass on Saturday there was but one man that counted the tickets and called them off, and those that kept the tally-list did not count off at all?—A. No, sir.

Q. 49. On the night of the canvass these tickets passed through the hands of the judges, of each judge?—A. Yes, sir.

Q. 50. Then there is just a probability that both these men are right?—A. Yes, sir.

Q. 51. You supposed when you made the canvass that they were both right?—A. Yes, sir.

Q. 52. Your supposition now is that that was right?—A. Well, I believe it was rightly made.

Redirect:

Q. 52. There were a great many tickets, straight Republican tickets, with Mr. Frederick's name on for Representative?—A. Yes, sir.

Q. 55. There was a liability, then, in counting those straight tickets on that count?—A. Yes, sir; I think there was a liability of error any time in counting tickets.

Q. 56. In this count, Saturday, did not the attorney for contestee look over all the tickets himself, and afterwards count them; both attorneys for contestant and contestee?—A. I do not think I saw anybody count them but Mr. Binford.

Q. 57. Were there parties standing around and watching the count in the presence of the commissioners?—A. Yes, sir; I should say there were.

Q. 58. How many persons assisted you in tallying?—A. But one.

Q. 59. Were the tallies made separately or in bunches?—A. Made separately.

Q. 60. Did one of the clerks call tally after each count?—A. Yes, sir.

Q. 61. Was that done by daylight?—A. Yes, sir.

Q. 62. From the manner in which the tally was made on Saturday, would you consider that there was any reasonable probability of error?—A. Well, there would be a possibility. If I should set down and count myself, I could not swear that it was correct, but that it was correct as near as or as far as I know, with the possibility of any man making an error.

Q. 63. Saturday was a dark day, was it not, Mr. Arnold; a dark, cloudy day?—A. It was not as bright as it is this morning.

Q. 64. These tickets were counted under Mr. Brown's skylight?—A. Yes, sir; and that is the first time I ever noticed the skylight.

Q. 65. You did not observe that there was any light but side light on Sat.?—A. No, sir.

Q. 66. Were these ballots counted over more than once on Sat.?—A. I could not swear.

Q. 67. Did you keep tally more than once on Sat.?—A. No, sir.

O. P. ARNOLD.

85 cts. paid as fee by contestant.

STATE OF IOWA,
Marshall County, ss:

C. B. PINKHAM, being produced and sworn before J. H. Bradley, a notary public in and for Marshall Co., on this 12th day of March, 1882, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and J. H. Bradley on the part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. C. B. Pink-

ham; age, 58 years; residence, Marshalltown, Iowa; general agent McCormick Harvest-machine Co.

Q. 2. Were you one of the officers of the Nov. election the first ward in the city of Marshalltown, 1882?—A. Yes, sir.

Q. 3. You may state what office you held at that election?—A. I was one of the township trustees and acted as one of the judges of the election.

Q. 4. Do you know where the ballots of the Nov. election in 1882 have been kept since that election?—A. Yes, sir; I think I do.

Q. 5. Whereabouts?—A. In the back room over my office.

Q. 6. Have you ever known these ballots to have been disturbed or molested since that election?—A. No, sir.

Q. 7. Have you ever changed or altered any of the ballots?—A. No, sir.

Q. 8. Who occupied the office with you?—A. Mr. Bennecke, Mr. J. W. Worym, have had keys to the room, Mr, Brennecke all of the time, Mr. Worym for the last few weeks.

Q. 9. State whether the office was usually kept locked except when somebody was there?—A. No, sir; we often go in and out without locking the door that is in the main room.

Q. 10. How about the room joining it?—A. Well, since the election the door between the two rooms has been kept shut.

Q. 11. Then the room in which these ballots were kept was not used all the time?—A. No, sir; only as a store room.

Q. 12. Only used occasionally?—A. Yes, sir.

Q. 14. You may state if you assisted in a recount of the ballots at any time since the election in Nov. and in what manner.—A. Last Friday I believe I did, I assisted on the second count as to Mr. Wilson and Frederick; I counted them myself after the count was made by township clerk, Binford the second time.

What was the result of that count?—A. I have no figures; my recollection is out of the way a little; I think 77 for Wilson and 164 for Frederick.

Q. 15. What was the original return at the election?—A. 84 for Wilson and 163 for Frederick.

Q. 16. You may state if there were a good many tickets scratched for the office of Representative in Congress.—A. Yes, sir; quite a number, and some without any name at all.

Q. 17. Was the name of Mr. Wilson sometimes on both Democratic and Republican tickets?—A. I do not remember any tickets with the name of Wilson on.

Q. 18. Any with the name of Frederick on?—A. Yes, sir; quite a number, both Democratic and Republican tickets.

Q. 19. I mean any printed?—A. Yes, sir.

Q. 20. Were there a good many scratched or changed?—A. Yes, sir; quite a number with Frederick's name on. I think a few of Mr. Wilson's tickets were changed.

Q 21. How was the count made; at what time of the day; what kind of light did you have at the canvass in the Nov. election, 1882?—A. We closed the polls at 8 o'clock; probably we got through counting not far from 1 o'clock.

Q. 22. What kind of light?—A. We had gas light; fair light, but not as strong as it might have been.

Q. 23. How does the general appearance of the ballots when you first saw them since the Nov. election compare with general appearance at the time they were placed in the box at the time of the election?—A. They appeared to me like the same ballots; they are the same in bunches. Yes, sir; I did. Some we had to look for them where it was printed in.

Q. 24. Were the votes counted more than once in the night of the election; that is, did all of the judges go over the votes more than once?—A. No, sir; I do not think they did.

Q. 25. I will ask you if you, after you had gone over and selected out the votes for each of the other judges, go over Frederick's separately?—A. No, sir; just passed from my hands to Mr. East.

Cross-examination:

Q. 26. You took the tickets as Mr. Pinkham took them out of the box.—A. Yes, sir.

Q. 27. You examined them to see if they were straight or scratched?—A. Yes, sir.

Q. 28. Examined each name on each ticket?—A. Each ticket; then bunched them.

Q. 29. After you passed them to Mr. East, then he called off the names?—A. Yes, sir; so many for each candidate. I think Mr. Arnold was; Mr. Frederick was watching the first count.

Q. 30. Were the attorneys of the representative parties present?—A. Yes, sir; in the room.

Q. 31. Well, they assisted in watching the count, didn't they?—A. I cannot say.

Cross-examination:

Q. 32. This room where the ballots have been kept was the back room of your office, was it not; an office or lumber room?—A. Yes, sir.

Q. 33. These ballots were not kept in the ballot-box?—A. No, sir.

Q. 34. In a paper box?—A. Yes, sir. There was a lid to it.

Q. 35. Where were they; in one corner of the room?—A. No, sir; they were on the center of the table most of the time. That is the best of my recollection.

Q. 35. Was the table in the center of the room, or on one side?—A. At one side, against the wall, with a lot of advertising on the same table.

Q. 36. Did you use it very much?—A. No, sir.

Q. 37. Seldom go there except for paper or advertising?—A. Yes, sir; that and fuel.

Q. 38. About how often did you get that?—A. Up to within a few days we had not been taking any out.

Q. 39. These ballots have been there a little over four months, from Nov. to March?—A. Yes, sir.

Q. 40. You say there is a door without from the hall into your room?—A. Yes, sir.

Q. 41. Keep it locked all the time?—A. Yes, sir.

Q. 42. Sometimes the front door is not kept locked; you sometimes go out with it unlocked?—A. Yes, sir.

Q. 43. You usually keep it locked?—A. Yes, sir.

Q. 44. Did you take the ballot the night of the canvass out of the ballot-box and count out the straight tickets yourself?—A. Yes, sir.

Q. 45. Then you passed them to Mr. Nelson, another judge; he examined them, passed them to Mr. East; he agreed, and called them off?—A. Yes, sir.

Q. 46. Then they went through the hands of the three judges?—A. Yes, sir.

Q. 47. Your purpose was, and that was your belief, was it not, that you then made an honest count?—A. Yes, sir.

Q. 47. There were a good many scratched last Friday; you made a different count on the Saturday here?—A. I said there was one more for Frederick and one less for Wilson.

Q. 48. Now, if none of the ballots have been changed, but are precisely as when you put them in the ballot-box, you must have made 12 mistakes on the night of the canvass, did you not?—A. Yes, sir; I presume that is the number; it looked like ten more for Frederick and 2 less for Mr. Wilson, as to our tally.

Q. 49. Can you not tell anything about these ballots from the general appearance as to their identity?—A. Some of them I could recognize not at all.

Q. 50. But cannot you take any one ballot, unless the one you voted yourself, and state whether an erasure was made in the canvass?—A. No, sir.

Q. 51. The judges of the election were all favorable to the election of Frederick?—A. I do not know about Mr. East; I think Mr. Nelson and myself both voted for Mr. Frederick; I did, and he being a Democrat, I suppose he did.

Q. 52. There was no disposition to cheat Frederick out of the election?—A. We gave him the votes he had, of course.

Q. 53. As to liability of mistake of this kind, was there a liability here Saturday?—A. Yes, sir; there is always a liability of mistake of this kind, I suppose.

Redirect:

Q. 54. This room is an upper room?—A. Yes, sir; an upstairs room.

Q. 55 No access to it from the outside?—A. No, sir; only through that door.

C. B. PINKHAM.

Fees paid by contestant, 85 cts.

STATE OF IOWA.
Marshall County, ss:

N. C. Nelson being produced and sworn before J. H. Bradley, notary public for Marshall County, on this 2d day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and J. H. Bradley on the part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. N. C. Nelson; age, 34 years; residence, Marshalltown, Iowa; occupation, ice dealer.

Q. 2. You may state if you were one of the judges on the November election, 1882, when the electors of Marshalltown voted for the office of Representative in Congress.—A. Yes, sir.

Q. 3. In what ward or precinct?—A. First ward.

Q. 4. You may state how that canvass was made; at what time of day immediately after the election?—A. We canvassed the votes; closed the polls at 8 o'clock; between 8 and 9 o'clock we counted them, that is as near as my recollection goes.

Q. 5. That was the night and morning after the evening of the election?—A. Yes, sir.

Q. 6. You may state if you have since assisted in the recanvass of the votes of that precinct?—A. I sorted the ballots; Mr. Pinkham strung them up; I sorted them in lots mostly in fives.

Q. 7. That was the night of the election?—A. Yes, sir; in bunches of about five, as near as we could get them, first Democratic in one pile, then Republican in another.

Q. 8. Were they counted on the night of the election in fives?—A. Yes, sir; when we could count them straight.

Q. 9. They were counted that way were they?—A. Yes, sir.

Q. 10. I will ask if you have made an account since the election, of the ballots cast at the November election?—A. Only made a tally here the other day.

Q. 11. Did you assist in making the count?—A. Myself and Mr. Binford assisted in the count.

Q. 12. You may state if you found any discrepancy in the tally made on the night of the election?—A. I found, I think, one or two more votes for Frederick, and I think eight less for Wilson.

Q. 13. Were there any parties looking over and examining and watching the count as it was made on Saturday by the township clerk?—A. I think so; I don't remember exactly who watched; a few stayed around, I suppose the attorneys.

Q. 14. Attorneys for both parties?—A. For both parties were in the room.

Q. 15. Was there a liability of mistake in the manner in which the vote was counted on the night of the election?—A. Well, of course, I suppose there might have been a mistake or liability.

Q. 16. You said there might have been a mistake?—A. Yes, sir; there might have been.

Q. 17. At the time the votes were counted, for instance, laid out by you or the other judges, examined each name carefully, he just called off in piles and examined them in piles?—A. He checked them in piles after I had strung them in piles.

Q. 18. Was there a liability of votes being miscalled or of laying ballots on the wrong pile in the count?—A. There might have been possibly.

Q. 19. You may state who called the votes.—A. Mr. East called them.

Q. 20. Was he a Democrat or Republican?—A. Supposed to be a Republican.

Q. 21. You may state if there were a good many Republican tickets with Frederick's name printed on them.—A. Yes, sir; some.

Q. 22. Were there a good many that had Wilson's name erased and Frederick's name written in?—A. I remember something to that effect.

Q. 23. Were there some tickets that had the name of both candidates erased?—A. Yes, sir.

Q. 24. In the manner in which the tickets were voted on account of interlineations on account of the fact that Frederick's name was printed, does that create a greater difficulty in counting them; was there a liability of mistake considering the manner of the count at that election?—A. Yes, sir; some I guess.

Q. 25. Were you present when they were counted Saturday, here in the presence of the commissioner?—A. Yes, sir.

Q. 26. How did the count on Saturday compare with the count you made on the Friday before that?—A. Well, we tallied one vote more as to Mr. Frederick, and one vote less as to Mr. Wilson.

Q. 27. What was the result of the count made Saturday?—A. Well, I think it was 76; my recollection is 165 by the tally list for Mr. Frederick. We did not agree with the township clerk in the count when he counted them after the tally.

Q. 28. Who assisted in counting the ballots afterwards?—A. Nobody but the township clerk; Mr. Binford done the counting.

Q. 29. Who was present and looked over and watched the count?—A. I don't know who was; two men.

Q. 30. When Pinkham took them out of the box after he had selected five straight tickets and handed them to you?—A. Yes, sir; in bunches, straight tickets in a bunch, to me.

Q. 31. He had laid them out in bunches, straight tickets in a bunch?—A. Yes, sir.

Q. 32. You selected them in fives?—A. Yes, sir.

Q. 33. Mr. East called them off in fives?—A. Yes, sir.

Q. 34. Now, they were called off by Mr. East just after you selected them, were they not?—A. Yes, sir.

Q. 35. That is, you did not select a bunch of 5's and lay them down in one place?—A. Yes, sir.

Q. 36. He took them right from your hands?—A. Yes, sir.

Q. 37. Your light was very fair?—A. No, sir; it was only a gas burner.

Q. 38. Gas burner?—A. Yes, sir.

Q. 39. You had greater difficulty in counting because the names were scratched?—A. Yes, sir.

Q. 40. Your attention was called more particularly to the scratches?—A. Yes, sir; of course that would be true.

Q. 41. You made the canvass on the night of the election carefully, didn't you?—A. Yes, sir; I suppose we did.

Q. 42. You believe that they were right?—A. Yes, sir.

Q. 43. Now, that ballot-box had never been opened nor the ballots had never been left lying around 4 months from the time you counted them originally until the last time?—A. I don't know about that.

Q. 44. They had never been left lying around when you counted them first?—A. No, sir.

Q. 45. Each of the judges counted the ballots on the night of the election?—A. Of course, they went through our hands.

Q. 46. Well, he had to read the names from the tickets?—A. Yes, sir.

Q. 47. The scratched tickets were counted separately.—A. Yes, sir. I think that we counted the same number of scratched tickets, Representatives scratched and straight, otherwise we took so many of them.

Q. 48. Then you make the straight tickets 65 Republican with Wilson's name erased and Frederick's name substituted?—A. Yes, sir; that would be straight in that case. We had to look out to see whether they were scratched in order to make them straight.

Q. 49. Then you made the arrangement or selection of tickets in bunches of 5's to count them?—A. Yes, sir.

Q. 50. Did you detect any mistake by Mr. East in calling off the list; did you find you made any mistake in bunching them?—A. There was one time we came near making a mistake; a mistake not easily corrected, in which I supposed it was all right.

Q. 51. Do you recollect how you were corrected in it?—A. No, sir; I don't remember that.

Q. 52. Was any standing about examining at the time of the canvass?—A. Yes, sir; there were a few around all evening.

Q. 53. Merely around there, I understand, anxious to know the result?—A. Yes, sir.

Q. 54. They were there of both parties, were they not?—A. Yes, sir; I suppose so.

Q. 55. Wasn't Mr. East favorable to Mr. Frederick; didn't you understand he voted for Frederick?—A. I don't know; I saw him vote the Republican ticket; I don't know whether Frederick's name was on there or not; I didn't understand about that.

Q. 56. You voted for Mr. Frederick, didn't you?—A. Yes, sir.

Q. 57. On Saturday, on the corrected tally list here, you didn't count the tickets; they were counted by Robert Binford?—A. Yes, sir.

Q. 58. You kept tally?—A. Yes, sir.

Q. 59. Wasn't he only one who did the counting Saturday? Did you see anybody else take the tickets and count them in that ward?—A. That I don't know; he was the only one that counted these tickets; I talked.

Q. 60. Did you make more than one tally in that ward Saturday?—A. No, sir.

Q. 61. Did you believe at that time that your canvass made that night was right?—A. Of course; I believed at that time it was right as near as I could get it.

Q. 62. Don't you believe now that a liability of mistake after these ballots have been left in an open box in an open room, unlocked part of the time, for 4 months with better evidence of the true count on the night of the election than on Saturday?—A. That I could not say.

Q. 63. You cannot say anything from the appearance of these tickets, whether they have been changed in the 4 months?—A. Only one or two that I recognized; they look like the tickets.

Q. 64. Do you think that it is probable you made 10 or 12 mistakes in counting these few tickets on the night of the canvass?—A. No, sir; I did not.

Q. 65. Do you think from the manner you counted that it was probably made?—A. No, sir; not unless it should be in some of these tickets that were scratched so dimly that they might not have been seen; we might have made a mistake in that way.

Q. 66. You were looking particularly for scratched tickets that night?—A. Yes, sir; certainly.

Q. 67. Your eyes are pretty good are they not?—A. Not so very good in the evening; good in the daytime.

Q. 68. Only 34 years old.—A. Yes, sir.

Q. 69. Never had occasion to wear glasses?—A. No, sir.

Q. 70. You have always been in pretty vigorous health?—A. Yes, sir.

($0.85 paid as fee by contestant.)

N. C. NELSON.

STATE OF IOWA,
Marshall County, ss:

F. B. MCGREW, being produced and sworn before me, J. H. Bradley, a notary public in and for Marshall County, on this 12th day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and J. H. Bradley appearing on the part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. Age, 51;

I reside in Marshalltown, Iowa. I do not know whether I have any occupation or not; farming has been my business.

Q. 2. What ward do you reside in?—A. 4th ward.

Q. 3. Were you one of the judges at the Nov. election in 1882 in which the electors in that ward voted for Representative in Congress?—A. No, sir.

Q. 4. You may state if you have since assisted in the canvass of the ballots in the 4th ward since the election.—A. Yes, sir.

Q. 5. When was that?—A. I think that was last Thursday or Friday. I forget the day.

Q. 6. You were present at the canvass?—A. Mr. Binford, Mr. Burrows, Westlake, Denham, and myself.

Q. 7. You may state if you found any errors in the canvass from the count as you made it at the Nov. election.—A. We found it a little difference in the ballots. That is, we found more ballots than what we found we had on our list at the election; three more, I believe.

Q. 8. Did you say there were 3 more ballots than you counted at the election—I mean more than you enrolled?—A. Yes, sir.

Q. 9. What difference did you make in the reconnt of the ballots for the office of Representative?—A. The recount gave Wilson two less, Frederick one more.

Q. 10. Were the ballots tied up?—A. Yes, sir.

Q. 11. Were they in the same manner as at the time of the election?—A. Yes, sir; very nearly the same.

Q. 12. Did you know there were any more ballots than were counted on the night of the election?—A. No, sir.

Q. 13. Any more ballots?—A. No, sir; I think not.

Q. 14. The same number that other night?—A. Yes, sir; I think so; I am very positive, just about the same number of ballots we counted.

Q. 15. Then you do not pretend to say, because there were three more ballots than names on the poll-book, that there has been any change in the ballots since the election?—A. I do not know of any change.

Q. 16. You find the same number of ballots that there were found in the canvass of the election?—Yes, sir; that the tally-list shows were tallied at the election.

Q. 17. You saw the tally made on the night of the election; describe the manner, also, at what hours of the day or night?—A. We commenced counting soon after eight o'clock, and counted until about two, probably a little after; Mr. Eastbrook took the tickets from the box, examined the names down to member of Congress, counted down that far, and put up the bunches of fives; he passed them to Mr. Shaw, who took each ticket separately, read them, and passed to Mr. Dolittle, and he strung them.

Q. 18. How were the members of Congress counted?—A. In bunches of 5vs. where they would run down straight; we counted straight tickets.

Q. 19. How were the split tickets counted?—A. Some of them would wait until we got 5 split tickets of the same kind; counted them that way, and took one at a time when scratched up badly; when 5 were scratched alike we would count them that way.

Q. 20. Were they counted more than once?—A. Mr. Eastbrook and Shaw counted them.

Q. 21. You did not count any?—A. No, sir.

Q. 22. You simply tallied as they directed you to?—A. Yes, sir.

Q. 23. Was there any discrepancy?—A. Yes, sir, a little discrepancy at one time; it was righted at the time, and proved in the count to come out just right.

Q. 24. What kind of a lamp did you have?—A. I think we had three kerosene lamps.

Q. 25. From the fact that it was done in the night, and that you passed over only once on the number of names on the ticket, was not there quite a liability of mistake?—A. Yes, sir; but I will say that the judges were careful and worked very slowly.

Q. 26. There were some 25 or 30 names on the ticket?—A. I never counted; they were long ones.

Q. 27. What is your judgment as to the number?—A. Well, I don't think 25 names on the ticket; I forgot how many; from 15 to 20.

Q. 28. Where there are so many tickets and so many scratched, there is greater liability of error in the count than where you are counting carefully for one and only one office?—A. Yes, sir; of course that is natural.

Q. 29. What did you do with the ballots after the election?—A. My impression is that Mr. Eastbrook put them in the box, locked it, and took it down to the auditor's office, and turned it over to Mr. French. I think that he called with them, and went home after that; that is the way I remember it now.

Cross-examination:

Q. 30. This ballot-box did not come from the judges of the election into the township clerk's office?—A. No, sir; his office was locked.

Q. 31. Do you not know how or when the township clerk got it from the auditor's office?—A. No, sir.

Q. 32. How about the number of names on each ticket?—A. Let me see: State auditor, State treasurer, attorney-general, judge supreme court, clerk of supreme court, reporter supreme court, member of Congress, judge, district attorney, clerk district court, county recorder; also township—one trustee, three justices of the peace, 3 constables.

Q. 33. Can you not think of any others?—A. I believe that is about all; that makes 19, I believe; I could tell lots better if I had a ticket and counted from that.

Q. 34. Did you count the ballots over at Binford's office Friday last?—A. No, sir; we did not; this First ward we tallied carefully.

Q. 35. I mean the 4th ward.—A. In the 4th ward tickets were counted out, laid in bunches of 5s; when they came to count 5s I saw that they were correctly counted.

Q. 36. You do not know whether they were correctly counted or not?—A. No, sir; I cannot say.

Q. 37. You know that the papers that were sorted were correctly counted?—A. Yes, sir; Mr. Westlake and Berry examined the names with Mr. Binford.

Q. 38. Mr. Estabrook was the judge of the election, and took the ballots from the box; did not he bunch them?—A. Yes, sir; I think in 5s; and he counted them in buches of fives, and would pass them to Mr. Shaw. He would examine each name carefully, and they were read clear through, I think, because he would examine them over again, and read them clear through.

Q. 39. Was the light good so you could see the tally correctly?—A. Yes, sir; it was quite good the fore part of the night, but got very bad before we got through.

Q. 40. How much care was exercised in counting these ballots?—A. I think that the judges were very careful, so much so that they were very slow.

Q. 41. Now was there not more liability of those three judges counting wrongly that night than one man counting them wrongly on Friday?—A. Well, I think where we counted just two names, without reference to other names, and with a good light we might do a litter than that night.

Q. 42. Were these ballots taken from the box that night?—A. Yes, sir.

Q. 43. Been left four months in an open room?—A. No, sir; not ten minutes.

Were there not more ballots, you say, in the box than names in the tally list?—A. Yes, sir; three more names in the box than we counted up, three that were not discovered that night. When we got done he compared the ballots with the names on the tally list. In every office there were blanks; some we compared the tallies with the roll and found it corresponded, so if anybody shoved in more votes than were on the roll the fact might be discovered.

Q. 45. You mean to say now that these ballots have been left four months, where they have been left until Friday, when you counted two less for Wilson and one more for Frederick than were counted before in the canvass here?

F. B. McGREW.

85 cts, paid by contestant.

STATE OF IOWA,
Marshall County, ss:

R. ESTABROOK, being produced and sworn before J. H. Bradley, a notary public in and for the county of Marshall, on this 10th day of March, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant and J. H. Bradley on the part of contestee):

R. ESTABROOK, of lawful age, being produced and sworn in due form of law, testifies as follows:

Q. 1. What is your name, age, place of residence, and occupation?—A. Marshalltown, Marshall County, Iowa: fourth ward; age, 57.

Q. 2. Were you one of the officers of the Nov. election of 1882 held in said township, co., and State, in which the electors voted for Jas. Wilson and B. T. Frederick for Representative in Congress?—A. I was.

Q. 3. What office do you hold?—A. Judge of the election.

Q. 4. You may state the manner in which the votes were canvassed on the night of the election, 4th ward—whether you canvassed them in the day or in the night time.—A. The polls were closed at 8 o'clock; we commenced immediately after.

Q. 5. In the morning or evening?—A. In the evening, and got them in numbers of 5 as far as I could. Sometimes we would go down on the State of officers and not see Representative to Congress candidate. Sometimes we would go down further; we generally got as far as that on the 5vs, sometimes still farther. I counted out the votes and took them out in 5vs; looked them over particularly down as low as Rep-

resentative; then passed them over to Mr. Shaw, and told him how far down they were; below that we would have to call off separately. It was our manner of counting them. Our light was poor until Mr. Hubbard fetched in a lamp.

Q. 6. On account of the manner in which the count was made, the quality of the light, the time of day, was there not a liability of error in them, considering the number of scratched tickets in the box?—A. Yes, sir; there was a liability.

Q. 7. Have you assisted in the recanvass of the ballots for fourth-ward precinct, Marshalltown, since that time? Have you kept any count?—A. No, sir; only Saturday. Yes, sir; in the 4th ward I kept count, tallying, on Saturday.

Q. 8. Did you find any discrepancy then from a former count?—A. Yes, sir; there was a discrepancy.

Q. 9. What was that discrepancy?—A. It was 96 for Wilson, while it was 98 before that.

Q. 10. How were the ballots strung on the evening of the election?—A. ———.

Q. 11. ———?—A. Mr. Shaw passed the votes to Mr. Dolittle; he strung them. They were strung directly through the middle of the ballots. They were not doubled.

Q. 12. You may state when you opened the box to examine them last Friday, wherever it was, if the general appearance of the ballots was the same as before.—A. I do not think that it was.

Q. 13. What did you do with the ballots on the night of election?—A. After we got through counting the ballots we put them back in the box and locked it, and took it down to the village to the auditor's office, and it was to be kept there until the next day some time in the forenoon, and went and carried it up to the clerk's office, that is, to Robert Binford's office.

Cross-examination:

Q. 14. Were you careful in making canvass that night?—A. We took due care, about as much as usual.

Q. 15. You say you looked over each name?—A. Yes, sir.

Q. 16. You called attention to Shaw and requested him to look particularly?—A. Yes, sir.

Q. 17. Did you observe any mistakes in bunching them as he called them off?—A. I had a recollection that he called them off. If he made a mistake it was corrected right there at once before it went any further, because I had called off. I think he corrected me, or some one did, that is, if there was anything that did not correspond. If there was anything mistaken it was corrected at once.

Q. 18. Are you the Estabrook formerly county auditor?—A. Yes, sir.

Q. 19. Was there any more liability to mistake in the canvass that night than there ordinarily is?—A. No, sir; no more than usual, when we have as many names as there were on the tickets.

Q. 20. Quite a good many scratched tickets?—A. Yes, sir.

Q. 21. Were you any more particular about scratched tickets because of that?—A. We have to be always careful of scratched tickets; we have to be particularly careful.

Q. 22. The names for Representative was scratched more than any other names on the ticket?—A. Perhaps so; I could not say as to that; I think they were; that is my impression.

Q. 23. Would your attention not be called more particularly to the correctness of the count in reference to Representative in Congress than any other candidate?—A. No, sir; I think not, because we calculated that every one should be right.

Q. 24. You did not count these ballots on Friday or on Saturday, when you were here. You made tally?—A. Yes, sir.

Q. 25. Did you count the ballots then?—A. No, sir.

Q. 26. When you say there was a discrepancy, you mean to say it was done here on Saturday, not on the night of the canvass?—A. Yes, sir.

Q. 27. Could you tell from the appearance of the ballots now whether any of the erasures or the interlineations were made since or before the canvass?—A. No, sir; I could not.

Q. 28. There is no difference between those tickets, in their appearance, any more than there is between one word and another?—A. Well, I have never examined that before, particularly, and know more about our tickets than any others.

Q. 39. The Representative tickets are all printed from one stamp?—A. Yes, sir; that is usual.

Q. 30. Some were Democratic tickets?—A. Yes, sir.

Q. 31. There were no ward tickets?—A. No, sir.

Q. 32. You would know by that ticket and bunch of ballots from what ward it came. You would know whether it came from the 1st, 2nd, 3rd, or 4th ward?—A. No, sir; I would not.

Q. 33. Do you believe that the canvass that you made then was correct?—A. I did believe it at the time. I don't have any reason to doubt it now.

Q. 34. In view of the fact that these ballots have been in the open box without

any security, have you any reason now to believe that there was any errors made on the night of the canvass?—A. There is a possibility that there could be.

Redirect:

Q. 36. The possibility of far less error here on Saturday than on the night of the canvass, in view of the fact of your only canvassing for one office, is that not true?—A. Yes, sir.

Recross-examination:

Q. 37. Is there not a strong probability that both counts were correct?—A. Yes, sir; I should say so.

R. ESTABROOK.

STATE OF IOWA,
Marshall County, ss:

G. W. HARTWELL, being produced and sworn, before J. H. Bradley, notary public for Marshall County, on this 10th day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant and J. H. Bradley on the part of contestee):

Q. 1. What is your name?—A. G. W. Hartwell.
Q. 2. What is your age?—A. 68 years.
Q. 3. Where is your place of residence?—A. Marshalltown, Marshall County, Iowa.
Q. 4. What is your occupation?—A. Fruit farming.
Q. 5. Were you one of the officers of the third ward of the November election in 1882?—A. I was.
Q. 6. What office did you hold?—A. I was one of the judges.
Q. 7. State how the canvass was made on the night of the election, at what hours of the day or night?—A. The polls were closed at 8 o'clock, and we commenced immediately to open the box; the votes were taken out; Mr. Arnold, and myself, and Mr. Burret sorted them; we took the State ticket first, and the Republican ticket, then the Democratic ticket, and when they were all straight we counted them out; we had 25, 40, and sometimes 50 in a pile; we would begin with my pile; and Mr. Arnold would take out, and count it; sometimes we would count it twice; after we agreed as to the pile it was handed to Mr. Burret; when we got all the State tickets counted out I reported to the clerk, and he would put it down on the tally list.
Q. 8. Was the office of Representative in Congress counted in the same way?—A. We got through with the State ticket for Representative in Congress, and made the same estimation; there were some Republican tickets with Frederick's name on; we sorted all for Frederick in one pile; then those for Wilson in another pile; we sorted them all over.
Q. 9. What kind of a light did you have?—A. We had gas-light all the while; tolerably fair lights; we could see well enough.
Q. 10. Was there liability for mistake in that canvass—in the one in which the tickets were counted?—A. There might have been; we took a great deal of pains in counting.
Q. 11. You may state if you have assisted in the recanvass of the votes since that time?—A. No, sir; I have not.
Q. 12. Were you present at any recanvass in which you have kept tally?—A. No, sir.
Q. 13. Was the Congressional ticket counted off 40 and 50, etc., at the time?—A. Yes, sir; they were bunched up, and then we got together and examined them over again.
Q. 14. Was there a liability of mislaying the tickets; the Frederick tickets might have been laid on the Wilson ticket, may it not?—A. Yes, sir; there might have been such a mistake.
Q. 15. There was a greater liability of mistake in that canvass, in view of the number of names on the ticket, than though you were only canvassing for one office, wasn't there?—A. Yes, sir.

Cross-examination:

Q. 16. You say you sorted tickets for Representative in Congress in separate piles, didn't you?—A. Yes, sir; we sorted out these Republican tickets with Frederick's name on, put by themselves, also Wilson's tickets by themselves.
Q. 17. Did each of the trustees assist you in counting or sorting?—A. Yes, sir; Mr. Arnold and I did the principal part. Mr. Burret sat on the other side. If we didn't agree we all three counted sometimes. I recollect I was two short; they made two more than I did; in counting I tallied; we counted them over so that we agreed; we calculated to be as correct as possible.
Q. 18. Were you all three counting these piles, these separate piles?—A. Yes, sir. Sometimes Mr. Arnold and I only counted them, but Mr. Burret was there counting, too.
Q. 19. Where there was any error suggested you counted them again?—A. Yes, sir; I counted my ballots twice for certainty.

Q. 20. Wasn't there as much liability to be correct in counting them so as in counting the ballots in the same way as before?—A. Yes, sir.

Q. 21. Is there not three times the liability of it?—A. I might make a mistake in counting it over 3 times, and think I was correct.

Q. 22. When 3 men count their tickets is there not three times the liability as when one counted them over?—A. I think they are more likely to have them right, for when there was a difference between Mr. Arnold and me we would count them over to see who was right; we would take particular pains to do that.

Q. 23. Did you take particular pains in making this canvass?—A. Yes, sir.

Q. 24. Do you believe it to be correct?—A. Yes, sir; I did at the time.

Q. 25. You haven't made any subsequent canvass?—A. No, sir; nothing to do with them since I strung the tickets and tied them up.

Q. 26. Did you fold the tickets before stringing them?—A. I folded them over this way.

Q. 27. Just folded them lengthwise once.—A. Yes, sir.

Q. 28. Did you have any trouble in seeing that night?—A. No, sir; I don't think we did. I understood there was a difference, and I think the difference was made in the tally of the clerk; that is my honest convictions about it.

Q. 29. You didn't know there was two different?—A. No, sir; I only heard them testify here, that is all; I did not know there was any difference myself.

($1.60 paid as fee by contestee.)

G. W. HARTWELL.

STATE OF IOWA,
Marshall County, ss:

G. W. WESTLAKE, being produced and sworn before J. H. Bradley, notary public for Marshall County, on this 10th day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and J. H. Bradley on the part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. Name, G. W. Westlake; age, 58; I can't own any particular business; I work where I feel like it.

Q. 2. Were you one of the officers of the election in the 1st ward in Marshalltown at the November election, 1882?—A. No, sir; I wasn't.

Q. 3. Were you one of the clerks of the election?—A. No, sir.

Q. 4. You may state if you have been present at the time the ballots of the 1st ward in Marshalltown have been recanvassed.—A. I was called there by Mr. Binford, I think, on the 7th.

Q. 5. Did you assist in counting the ballots?—A. I looked over to see them count them.

Q. 6. For what ward?—A. All the wards.

Q. 7. Can you state the result of that count in the 1st ward?—A. Well, sir, I can't give the results of all, because I did not keep tally.

Q. 8. Can you give the result in the first ward?—A. No, sir; I didn't keep the tally; I simply kept the difference, taking it from the poll-book; the difference in the count for Frederick before.

Q. 9. What difference did you find in the different wards in Marshalltown for Representative in Congress?—A. In the first ward, 8; second ward, one; third ward, 4; fourth ward, three.

Q. 10. You found a difference of 16 of the ballots of all the wards?—A. Yes, sir.

Q. 11. You may state if that canvass was made carefully that time.—A. Yes, sir; it was as carefully as it could be. I know that I watched it very carefully. It was done right directly in the sunlight, so as to get the best light possible.

Q. 12. Who handled the votes?—A. Mr. Binford handled them.

Q. 13. Was there any ticket changed at that time?—A. No, sir; not to my knowledge.

Q. 14. If there had been any later would you have known it?—A. I should think I would; nobody had access to them but Binford at all after they had been counted.

Q. 15. You may state what the judges said about finding mistakes. State whether there was any surprise that there were mistakes.

(Objection, improper.)

A. Yes, sir; there was with some of them; I wanted them to go and look; I think there were three tickets. They became satisfied that they had overlooked them in the dark with the light they had. You will find three tickets in the light, that are scratched dimly, that it would be pretty hard to find by gaslight.

Q. 16. You mean from which Wilson's name was scratched off?—A. Yes, sir; and it was counted for Wilson in the original count, and also one for Frederick, with Wilson's so scratched or written with so dimly, that it would be pretty hard to see it. This ticket in particular I noticed. I remember I put on my glasses to see it was

correct or not. I was more than careful on that account, because I wanted to be as correct as possible.

Q. 17. What did the judges say about the 4th ward as to finding any errors?

(Objection, immaterial and incompetent.)

A. I don't know that any of the judges were there.

Q. 18. Well, in the first ward?—A. I did not pay as much attention to that as I ought to; it was my duty to watch outside talk.

Cross-examination:

Q. 19. There were no judges there last Friday at Binford's office?—A. only Mr. Buckingham. I understand he was one of the judges.

Q. 20. You mean at the election?—A. Yes, sir.

Q. 21. But they were not acting as judges there?—A. No, sir.

Q. 22. Not under oath at all?—A. No, sir; nor was I.

Q. 23. This question is mere hearing, not under oath?—A. I do not know what statement they might have made, I was not paying much attention.

Q. 24. You said that they spoke of three they might have miscounted?—A. They spoke of it being possible to have overlooked it; whether it on their part, or on our own, I do not remember.

Q. 25. Those parties who said it were not officers of any election at the time?—A. Yes, sir; it might have been Pinkham who said it.

Q. 26. They were not under oath when they said it?—A. No, sir.

Q. 27. You think that it was said cheerfully by parties not under oath?—A. Yes, sir; I presume so.

Q. 28. Did you count the ballots that day?—A. Yes, sir; I did. I sat right at his left, Mr. Barrows sat on his right. As the names were read off, each one's attention was particularly called to see if the count was correct.

Q. 29. Did you count them?—A. Yes, sir; they were counted off for Congress.

Q. 30. Did you look at the names yourself to see if they were counted correctly?—A. Yes, sir; for we looked at them to see whether any were scratched off or not.

Q. 31. Did you make any mistake in counting?—A. Yes, sir; we called it 50 when it was 49.

Q. 32. Who made the mistake?—A. It was Mr. Binford.

Q. 33. Did you keep tally?—A. No, sir; I simply sat there and counted.

Q. 34. How many ballots were counted for Frederick in the first ward?—A. Well, I did not pay any attention to it; I simply took up the book to see that the return was determined—the difference from that.

Q. 35. You took the figures from their count and made the difference from that?—A. I would take the count, put it down on the book, and foot up the difference; I took the count that he made, you understand.

Q. 36. Now, after you made the count on the 3d, how many ballots were counted for Frederick?—A. That I did not put down; I put it down on paper when I was there and footed the difference, but I did not carry it with me, so I did not tax my memory with the full count.

Q. 37. You don't remember how many ballots there were from either ward?—A. No, sir; I don't know.

Q. 38. Where did they get the ballots from that day?—A. They were brougt out of the box.

Q. 39. Were they all strung on a string after counting?—A. Yes, sir.

Q. 40. They were all strung loosely, were they not?—A. Some, I think; I think the first ward was strung; sometimes merely in the middle, not double.

Q. 41. They were strung in bunches?—A. In 5, 8, or 10 in a bunch with a string tied around them.

Q. 42. Not doubled before they were strung?—A. No, sir; I could not say they were.

($1.60 paid as fee by contestee.)

G. W. WESTLAKE.

STATE OF IOWA,
Marshall County, ss:

CHARLES BRENNECKE being produced and sworn before J. H. Bradley, notary public for Marshall County, on this 10th day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant and J. H. Bradley on the part of contestee):

Q. 1. What is your name, place of residence, and occupation?—A. Occupation now is not any, much. I am between 68 and 67 years of age; reside in Marshalltown.

Q. 2. You may state what office you have kept since last November.—A. I kept the office there with Pinkham; we were there together.

Q. 3. You may state who else has kept that office.—A. Mr. Morgan has been in there a little while—he has been in there a couple of months—I don't know how long.

Q. 4. Mr. Pinkham, Morgan, Robert Binford and yourself were the only persons there?—A. Yes, sir.

Q. 5. Did you know anything about a back room to that office; how it is seated, if it is seated at all?—A. Well, I hardly go into the room, because I have my table in the front room near the windows. I never made any use of that room, except sometimes I put my umbrella in there.

Q. 6. Have you ever known where the ballots have been kept in that room?—A. It seems to me that I saw them take the ballots out. I never noticed it.

Q. 7. Did you ever go to the box yourself?—A. No, sir.

Q. 8. Did you ever see anybody there handling the ballots other than the clerk of the election?—A. No, sir; I never saw anything of the kind. I never saw any one in there.

Q. 9 Are there any doors to that room except through the office?—A. Yes, sir. When I do not see anybody around I locked it up. I sometimes leave it open when I see Mr. Binford standing down below; he generally sees who is coming up or down.

Q. 10. It is not open except for a short time temporarily?—A. Yes, sir; that is all.

Q. 11. You didn't know where those tickets were kept?—A. No, sir; because I saw Binford, Carson, and Johnson—that is, at one time—I saw them talking about it. I never go into the room. I have no business in there, only just as I say, sometimes in the summer time I put my umbrella in that room.

Q. 12. You have never disturbed any ballots in that room?—A. No, sir.

Q. 13. You saw Mr. Binford taking them out one day?—A. Yes, sir; he looked at them; Mr. Stone was there; that is not my business. Pinkham has his papers in there from the company; he has the big box and divides them out in there.

Cross-examination:

Q. 14. Who else besides your office—what other offices or occupied rooms open in that hall?—A. Well, two little rooms have been vacant, but the back room has been used as a place where he met to play cards sometimes.

Q. 15. Who else has offices in that building?—A. Then on the other side are two rooms occupied by our clerk; those others are people I am not acquainted with.

Q. 16. Does the hall open out back into the lot by a back stairway?—A. No, sir; no back stairway.

Q. 17. It is front stairway?—A. Yes, sir.

Q. 18. How many times do you suppose in the last 4 months have you been out of the office when no one lived in the office and left the door unlocked?—A. I can't tell that; I might go out and not lock the door; I lock the door unless I step out for only a few minutes.

Q. 19. How much of the time are you in the office in the daytime?—A. I stay in an hour or two; I don't generally stay longer.

Q. 20. Are you in the office in the evening?—A. No, sir.

Q. 21. Didn't you see any one change these ballots?—A. No, sir.

Q. 22. And don't know who changed them? –A. I can't tell anything about it.

Q. 23. How long ago was it you saw Binford and Stone lock them up?—A. I can't recollect how long it was.

($0.85 paid as fee by contestee.)

CHAS. BRENNECKE.

STATE OF IOWA,
Marshall County, ss:

JOSEPH W. MORGAN, being produced and sworn before J. H. Bradley, notary public for Marshall County, on this 10th day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and J. H. Bradley on the part of contestee):

Q. 1. What is your name, age, place of residence, and occupation? What office did you hold since the November of 1882?—A. To the 1st of December I have been occupying the office with Pinkham.

Q. 2. The one that Robert Binford occupied?—A. Yes, sir.

Q. 3. Who else occupies this office?—A. Mr. Brenneke and Mr. Pinkham; these are the only two that I know of.

Q. 4. You may state if that office has been locked during the night since you occupied it.—A. I suppose it has.

Q. 5. You may state whether it has been locked, except when it has been occupied during the day, as far as you know.—A. I think that there have been times when the office has been open during the day.

Q. 6. How long a time at a time?—A. I cannot tell.

Q. 7. You may state how the back room has been kept in that office.—A. No entrance to, except through the front or side door. I think that it has been kept uniformally locked.

Q. 8. Do you know where the ballots of the November election have been kept since you occupied that office?—A. I can only answer that question by saying that on the night of the election the votes of the 3d ward were carried in the office of Mr. Binford, and I went with him. Further than that I know nothing of the votes. Nothing except up to the time when Mr. Stone came there to look them over.

Q. 9. Have you ever handled the votes or changed the ballots in the box?—A. No, sir.

Q. 10. Ever been to the box or known of anybody else going to it, or disturbing it, except at the time Mr. Binford examined these?—A. No, sir.

Cross-examination:

Q. 11. You didn't change those ballots?—A. No, sir.

Q. 12. You don't know who did it, do you?—A. No, sir.

($0.85 paid as fee by contestee.)

JOSEPH W. MORGAN.

MARSHALL COUNTY, *March* 10*th*, 1883.

A. N. FRENCH recalled.

Q. 1. You may state if you are the auditor of Marshall County, Iowa.—A. Yes, sir.

Q. 2. State if you have a copy of the abstract of the returns of the board of supervisors to the board of State canvassers of the votes cast for Representative in Congress, November election, 1882.—A. Yes, sir.

Q. 3. State if you have the poll-books that were returned to you by the judges of the election of the different precincts in the city of Marshalltown in the Nov. election, 1882.—A. Yes, sir; I have.

Q. 4. Have you the first ward, city of Marshalltown, and state how many votes are shown by the poll-books to have been returned for the office of Representative in Congress in that ward, and how many for each candidate.—A. First precinct, office of Representative in Congress, 5th district, 249 ballots cast, of which James Wilson had 84, B. T. Frederick 163, David Platner 2.

Q. 5. Does that agree with the tally-list? Turn to the abstract of the election and state how many were returned to the board of State canvassers of the precinct.—A. Frederick 163, James Wilson 84, Platner 2; yes, sir; it agrees with the abstract. I am not tallying out with the tally-list now.

Q. 6. Look at the abstract of the 3d ward in Marshalltown and state how many votes were certified for the office of Representative in Congress to the board of State canvassers, and how many were returned by the election board in that precinct as shown by the poll-book or certificate returned, and how many each candidate received.—A. For the office of Representative in Congress, 5th district, there were 374 ballots cast, of which James Wilson received 112; B. T. Frederick, 260; David Platner, 2.

Q. 7. Look at the abstract and see how many the abstract were returned to the board of State canvassers for the respective candidates for the office of Representative in Congress.—A. They agree except as to Platner. I read it 5. It is about two on the poll-book.

Q. 8. State if the abstracts and poll-books of the 3d ward agree, and how many were returned as shown by the abstract returns to the board of State canvassers.—A. Abstract shows James Wilson, 112; Frederick, 260; David Platner, 5.

Q. 9. How many shown by the poll-books?—A. Wilson, 112; Frederick, 260; Platner, 2.

Q. 10. How many as shown by the poll-book returned from the precinct? What is the discrepancy between the abstract and tally-list?—A. I read it 3 votes on Platner's ballot.

Q. 11. You may look at the abstract for the 3d precinct in the city of Marshalltown and state how many votes were returned to the State board of canvassers for the office of Representative in Congress for each candidate.—A. The 2nd ward precinct, James Wilson had 126; Frederick, 188; Platner, 11.

Q. 12. Look at the returns made to the board of supervisors, Marshall County, Iowa, for the precinct, and state how many each returned for the office of Representative in Congress in the November election.—A. 295; James Wilson had 126; Frederick, 158; Platner, 11.

Q. 13. Take the 4th ward, city of Marshalltown, and see by the abstract, as certified by the board of Co. canvassers, Marshall County, to the board of State canvassers, and state how many were returned as votes cast for the office of Representative in Congress, 4th ward.—A. James Wilson, 98; B. T. Frederick, 270; Platner, 4.

Q. 14. Look at the poll-book of the returns to the board of county canvassers for the 4th ward precinct, and state how many were returned for each candidate for the office of Representative in Congress.—A. 373, of which James Wilson received 98; B. T. Frederick, 270; David Platner, 4.

Q. 15. State if these are all the returns you have of the votes cast at the November election, 1882.—A. Yes, sir; they are.

Q. 16. State if that is the correct copy of the abstracts as returned to the secretary of state of the votes for Representative in the 5th district.—A. Yes, sir; it is for these precincts.

($0.85 paid as fee by contestee.)

A. N. FRENCH.

No. 3.

STATE OF IOWA,
Marshall County, ss:

I, Eldon Moran, a notary public and commissioner agreed upon to take testimony in this cause, in pursuance of the annexed agreement attached to the testimony of J. S. Adams, whose testimony was taken Feb. 22, 1883, do truly certify that on the 10th day of March, 1883, in pursuance of the notice hereunto attached, I took the depositions of the following-named witnesses: W. D. Forbush, O. B. Barrows, Bob't Binford, O. B. Barrows (recalled), C. M. Norton, W. H. Harrington, R. E. Everett, A. B. Taplin, C. W. Stone, C. A. Stephens, O. P. Arnold, C. B. Pinkham, N. C. Nelson, F. B. McGrew, R. Estabrook, G. W. Hartwell, G. W. Westlake, Chas. Brennecka, Joseph W. Morgan, A. N. French (recalled), whose testimony is set forth herein in the following manner:

Each witness was first sworn by me duly, or caused to be sworn in my presence, as provided by law, and when sworn, the questions were propounded to him by respective parties, Benj. T. Frederick, contestant, and James Wilson, contestee, by their respective att'ys, and the question by me read to the witness, who answered the same, and his answer in the language of the witness was by me taken down, under each question propounded, and reduced to writing until the deposition was completed.

I further certify that when the testimony of each witness was taken I carefully read the same over to the witness, who corrected the same, and each correction noted, and said testimony was then signed by the witness and sworn to by him before.

I further certify that T. Brown and Carney appeared as counsel for contestant, Benj. T. Frederick and J. H. Bradley appeared as counsel for James Wilson, contestee.

In witness whereof I have set my hand and seal hereunto notarially, this 10th day of March, 1883.

[SEAL.]

ELDON MORAN,
Notary Public for Johnson County, Iowa,
and Commissioner agreed upon to take testimony.

No. 4.

STATE OF IOWA,
Marshall County, ss:

C. B. PINKHAM, being produced and sworn before J. H. Bradley, a notary public for Marshall County, on this 4th day of May, and examined before me, testifies as follows (T. Brown appearing on the part of contestant and J. H. Bradley on the part of contestee):

Q. 1. Were you one of the clerks or judges in the November election, 1882?—A. Yes, sir; I was in the first ward.

Q. 2. You may state if you run out of register blanks during that election.—A. No, sir; they did not in my ward.

Q. 3. There are no returns, then, in that ward if any one voted without registering?—A. We didn't run out of blank certificates; we had them in use all day.

Q. 4. You used certificates all day in your ward?—A. Yes, sir.

Q. 5. Were all the voters registered in your ward; whenever they came to vote without being registered they were all sworn?

(Contestee objects to the question as immaterial and incompetent.)

A. Yes, sir; they were.

Q. 6. They were always sworn to by a freeholder in the ward or the city that you were acquainted with?

(Contestee objects as immaterial and incompetent.)

A. Yes, sir; they were, with one exception. I didn't think of it until afterwards. One man, not a freeholder, was certified to by Mr. East; he wasn't a freeholder.

Q. 7. Is he a deputy sheriff?—A. No, sir; the brother of the deputy sheriff. I did not think of it until too late.

Q. 8. Was he one of the clerks of the board?—A. No, sir; one of the judges. It occurred to me afterwards that he vouched for it; it was too late to rectify it when it was ascertained.

(No fee.)

C. B. PINKHAM.

STATE OF IOWA,
Marshall County, ss:

O. P. ARNOLD, being produced and sworn before J. H. Bradley, notary public for Marshall County, on this 4th day of May, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and J. H. Bradley on the part of contestee):

Q. 1. You live in Marshalltown?—A. Yes, sir; I do.

Q. 2. Were you one of the judges in the November election of 1882?—A. Yes, sir; for the 3rd ward.

Q. 3. You may state if there were parties who voted there in that ward whose names were not on the register.—A. Yes, sir.

Q. 4. You may state if they were proved to be voters whose names did not appear, if they proved their residence?

(Contestee objects; incompetent, immaterial, and not the proper rebutting evidence.)

A. Yes, sir.

Q. 5. Did you run out of blanks that day?—A. Yes, sir; we did.

Q. 6. What was done to supply the absence of blanks?

(Objection; immaterial).

A. I think blank pieces of paper were taken, and the voters signed them.

Q. 7. All the witnesses signed the paper also?—A. Yes, sir; those who vouched for them.

Q. 8. Well, now, did the parties who vouched for the voters also swear that those who voted were voters?—A. Yes, sir.

Q. 9. Do you remember of any person that was permitted to vote that was not registered; that proof did not appear satisfactory to the board that they were entitled to vote in that ward?

(Objection; incompetent and immaterial.)

Q. 10. Did you know of any person being permitted to vote whose name did not appear on the registration book; that is, proved to the satisfaction of the board that he was a resident in the ward and entitled to vote?

(Objection; immaterial and incompetent.)

A. No, sir.

Q. 11. Now what was the form of the oath administered—the same as the oath required by the registry law?

(Objection; incompetent and immaterial.)

A. Yes, sir; I don't know as the oath was read in full every time, but it was substantially the same.

Q. 12. Were the witnesses interrogated as to where the party lived and as to his knowledge of his right to vote?

(Objection; immaterial and incompetent; not the proper rebutting evidence.)

Q. 13. That is, the witnesses that were sworn?—A. Yes, sir, I think that they were; that is my impression.

Q. 14. He gave the evidence upon that subject before the party stated that he knew where the party lived?—A That was provided for in the oath.

Q. 15. He made answer to the oath, did he?—A. Yes, sir.

Cross-examination:

Q. 16. You say that he subscribed to the oath; do you mean that he wrote his name at the bottom oath?—A. Yes, sir.

Q. 17. What was the oath written upon?—A. Which have you reference to?

Q. 18. I mean those voters that were not registered after you run out of blanks?—A. The oath was read from another paper.

Q. 19. Wasn't it simply a blank of paper the voter signed his name to the bottom and left in blank both oath of witness and voter?—A. Yes, sir, that is a fact.

Q. 20. Then the oath subscribed to was simply a blank piece of paper?—A. Yes, sir.

Q. 21. Then the subscribing was written on a piece of blank paper?—A. Yes, sir.

Q. 22. Then there was no oath subscribed to in the case?—A. No, sir; not on those blanks.

Q. 23. Was the oath administered in due form?

(Objection as incompetent.)

A. Yes, sir, I think that it was.

($0.85 paid as fee by contestant.)

O. P. ARNOLD.

STATE OF IOWA,
Marshall County, ss:

O. B. BARROWS, being produced and sworn before J. H. Bradley, notary public of Marshall County, on this 4th day of May, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant and J. H. Bradley on the part of contestee):

Q. 1. Were you one of the judges at the election of the 2d ward, city of Marshalltown?—A. Yes, sir.

Q. 2. You may state if you remained there during the day.—A. Yes, sir; except while I was gone to dinner.

Q. 3. State if all the persons not upon the register list of the election in that ward

who voted produced witnesses to prove up their right to vote, voted after proving up their right to vote.

(Contestee objects; incompetent.)

A. Yes, sir.

Q. 4. Did you run out of blank register affidavits during the day?—A. Yes, sir; we did towards night.

Q. 5. You may state how the proof was made after you run out of blanks. State whether any oath was administered to the witnesses.—A. The witnesses and voters were both sworn.

Q. 6. Was the oath administered similar to the one provided in the blank?—A. The same oath that had been administered to them before.

Q. 7. The proof duly brought showing that they had a right to vote?—A. Yes, sir.

(Objection; immaterial.)

Q. 8. There was no voter permitted to vote without such proof?—A. No, sir.

Cross-examination:

Q. 9. Was the oath written down?—A. No, sir; not after they had run out of blanks, no, sir; they commenced writing, but the crowd was so great we talked of hiring a special clerk to write out oaths. I think Col. Johnson suggested that they sign their names, administered the oath, also sign the names of the witness, then write out the oaths afterwards. And when we first thought of writing the names without reading the oath Mr. Frederick went up town and brought down a quire of legal cap at the suggestion of some person, I think it was Col. B. W. Johnson, that they did not have time to write out, there were so many wishing to vote. He suggested that it would be as well to let them sign their names and also let the witnesses sign their names.

Q. 10. You think there was no time to comply with the formulas required by the statute?—A. No, sir; there did not seem to be time; there was quite a number voting.

Q. 11. About how many votes were there where they did not subscribe to the regular form?—A. I don't know how many there were; it was along toward dark, in the evening, I remember.

Q. 12. Quite a good number were there?—A. Yes, sir; I should say probably 25 or 50 voting to my distinct recollection; it was about time that they were coming up from the railroads to vote when there were a good many voting.

Q. 13. Now all there was done so far as an affidavit having record of affidavit signed was to have the party sign a blank piece of paper?—A. Yes, sir; I think so.

Q. 14. They were left blank, were they not?—A. I think they were.

Q. 15. There was no oath subscribed at all, was there?—A. I don't think there was any oath subscribed; they were simply sworn by subscribing to that paper.

Q. 16. Subscribing to the piece of blank paper?—A. Yes, sir; I think that was all.

Q. 17. You know subscribe means to write under it, does it not?—A. I guess so; they subscribed their names on the paper.

Q. 18. You don't know whether that was filled up with oaths or affidavits?—A. No, sir; I don't know, indeed.

Q. 19. Those pieces of blank paper were returned in to that very township to the township clerk?—A. I think that they were.

Q. 20. Never any oath written out to comply with the registry law?—A. I don't think there was.

Q. 21. Wasn't there any intention to write out the oath?—A. I think that it was intended to write them out, but I don't think they had them do it.

Q. 22. You did this for the purpose of complying with what you understood to be your duty in the registry law?—A. Yes, sir.

Q. 23. You understood that there was a registry law in force at that time the same as now?—A. Yes, sir; that was my understanding.

Q. 24. And the reason the oath was not written out and subscribed by the registry law was that they did not have the time to do it?—A. That is it exactly.

Q. 25. Wasn't it the understanding that these pieces of paper were to be filled afterwards?—A. I think that was the understanding; it was suggested that they could write the oath out; I thought that it was understood that they would.

Q. 26. Who was directed to fill them out?—A. I think that it was the intention of the clerk at the same time. When they closed up they were kept very busy; had no time then. It was late when they got through counting.

Q. 27. You have examined these papers since?—A. No, sir; I have not.

Q. 28. You don't know whether they had time yet to do it?—A. No, sir; I don't know whether they had time or not.

Q. 29. There is not anything to show by these papers themselves whether any party whatever administered the oath to any party?—A. No, sir.

Q. 30. It would not be possible to say which officer administered the oath to the

respective parties?—A. My recollection is that C. M. Norton administered the oath to all of them while I was there.

Q. 31. There wasn't anything said to him that he was to fill them afterwards?—A. I don't think so after the election closed.

Q. 34. Well, before the election closed?—A. I think at the time we run out of blanks the matter was talked over. We sent up to the other precincts and they sent word they were out. Frederick went to get paper that they might write them out themselves. There were so many wishing to vote by this time that there was not time. It kept the clerks and judges very busy. Some one suggested that they could be filled out afterwards. I think it was Col. Johnson.

Q. 35. Wasn't it Mr. Frederick, the contestant?—A. Yes, sir.

Q. 36. Did he get several quires of paper?—A. I think about one quire. Part of it I took to the poor afterwards.

Q. 37. Was it all used in that way?—A. No, sir; only a small portion of it was. I took the balance home. I handed a part of it to the paupers living in the poor-house.

Q. 38. And the paper was furnished by Frederick, and he was there?—A. He brought it there. I don't know who bought the paper.

Q. 39. There was no question as to there being a registry law in force?—A. That question was raised there, sir.

Q. 40. While you were gone to dinner or supper you don't know how many voted that were not registered?—A. No, sir.

Q. 41. How long were you gone to supper?—A. Perhaps 30 minutes.

Q. 42. Did you go to supper at 6 o'clock?—A. No, sir; I think about 5 or 6.

Q. 43. They were running in votes pretty fast then?—A. No, sir; a little slack; it did not last long after they began to come up from the railroad; I think that they quit about 6 o'clock.

Q. 44. What particular ones did Norton administer the oath to?—A. No particular ones; I think that he administered it to all while I was there.

Q. 45. Do you recollect now?—A. Well, I can't undertake to tell the names of all he administered the oath to.

Q. 46. I didn't ask you the number, but what particular ones he swore.—A. I think he swore all while I was there.

Q. 47. Well, do you know what particular ones he swore; can't you name any that he swore, now?—A. I could not; because we put it to him to administer the oath as he was a notary public. I think that he administered the oath to all.

Q. 48. Do you think he put his seal to these pieces of blank paper?—A. I could not say that he did.

Q. 49. Do you think that he signed any of these pieces of paper?—A. I could not say that he did.

Q. 50. Didn't you know what was in these pieces of paper—the names of all the persons?—A. No, sir; I did not know that.

Q. 51. Did you see any of them?—A. I saw the papers there, on the other end of the table; I had other business to attend to.

Q. 52. Did you see any of them after they were signed?—A. I saw them then, on the table after they were signed.

Q. 53. Did you see any of those papers after that anywhere else?—A. I saw the people signing the papers; I didn't see the papers after they were signed.

Q. 54. You didn't see them since?—A. No, sir; I never saw them since.

Redirect:

Q. 55. Is Mr. Johnson, the man who suggested that, the Hon. B. W. Johnson?—A. Yes, sir.

Q. 56. He was formerly Republican?—A. Yes, sir.

Q. 57. Supporter of Wilson, is he not?—A. I don't know whom he supported.

Q. 58. Do you know anything about his voting for Wilson in this case?—A. No, sir; I don't know anything about that.

($0.85 paid as fee by contestant.)

O. B. BARROWS.

STATE OF IOWA,
Marshall County, ss:

R. ESTERBROOK, being produced and sworn before J. H. Bradley, a notary public for Marshall County, on this 4th day of March, A. D. '83, testifies as follows (T. Brown appearing on the part of contestant, J. H. Bradley on the part of contestee):

Q. 1. Were you one of the co. judges in the 4th ward at Marshalltown at the city election Nov., '82?—A. Yes, sir.

Q. 2. You may state if you run out of register blanks in that ward.—A. We had them until five or six o'clock; we run out before we got through.

Q. 3. Now you may state if you received votes of people on the register during the

latter part of the day when you run out of blanks.—A. Yes, sir; the other was a substitute for a blank.

Q. 4. State what the substitute was.—A. Well, it was a writing describing the location, and sometimes the street they were living on; I asked them particularly.

(Objection on the ground that it is immaterial.)

Q. 5. Well, did you swear the witness?—A. Yes, sir.

Q. 6. Were all of the witnesses of the parties who wished to vote that were not registered sworn?

(Objection; immaterial, incompetent.)

A. Yes, sir; they were, so far as I know.

Q. 7. Was the same oath administered as prescribed by the blanks?

(Objection; immaterial, incompetent.)

A. Yes, sir; I think that it was the same.

Q. 8. Were these voters who produced witnesses, were they examined by the boar as to the residence of the voter in the ward?—A. Yes, sir; they were all examined alike; sometimes one of the board examined them, and sometimes another. d

Q. 9. Was it proven to the satisfaction of the board that they were residents in the ward at the time the vote was received?—A. Yes, sir; we went through the same course with them; the question came up there whether they were voters.

Q. 10. You allowed any one to vote that proved his residence in the ward the requisite length of time?

(Objection; incompetent, immaterial.)

A. The question was asked them if they could swear that they resided in the 4th ward.

Q. 11. Was that question put to the witness?—A. Yes, sir; the same question was put them all as far as I know.

Cross-examination:

Q. 12. Now, what were these papers they signed; was there any oath registered as to these votes?—A. It was the regular form; they were not until we run out of forms.

Q. 13. What did you do when you run out of the regular forms?—A. We got the number of the residence, and the number of the street as far as we could; I questioned them about the street.

Q. 14. In a good many you did not get anything but the name, did you; that is, the name of the voter?—A. No, sir; sometimes we got the residence; that is, the number of the street, and number of the residence on the street.

Q. 15. You did not make any record of any oath being administered to these persons who went to vote; were they not registered if you run out of blanks; that is, as to their qualifications; was there a written record of it?—A. Yes, sir; there was a writing made of it; I think they or these were with the others that were put with them.

Q. 16. Have you seen any of these since?—A. No, sir; I saw them at the time, but not since.

Q. 17. Did you know that they had nothing but a blank sheet of paper with two names on it; one at the middle, and one at the bottom, without any other on it?—A. No, sir; they were not; I think that they were written; that is, their names in; well, I got to that; they were written there, I had an idea, and my impression was——

Q. 18. Well, not your impression was, but what record was made of the oath that was used for a substitute for the blanks?—A. In swearing them I used the same oath that was on the blank.

Q. 19. What record was made of that?—A. That is what I am coming to; my impression is that the street they lived on was put in also.

Q. 20. There was not any oath written out full anywhere?—A. When we got out of printed blanks?

Q. 21. Yes, sir.—A. No, sir.

Q. 22. All there was, then, was, simply the name written down, and the street?—A. Yes, sir.

Q. 23. Now, was the name written by the party voting or by one of the judges of the election?—A. By the judges of the election; they signed it.

Q. 24. How is that?—A. They signed their names.

Q. 25. Then the name was written by the judges of the election, was it?—A. I thought there was a blank filled out and returned to them to sign.

Q. 26. Have not you run out of blanks?—A. Yes, sir.

Q. 27. What was written in that blank?—A. That is hard for me to tell.

Q. 28. What is it, then?—A. We used blank papers with names written on; I really cannot tell exactly what was on it.

Q. 29. Was it simply a blank sheet of paper?—A. We took a blank sheet of paper with some writing, giving their names and residences.

Q. 30. Any affidavit written?—A. No, sir; I think not of any length.

Q. 31. Was there any of any shortness?—A. I have no recollection.

Q. 32. You did not see them when Binford produced them?—A. No, sir; once since.
Q. 33. Did you not know that that was returned simply as a blank sheet of paper, with a name or two written on it without any affidavit at all?—A. Well, sir, I never saw them from the time we got through; I have never seen them since.
Q. 34. All that was returned was simply blank pieces of paper that were used—nothing written but the name?—A. I could not say as to that.
Q. 35. Did you swear any with the name written out only; did you swear any of these names after you had run out of blanks, where the affidavit was written out in full?—A. Yes, sir; I swore some of them.
Q. 36. Then these without blanks?—A. You are asking me when they signed their names, if I swore them in regard to being a resident?
Q. 37 No, sir; that is not it at all.—A. What is it, then?
Q. 38. This is the question: Did you swear any of these persons who desired to vote after you ran out of blanks, without the affidavit written out?—A. In full, you mean?
Q. 40. Yes, sir; of course.—A. No, sir; I don't think there was any written out in full.
Q. 41. After you ran out of blanks you adopted this method; took blank pieces of paper and let the party desiring to vote sign it about the middle?—A. Yes, sir.
Q. 42. Somebody signed them at the bottom?—A. Yes, sir.
Q. 43. That is all the record made of it?—A. Yes, sir.
Q. 44. In many instances the party who signed his name at the bottom lived in another ward?—A. I don't recollect any case of that kind; it might have been so.
Q. 45. You were not particular to see that the party that was vouching for the party who was voting was a resident of the same ward?—A. No, sir.
Q. 46. In many instances residents of different wards?—A. No, sir; I don't know of any cases of that kind; though there might have been.
Q. 47. In many instances the party vouching was not on the register?—A. I don't know of any case in which it might have been.
Q. 48. Did you look to see whether the name was on the register?—A. No, sir.
Q. 49. You knew there was a registry law in force—you supposed there was?—A. I looked to see whether they were parties I knew.
Q. 50. You supposed the registry law was in force?—A. Yes, sir.
Q. 51. How many votes were there cast in all in the 4th ward, do you think, after you ran out of blanks, where there was no affidavit of any qualification after voting but simply these blank papers signed?—A. I have reason for knowing that.
Q. 52. Can you give any idea?—A. No, sir; none at all. We ran out about 5 or 6 o'clock.
Q. 53. Quite a large number of votes were put in after that?—A. Yes, sir; quite a number.
Q. 54. You held the poll-book open till 8 o'clock; a large number of people, laboring people, voted after supper, did they not, in the 4th ward?—A. Yes, sir; there were a great many of that class of voters.
Q. 55. Why did you simply let parties sign these blank pieces of paper, and did not have them make any affidavit?—A. When we were nearly out they had adopted it there, and I adopted the same course.
Q. 56. Why did you omit that little formality of having them make an affidavit to the votes; why did you not have it written out; was there not time to comply with the law?—A. Well, at the time we were rather hurried.
Q. 57. It was because you were hurried, was it?—A. Yes, sir; we were in a hurry at the time.
Q. 58. There was not any notary attaching his seal to any of these papers?—A. No, sir; not that I saw.
Q. 59. There was no officer that signed these papers, was there?—A. No; there was no board there.

Redirect:

Q. 60. Although you ran out of blanks, the oath was administered in due form to these parties?—A. I suppose it was to some.
Q. 61. Who administered the oath?—A. I did, myself.
Q. 62. Did you administer the same oath to all these that signed the blanks?—A. Yes, sir.
Q. 63. You took proof only of men you knew to be truthful and reliable?—A. I would not have taken any other.

Recross-examination:

Q. 64. You did not regard whether the person of whom you took proof lived in the ward?—A. No, sir; it was only as to whether they were truthful and knew the voters in the case.

Redirect:

Q. 65. There was no time to write out blanks without sacrificing a great deal?—

A. There might have been some time we could have written them out; part of the time we could not.

($0.85 paid as fee by contestant.)

R. ESTERBROOK.

No. 5.

STATE OF IOWA,
Marshall County, ss:

Deposition of witnesses produced before me, Eldon Moran, notary public and commissioner agreed upon to take testimony, and duly sworn by J. H. Bradley, a notary public in and for Marshall County, Iowa, on this first day of March, 1883, in pursuance of the notice hereunto attached, at office of Brown and Carny, at Marshalltown, Iowa, in a proceeding pending before the House of Representatives of the United States of America, in a contested election for the office of Representative in Congress, in which proceding Benj. T. Frederick is contestant, and James Wilson, contestee. Brown and Carney appeared for contestant, and J. H. Bradley for contestee. The following testimony was taken before me:

STATE OF IOWA,
Marshall County, ss:

EZRA R. WYATT, being produced and sworn before J. H. Bradley, notary public for Marshall County, on this fifth day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and J. H. Bradley on the part of contestee):

Q. 1. What is your name?—A. Ezra R. Wyatt.

Q. 2. Where is your place of residence?—A. I reside in Marshall County, Iowa.

Q. 3. What is your occupation?—A. Farming and stock raising.

Q. 4. Were you one of the officers of the election in Washington Township at the Nov. election, 1882?

Q. 5. Are you at present township clerk?—A. I am.

Q. 6. Have you possession and custody of the ballot-box used in the Nov. election, 1882?—A. Yes, sir; I have it with me.

Q. 7. Where has the ballot-box been kept since the election?—A. It was left on top of a high cupboard in the school-house.

Q. 8. Left locked or unlocked?—A. Left locked.

Q. 9. Was the key in the lock?—A. No, sir; I have it with me.

Q. 10. Have it in your pocket?—A. Yes, sir; carried it with me.

Q. 11. You may state if you have it now in your possession.—A. Yes, sir; I have.

Q. 12. You may state in what condition the ballots were left in the box at the time of the election.—A. They were all put on to a string and put into the box, and then the box locked.

Q. 13. You may now open the ballot-box and count the ballots that were cast at said election.

(Att'y Bradley, on the part of contestee, objects because it is not shown that the ballots are now in the same condition in which they were left by the canvassers.)

Q. 14. Please count them in the presence of the commissioner. You may state whether the ballots are apparently in the same condition as they were at the time when they were counted at the election.—A. Yes, sir; and the tickets are apparently in the same condition in which they were left at the time we counted them; part of one ticket is gone, and part is torn off that I can't find.

Q. 15. Can that have been torn off by one end being partially left out of the box?—A. I can't say as to that; we found it separated and lying loose in the box; it was not strung. There is a small ballot that has nothing but assessor, commencing here, and further down are the township officers; it had no State ticket on it; that was also loose with this piece of ticket; the rest were all strung.

Q. 16. You recollect that small ballot?—A. Yes, sir; I remember it was cast at the election.

Q. 17. You may now proceed to count the ballots, and state how many there are for the office of Representative in Congress, 5th Congressional district, and state how many ballots each candidate received?

(Witness proceeds to count the ballots; Mr. French is called upon to assist in making the tally.)

A. Here are two tickets that don't appear to be for anybody as Congressman. This one you see has never had anything but township names on it. Beginning at the heading, the township ticket part is all that is on it. This one appears to have no Representative on it; the name of the Representative came above it, perhaps.

Q. 18. What kind of a ticket is it, Democratic or Republican?—A. Well, sir, the heading is not here; I will have to compare it. Here is Anderson for dist. att'y, in Harding Co.

Q. 19. Were these Democratic candidates?—A. I can't say from memory; I think it is a Greenback ticket; C. G. Lander for clerk, H. H. Gregg for recorder.

Q. 20. Now you may answer the question as to the result of the ballot?

(Objection on the ground that it is not shown that the ballots are in the same condition that they were when left by the canvassers.)

Q. 21. State it.—A. According to Mr. French's tally I found Wilson 42, Frederick 54, Platner 12.

Q. 22. Who assisted you in making the count just now?—A. Mr. French tallied; I counted them.

Q. 23. Did he announce the number at the end of each tally, every time he tallied; that is, Mr. French?—A. I did not hear him.

Q. 24. Do you know of your own knowledge how many ballots were cast at the election; I mean from your present count?—A. I should have to go over there and count them again.

Q. 25. Well, sir, go ahead and count them again; are they in separate piles?—A. I made 53 for Frederick; I have counted it twice, carefully.

Q. 26. Mr. French had 54?

(Witness proceeds to count Wilson's tickets.)

A. I made it 42; here is one ticket I did not pick up for Frederick, which makes 54.

Q. 27. Now count the Platner pile.

(Witness proceeds to do so.)

A. I find 12. Besides these there are two other tickets.

Q. 28. What is the result as you find it?—A. Frederick 54, Wilson 42, Platner 12, with two other counts scattering.

Q. 29. Please look at the tally books and state how many ballots were cast at the election.—A. There are 110.

Q. 30. How many ballots did you know were found in the box?—A. 110.

Q. 31. Now state whether there was any discrepancy in the count of the clerks at the election on the evening of the election when the votes were tallied, I mean on any count.—A. I think there was a discrepancy between the assistant clerk and myself.

Q. 32. On what count was that?—A. I could not tell.

Q. 33. How much was that discrepancy?—A. I could not positively tell that.

Q. 34. State as nearly as you can.—A. There might be one or two.

Q. 35. Was not your discrepancy for the office of Representative in Congress?—A. I could not say.

Q. 36. You are sure there was a discrepancy?—A. I think there was.

Q. 37. Did you recount the votes?—A. I don't recollect whether we did or not.

Q. 38. Have you the poll-book of Washington Township in your hands?—A. Yes, sir; the one that was left with the township clerk.

Q. 39. It is the regular poll that is left with the clerk?—A. Yes, sir.

Q. 40. Is that in the same condition that it was at the time of the election?—A. Yes, sir.

Q. 41. You may state how many votes are shown to have been returned to the county auditor for the office of Representative in Congress.

Witness having examined the poll-book which is in his possessior, says:

A. One hundred and ten ballots were cast, of which James Wilson had 45 votes, Frederick, 52; and Platner, 13.

Q. 42. Now you may state if it is not true that at the election there were no ballots in which the parties did not vote for Representative at all?—A. Yes, sir; I think it is shown by this ticket that they did not vote for Representative—I mean the township ticket referred to.

Q. 43. Then there were not 110 votes cast for the office of Representative in Congress at that time?—A. It seems so by that vote.

Q. 44. Do you remember that that vote was there at that time, and that it was cast at the election?—A. Yes, sir; I recollect it.

Q. 45. Then that poll-book, in relation to that vote, is wrong?—A. Yes, sir; it shows a discrepancy of that vote.

Q. 46. In the recount of the ballots, what discrepancy did you find for the office of Representative in Congress, and in whose favor was it and against whom?—A. I found two more for Mr. Frederick, and three less for Mr. Wilson, one less for Mr. Platner. I find that the heading of the ticket which contains the name of Representative for Congress is gone—I could not say positively whether Democrat, Greenback or Republican.

Q. 47. What do you regard the ticket, from the names of the candidates on it?—A. Greenback, from what I found on it.

Q. 48. Compare it with a straight Democratic ticket, and state whether it is Democratic or otherwise.

(Witness compares it with the other ticket.)

A. It compares with the Democratic ticket, what is left of it.)

Q. 49. Do you remember whether the ballot was torn off when you counted the votes at the election?—A. Yes, sir.

Q. 50. Or whether it was a perfect ballot? Did you recognize any such ballot?—A. No, sir.

Q. 51. Do you recollect at the time of counting as having any such a ballot, torn like that?—A. No, sir; I don't.

Q. 52. What did you say about that ballot being torn since the election?—A. I believe it to have been torn since the election from this fact—that when I opened the box, brought it down from the school-house, it was detached and off the string.

Q. 53. Did it have the appearance of having been strung once?—A. Yes, sir.

Q. 54. Was the box locked when you found it at the school-house?—A. I rather think not; we took it home thinking it to be locked; I found the key in my old jacket pocket; I turned it once or twice, but could not get it open; I did not try it until I found the key, and that fetched it; I tried several times before it came open; I am positive I locked it when I left it there.

Cross-examination:

Q. 55. When did you leave the ballot-box at the school-house? When you found the box, was it in the same condition it was when you left it?—A. No, sir.

Q. 56. What was the condition?—A. The back of it was loosened, and I could see a portion of a ticket sticking out; I can show you the box if you want to see the state of affairs.

Q. 57. How much of the ballot was sticking out of the box?—A. Just enough to show that it was one of the tickets. My impression is that it stuck out far enough so that it could be caught hold of and torn off.

Q. 58. How much of an opening was there in the box?—A. I can show you better by taking the box.

Q. 59. Tell it so that the reporter can take it down.—A. There was a small crack, and the back end was loose; the crack was a quarter of an inch wide.

Q. 60. A crack or a space?—A. Well, the lid is broken enough to leave a little space.

Q. 61. There was room enough in that space to take out such ticket and change the name as desired?—A. Might take out a single ticket.

Q. 62. They could be taken out separately?—A. No, sir; they could not do it, unless they got hold of the end of the string that was knotted.

Q. 63. Could not part of the ticket be pulled out?—A. Yes, sir.

Q. 64. Could it be pulled out far enough to erase the name?—A. No, sir; I left it on the top; I found it on this shelf, a little lower down.

Q. 66. Was this piece split off when you left it?—A. It had been split off; some of it I had to nail on.

Q. 67. Was the piece with the box when you left it?—A. Yes, sir, but tumbled off the minute I took hold of it; it was on there loose.

Q. 68. When did you take the box home from the school-house?—A. I could not give the date.

Q. 69. How long ago was it; inside of three weeks; since the middle of Feb.?—A. I should judge so.

Q. 70. Election was the early part of Nov.?—A. 7th, I believe.

Q. 71. You say the box was at the school-house probably 9 or 10 weeks?—A. It was there that length of time.

Q. 72. Was school in session at that time?—A. Yes, sir, in session.

Q. 73. Was the ballot so that it could be seen by anybody?—A. Yes, sir; if they took pains to look on top of the cupboard; several cupboards there.

Q. 74. The ballot-box was open, not covered up by anything?—A. No, sir; I did not mean that the box was open, but it was not covered up with cloth.

Q. 75. The ballot-box left uncovered?—A. There were two ballot-boxes left there; we have a township box.

Q. 75. They look like other ballot-boxes?—A. I presume so; I never saw many ballot-boxes.

Q. 77. Does this look like the most that you have seen?—A. Yes, sir; looks like an ordinary ballot-box.

Q. 78. What meetings have been held in the school-house this winter?—A. We have had a kind of a lyceum in the school-house.

Q. 79. How often has that been held there?—A. Probably once a week, when the weather was fine, for the last six weeks.

Q. 80. Has it been held as often as once a week this winter?—A. In the latter part of it.

Q. 81. How many meetings were there from the time of election till you took the ballot-box away?—A. Being away from home this winter, I have never been to any of them.

Q. 82. You say you have not seen the ballot or the piece of the ballot loose in the box?—A. Yes, sir. After we opened the slide and pulled it off we looked the matter

up. There was this one that was apparently forgotten; also this little short township and county ticket that was unstrung and lying loose in the box.

Q. 83. Have you any means of knowing whether that was a separate ballot detached from the other ticket or not?—A. Nothing, only the way it was changed by being torn; also the fracture that was made for the purpose of stringing them, it being at the end of what was left.

Q. 84. There was no State ticket attached to that, was there?—A. The latter part of the State ticket.

Q. 85. No; I mean township ticket now?—A. No, sir; no State ticket anywhere.

Q. 86. Without counting that—the township tickets—you find only 109, do you?—A. That is all.

Q. 87. Now, take your poll-book and tell me how many ballots there were shown by your return for the State officers; say, for the office of sec'y of state?

(Witness examines poll-book.)

A. There were 55.

Q. 88. Have you not all of them there together?—A. Do you want the sum total?

Q. 89. Does it not show without your adding them up?—A. Yes, sir; 110.

Q. 90. How many for auditor of state?—A.—110.

Q. 91. How many for treas. of state?—A. 100.

Q. 96. How many for reporter of supreme court?—A. 110.

Q. 97. Can you tell from this township ticket whether it was torn before or after the canvass made by the judges? Can you tell by the looks of it whether it was torn before or after the canvass?—A. I believe, by looking at it, that it was not strung.

Q. 98. Can you tell by the looks of it whether it was torn off before or after the canvass?—A. I could judge only by the puncture here that it was strung, if there was any.

Q. 99. Do you recollect that as a fact that ticket never had a State ticket upon it?—A. No, sir.

Q. 100. Then is there not a ballot gone from the box?—A. There seems to be a discrepancy of one ballot.

Q. 101. Now, as I understand it, when you made the count to-day, counting that township ticket, there were only 110 ballots in the ballot-box?—A. Yes, sir, in all; we call these two scattering.

Q. 102. Are there any tickets in that box that you find the name of Wilson erased and Frederick written in?—A. Yes, sir; I think a number of them.

(Witness examines them.)

Q. 103. Can you tell by the looks of them whether it was done before or after the canvass?—A. No, sir, I cannot.

Q. 104. Is the erasure made with a pencil?—A. Yes, sir; some of them made with an indelible pencil; also, one made with a common pencil.

Q. 105. Are the erasures any of them made with a pen?—A. It looks to me like purple ink; I don't know anything about it.

Q. 106. Are they mostly made with lead pencil?—A. I should judge so.

Q. 107. How many are there?—A. I find ten.

Q. 108. Can you tell if any of those were made before or after the canvass?—A. I cannot tell.

Q. 109. Did you find any of the Frederick tickets with Frederick's name erased and Wilson's name written on?—I will look.

(Witness examines again.)

I find them straight Wilson tickets without any scratches.

Q. 110. Who were the judges of the election?

(Witness examines the poll-book.)

A. B. B. Potter, M. E. Andrews, and F. A. Scott.

Q. 111. Did you examine the ballots on the night of the canvass yourself?—A. No, sir.

Q. 112. You only took the tallies as they were called off to you?—A. Yes, sir, that is all.

Q. 113. You did not examine them?—No, sir.

Q. 114. You cannot tell now whether these ballots are the same as they were that night or not?—A. Not separately; generally they appear the same.

Q. 115. Then you cannot answer that they are the same?—A. No, sir, not as whole.

Q. 116. Can you as to any of them?—A. Yes, sir, as to this township.

Q. 117. There was one ticket where the Republican in Congress was torn off or separated from the township ticket; the one you have been talking about?—A. I do not recognize it at all.

Q. 118. You have one set there?—A. Yes, sir; I have.

Q. 119. Do you recollect whether or not that ballot was torn off the string?—A. No, sir; I have no recollection of that.

Q. 120. How many times have you canvassed the ballots since the election?—A. Once.

Q. 121. Did you count them there?—A. Yes, sir; Mr. C. W. Stone called at my place I took them and counted them myself.

Q. 123. Did you take them off the string?—A. Yes, sir; we also classified them the way we did to-day.

Q. 124. Were they classified as they are to-day when you took them off the string?—A. No, sir; but very much the same.

Q. 125. Were they counted one by one?—A. No, sir.

Q. 126. How were they counted?—A. The trustees matched up five at a time as far as they could tally five at once; towards the last, they took them separately.

Q. 127. Do you remember whether the State tickets were counted in tallies of fives?—A. I think that they were.

Q. 128. Was the Congressional ticket so counted?—A. Yes, sir; it was.

Q. 129. In restringing these tickets, did you string them in the same hole?—A. No, sir.

Q. 130. Made new holes?—A. Yes, sir; made new ones.

Q. 131. How came you to get the ballots from the school-house?—A. He called and said that he wanted to see the tally-list; showed him the tally-book; he said no—that he wanted to count the ballots; I had some hesitancy, so I concluded I had better bring them down from the school-house any way; I opened the box there myself; no other person counted the tickets.

Q. 132. He came to you and wanted you to count the tickets?—A. Yes, sir.

Q. 133. Did he suggest that there was a discrepancy?—A. Yes, sir.

Q. 134. He seemed to understand that there was a discrepancy?—A. Yes, sir; when he was looking the tickets over.

Q. 135. Did you know anything or hear anything about these ballots being taken out of the box by anybody but the scholars?—A. No, sir; not until there was some talk recently.

Q. 136. You heard the boys handled them and talked of burning them?—A. No, sir; I never heard any such thing; I brought the box away.

Q. 137. Do you not recollect upon what candidate or candidates any discrepancy existed between you and the assistant clerk?—A. No, sir.

Q. 138. Whose count was adopted, yours or that of the other clerk?—A. I think that he yielded to my count.

Q. 139. Do you think your account was right?—A. Yes, sir; I thought so.

Q. 140. Did you know of anybody having the key to this box beside yourself?—A. No, sir.

Q. 141. You only marked down the ballots as the judges gave them to you at the election?—A. Yes, sir.

Q. 142. There must have been a mistake in one, for there were only 110 ballots cast, and one of them did not have any State officers. There might have been a discrepancy there as to State officers?—A. I think there must have been a discrepancy there, because counting these, it makes only 110.

Q. 143. Now as to this loose ballot, was the loose ballot read that was struck out?—A. I cannot answer that; I found them in the box when I drew the cover off.

Q. 144. Well, from the looks of the piece that was struck out, did it have the appearance of being a torn ballot?—A. Yes, sir; it struck me that it was a torn ballot.

Recross-examination:

Q. 145. As I understand, these ballots were pulled up towards this crack in the box?—A. Yes, sir.

Q. 146. You found them in the bottom?—A. I adjusted these pieces that were torn off before I started home.

Q. 147. Did you say that as the discrepancy now is that there are only 110 votes for State officers any way, 110 for all State officers, according to the returns?—A. Yes, sir, according to the poll-book.

Q. 148. Now if there were only 110 for State officers in the box, is that the result?—A. Yes, sir; I have come to that conclusion.

Q. 149. Would that be a reasonable conclusion if part of the tickets were taken out?—A. Yes, sir.

Q. 150 Would you suppose that there could be a possibility of one ticket being taken out?—A. Yes, sir; they might have taken any number, more or less.

Q. 151. Which of the judges called off the votes?—A. They took turns. One judge sorted out five tickets, then while he was calling off, another judge sorted out a number, it is my impression.

Q. 152. Did each judge call out what he sorted himself?—A. Yes, sir.

Q. 153. They were all engaged in it?—A. Yes, sir.

Redirect examination:

Q. 154. How many ballots were cast for township officers and for the all other officers?—A. 110.

Q. 155. Is that correct?—A. Well, township clerk has 102, and for justice there were 92, and for another justice 91, also for assessor 93, township trustees 85.

Q. 156. Is it true that there was one vote for township officers alone and that the poll-books show 110 ballots cast for all?—A. Yes, sir; that is all at the election.

Q. 157. And this 110 you find in the box?—A. Yes, sir; 110 ballots in the box.

Q. 158. And one of them never had State officers on it?—A. No, sir.

Recross-examination:

Q. 159. Do you mean to say that the same bollots cast there are the same ballots found in the box now?—A. Yes, sir.

EZRA R. WYATT.

$1.85 paid by contestant.

STATE OF IOWA,
Marshall County, ss:

R. E. LEECH, being produced and sworn before J. H. Bradley, a notary public for Marshall County, on this fifth day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and J. H. Bradley on the part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. Washington Township, Marshall County, Iowa; age, 22 years.

Q. 2. How long have you lived in Washington Township?—A. Pretty nearly 5 years.

Q. 3. Did you vote at the Nov. election '82?—A. Yes, sir.

Q. 4. In Washington Township?—A. Yes, sir.

Q. 5. For whom did you vote for Representative in Congress?—A. The straight Republican ticket.

Q. 6. You voted for James Wilson then, did you?—A. Yes, sir, I did, for he was on that ticket. I did not pay much attention to it at the time; I was in a hurry.

Q. 7. Where did you live at your earliest recollection, and where were you raised?—A. I was born in New York State.

Q. 8. Where did you live at your earliest recollection?—A. In Canada.

Q. 9. Where did your parents reside at your earliest recollection?—A. In Canada.

Q. 10. How long did they reside there?—A. I cannot tell.

Q. 11. Do they reside there now?—A. Yes, sir.

Q. 12. Were your father and mother citizens of Canada from your earliest recollection to the present time?—A. Not that I know of.

Q. 13. Were they living in Canada from your earliest recollection to this time?—A. Yes, sir.

Q. 14. Do you know where they were born?—A. No, sir.

Q. 15. Did you ever hear them say?—A. No, sir; not that I know anything about.

Q. 16. Did you ever hear them say in what city or nation they were born?—A. No, sir.

Q. 17. Are you sure you don't know where your parents were born?—A. I cannot swear to it; I cannot recollect; my memory is not good.

Q. 18. You don't know of your own knowledge where you were born?—A. Yes, sir; also my birthplace.

Q. 19. Do you know of your own knowledge from any recollection of it?—A. No, sir.

Q. 20. Do you have any recollection of living anywhere except in Canada till you moved to Iowa?—A. No, sir.

Q. 21. Were you ever naturalized in the State of Iowa or the U. S.?—A. No, sir.

Q. 21 (a). What did your father do in Canada?—A. He was a farmer.

Q. 22. Did you work on the farm with him?—A. No, sir.

Q. 23. How long did you live with your parents in Canada?—A. Until I was about 15 years old.

Q. 24. Did you ever hear your parents say where they resided for several years prior to your birth?—A. Yes, sir.

Q. 25. Do you know whether they were English people or not?—A. Yes, sir; they were English people of English descent.

Q. 26. Then you heard them say that they were born in England?—A. No, sir; I did not say they were; I think they were born in the U. S.

Q. 27. Did you ever hear them say where they were born?—A. No, sir; not that I know of.

Q. 28. Do you know whether or not your father voted in Canada at the election?—A. No, sir.

Q. 29. Did you ever hear of him going to the election?—A. Yes, sir.

Q. 30. Did you ever hear him say that he voted there?—A. No, sir.

Q. 31. Did you ever hear him say for whom he voted?—A. I never heard him say that he voted.

Q. 32. Do you know that he attended elections regularly for members of Parliament?—A. No, sir; not regularly.

Q. 33. Did he attend them?—A. He has been to them. I don't know that he attended them regularly.

Q. 34. Did he hold any office in Canada of any account, township or otherwise?—A. Not that I know of.

Q. 35. Was he not councilman in one of the towns?—A. No, sir; my step-father was, but my father was not.

Q. 36. Did you ever hear of your father holding office in Canada, either by election or appointment?—A. No, sir.

Cross-examination:

Q. 37. What part of Canada did your parents live in?—A. In the township of Woolford.

Q. 38. What was your age when you left Canada to come to the U. S.?—A. 17 past.

Cross-examination continued:

Q. 39. How far is this place where your parents live from the line between Canada and the U. S.?—A. About 13 miles; somewhere along there. I cannot tell exactly.

Q. 40. Do you know what has been said in your family as to the place in which you were born?

(Objection for the reason that it is hearsay.)

A. Pope's Mills, in York State.

Q. 41. How often did you hear that said?—A. A good many times.

Q. 42. Was that before you came here?

A. Yes, sir.

Q. 43. Did you ask them where you were born at any time?—A. Yes, sir.

(Objection, hearsay.)

Q. 44. This is what they told you?—A. Yes, sir.

Q. 45. Who told you, your father?—A. My mother; my father was killed in York State.

Q. 46. How long did you understand that your parents lived in York State?—A. A number of years.

Q. 47. Do you know from what was told you, of what was in the family, whether your father was a citizen of New York when he lived there?—A. Yes, sir, he was married there; he married my mother there.

Q. 48. Now when you made inquiry as to where you were born, was it as to whether you had a right to vote?—A. No, sir, I don't know anything about it.

Q. 49. How old were you when you were first told you were born in New York?—A. Ever since I can recollect, I can remember of them telling me that my father ran a mill there.

Q. 50. You understood from your family affairs and matters that your mother came from New York, and your father and mother lived there?—A. Yes, sir, I have been at the place.

Q. 51. Your father was a citizen of New York?—A. I suppose so.

Q. 52. Have you been at the place?—A. Yes, sir; eight years ago.

Q. 53. Have you no grandparents living there?—A. No, sir, but I have other relatives.

Q. 54. What other relatives?—A. Cousins.

Q. 55. What place did you say that it was?—A. Pope's Mill.

Q. 56. What county is it in?—A. I don't know exactly; in St. Lawrence county; I know it is pretty close to the border.

Q. 57. How old are you now?—A. 22.

Q. 58. Was this last fall your first vote?—A. Yes, sir.

Q. 59. You came to Iowa when—seventeen?—A. Yes, sir.

Q. 60. Are you married?—A. No, sir.

Q. 61. Have you no relatives here?—A. No, sir, not that I know of; I have some west of here.

Q. 62. Your mother now lives in Canada?—A. Yes, sir.

Q. 63. Have you brothers or sisters there?—A. Yes, sir.

Redirect examination:

Q. 64. Which side of the St. Lawrence River are Pope's Mills?—A. South side.

Q. 65. What was your father doing at Pope's Mill?—A. Running a mill there.

Q. 66. He used to work there running a mill, did't he?—A. Yes, sir.

Q. 67. How long did he run it?—A. I don't know; several years.

Q. 68. Where did you and your mother live when your father was killed?—A. In Canada.

Q. 69. How old were you when he was killed?—A. About ten years old.

Q. 70. You had lived there in Canada from your earliest recollection? You learned that your father was engaged in running a mill when you were born in New York?—A. Yes, sir.

Recross examination:

Q. 71. How old did you understand you were when your parents moved from N. Y to Canada?—A. I was not quite two years old.

$1.90 paid as fee by contestant.

STATE OF IOWA,
Marshall County, ss:

MARY EASTMAN, being produced and sworn before J. H. Bradley, a notary public for Marshall County, on this fifth day of March, '83, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and J. H. Bradley appearing of the part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. Age, 23; am a resident of Caroll Co.; occupation, teaching.

Q. 2. Have you been teaching school in Washington Township?—A. Yes, sir; I have.

Q. 3. What neighborhood is that in?—A. It is in Washington Center No 6.

Q. 4. That is the district where Mr. Wyatt lives?—A. Yes, sir.

Q. 5. Is that the school house where the Nov. election was held?—A. Yes, sir.

Q. 6. When did you begin teaching there?—A. Latter part of Nov.

Q. 7. You may state if you saw the ballot box of Washington Township in the school-room during the time you were there.—A. Yes, sir; it was sitting on one of the shelves during the whole time.

Q. 8. Do you know of its being open during the time it was there?—A. I do not

Q. 9. Have you been there every day of the school?—A. I went home one noon during the fore part of the term; some time during the first two weeks.

Q. 10. The rest of the time you were there?—A. Yes, sir.

Q. 11. During the time outside of that one day, was that ballot-box disturbed by any of the scholars?—A. I don't know that it was—I don't know that it was open. The ballot-box was taken down one day; one of the scholars sat on it during play.

Q. 12*a*. You may state if you have opened it.—A. No, sir.

Q. 12*b*. Did you ever disturb it or see it disturbed other than that?—A. No, sir.

Cross-examination:

Q. 13. You were there all the time that the school was open during the days you taught, except this noon?—A. I have never left the premises I think at any other time during recess or noon.

Q. 14. You don't mean that you have been in the school-house all the time?—A. No, sir; not in doors all the time.

Q. 15. Do you know whether the school-house was used for any other purposes?—A. Yes, sir; for church, sabbath school, and literary societies.

Q. 16. When did the literary society meet?—A. It met near Christmas or New Years; I think the first meeting was near that time at any rate.

Q. 17. How often did it meet, do you know?—A. It met every week only when it was stormy; that is, most every week, I believe.

Q. 18. Was it used in the evening for literary society?—A. Yes, sir.

Q. 19. Were you there in the evening?—A. I attended all the literaries.

Q. 20. Who opened and shut the school-house those evenings?—A. I have never been there when the school-house was opened or when it was closed; I think it was opened and closed by the scholars, but cannot state.

Q. 21. Who opened it for church and Sabbath school?—A. Well, I have never been there when it was opened, but I believe it was opened by Elmer Stouffer, who builds the fires.

Q. 22. Did you hear anything said of the box being opened?—A. I have heard them speak of it.

Q. 23. Who did you hear them say had opened the box?—A. I heard one of the scholars speak of Jesse Siebert; I don't know whether they said he opened it or not.

Q. 24. Did you hear anything said of them having a key and opening it?—A. I heard one of the boys say that one of the scholars had a key that fitted it; I did not see it.

Q. 25. Did you hear any of them saying anything about having ballots out of the box?—A. I heard one of the boys say that one of them was going to take the ballots; another one told him not to do it, that they wanted them; did not hear him state that they were taken out.

(Objection on the ground that the testimony is hearsay.)

Q. 26. Did you hear anything said that one of them said they had better burn them up, and another objected?—A. No, sir; I did not hear them say it; I heard it reported afterwards.

Q. 27. Did you know anything about the box being broken?—A. No, sir.

Q. 28. When you saw it, were there any ballots sticking out at any time?—A. I do

not know that there were; I never noticed it in any way, further than that it was sitting there.

Q. 29. Was the literary society there every week?—A. Yes, sir, with one exception, I believe.

Q. 30. You attended every one?—A. Yes, sir.

Redirect:

Q. 31. You never saw the box disturbed at any literary meeting?—A. No, sir.

Q. 32. You may give the names of the scholars that attended your school.—A. The names of all my students?

Q. 33. Yes, ma'am.—A. Mr. Ezra Wyatt's family, to begin with.

Q. 34. Give the names and ages of the children as nearly as you can.—A. Florence Wyatt, 16, I believe; Laura Wyatt, 14; Johnnie Wyatt, 12. I don't know that I am giving them just correct, but as nearly as I can guess at it. Callie Wyatt, 7 or 8; Nellie Wyatt, 9 or 10. In the other family, Bine Wyatt, 18; Hattie Wyatt, 15; Charlie Wyatt, 13; Mary Wyatt, 12; Aggie Wyatt, 9 or 10. Also Mr. Staffer's family—Frank, 15; Elmer, 12 or 13; Ray, 11, I think; Stella, about 9 years old; Winnie, 14 years old. Also Mr. Seibert's family—Jessie, Libbie, and Charlie; Rob't Blakely, 19, I believe; George York, 14, I think; Mary Gruer, 14; Willie Gruer, about 12; Miss Mattie Kanedy, about 7; I don't know whether I have given them all or not; Archer Buchan, about 11; Tom Cope, about 8. I don't think of any more.

Q. 35. Did you make inquiry among your scholars to see whether anything had been disturbed anywhere about those boxes?—A. Yes, sir; I have asked them about it.

Q. 36. Did you find whether there had been any disturbance?—A. I think the children said that the box had been disturbed and opened.

Q. 37. Well, did they state whether they disturbed any ballots?—A. They did not state, to my knowldge, that they had disturbed any of them.

Q. 38. Did you know who it was that opened it?—A. I don't think I can say who opened it.

Cross-examination:

Q. 39. How many children attended your school; give the greatest number.—A. Well, at no time more than 25, I think.

Q. 40. How many people attended those literary meetings?—A. I cannot give the number; the house has been crowded.

Q. 41. 50 or more?—A. Yes, sir; more than that.

MARY EASTMAN.

$1.95 paid as fee by contestant.

STATE OF IOWA,
Marshall County, ss:

ELMER STAUFFER, being produced and sworn before J. H. Bradley, a notary public for Marshall County, on this 5th day of March, '83, testifies as follows (J. H. Bradley appearing on the part of contestee, and T. Brown on the part of contestant):

Q. 1. Where do you reside?—A. Near Washington County school-house, Washington Township, Marshall County, Iowa.

Q. 2. What is your age?—A. I am 12 years old.

Q. 3. Do you know who built the fires in the school-house during the present winter?—A. On Sundays I built them, and on week days my brother.

Q. 4. Which one of your brothers?—A. Ray Stouffer.

Q. 5. Is he here?—A. No, sir.

Q. 6. Did you attend school there?—A. Yes, sir.

Q. 7. Do you know anything about the ballot-box being opened there?—A. Yes, sir; I remember it was opened.

Q. 8. Who opened it?—A. I cannot say who opened it; I think Frank Stauffer and Jesse Siebert.

Q. 9. Was anything taken out of it?—A. No, sir; we had one ticket partly read and school called, and we put the box up and went to our seats.

Q. 10. Do you know anything about a torn ticket?—A. No, sir; I don't know anything about a torn ticket in the box.

Q. 11. Was only one pulled off?—A. No, sir; not pulled off.

Q. 12. Was it opened more than once?—A. I think that it was open a couple of times.

Q. 13. Were you there both times?—A. I was there one morning, some of the boys put a clay man in; that is all I remember about it being open.

Q. 14. Were the tickets ever taken out of the box or unstrung?—A. No, sir.

Cross-examination:

Q. 15. How did they get the box open, Elmer?—A. I didn't see the box opened; I wasn't in that time.

Q. 16. Did they shut it or lock it up?—A. I don't remember.

Q. 17. You were not there when they opened it?—A. No, sir; I came in to see Frank; he was holding the box in his hand.

Q. 18. They had the box open when you came in?—A. Yes, sir.

Q. 19. You went away when they shut it?—A. No, sir; went to my seat just as the bell rang.

Q. 20. You didn't see them shut it?—A. No, sir.

Q. 21. You don't know whether they locked it or not?—A. No, sir.

Q. 22. You don't know how they got in the box?—A. No, sir.

Q. 23. You don't know that they unlocked it?—A. No, sir.

Q. 24. You don't think that they had any key to it?—A. They had keys there; I didn't know whether they had keys to the box or not.

Q. 25. You don't know whether they a key to unlock it?—A. No, sir.

Q. 26. You saw it open twice?—A. Yes, sir.

Q. 27. And you didn't see any of the ballots taken out when you were there?—A. No, sir; not a ballot taken out while I was there.

Q. 28. Was there any ballots torn while you were there?—A. No, sir.

Q. 29. Wasn't there any piece detatched from the rest?—A. No, sir.

Q. 30. Who were those you say who opened it, or had it opened?—A. I didn't know who opened it, but Frank Stauffer, and Jesse Seebert held the box.

Q. 31. How were they holding it?—A. In their hands.

Q. 32. Standing up, were they?—A. Yes, sir.

Q. 33. Didn't sit down and put it in their laps?—A. No, sir.

Q 34. What did they say when they had the box opened? What did they talk about?—A. I don't know; I don't remember.

Q. 35. Just at that time school called, and you went in?—A. I was in a couple of minutes before school called.

Q. 36. Who was in the room when you came in?—A. Most of the scholars and the teacher.

Q. 37. Anybody else looking at it?—A. Yes, sir; most of the scholars were looking at it.

Q. 38. You didn't see the ballots out of the box at all?—A. No, sir; I didn't see the ballots out of the box.

Q. 39. When was this?—A. I don't remember.

Q. 40. How long ago?—A. I don't know how long.

Q. 41. How long was the box open?—A. It was open two or three minutes after I went in.

Q. 42. Was it in the early part of the term or the latter part?—A. It might have been three or four weeks ago.

Q. 43. How long was it open until it was shut up and put away?—A. I don't know when they did open it; it was open when I came in.

Q. 44. How long was the recess?—A. It was at noon; we have an hour for noon.

Recross-examination:

Q. 45. Was this noon?—A. Yes, sir; or recess.

Redirect:

Q. 46. Did you attend the lyceum?—A. Yes, sir.

Q. 47. Did you ever see the box open there?—A. No, sir.

Q. 48. Did you attend all the meetings of the lyceum?—A. All but two.

Q. 49. You never saw it open at any of these meetings?—A. No, sir.

Q. 50. Did you attend church and Sabbath-school?—A. Yes, sir.

Q. 51. Did you ever see it open at any of these meetings?—A. No, sir.

Q. 52. Never saw the preacher look at it?—A. No, sir.

ELMER STAUFFER.

$1.95 paid as fee by contestee.

STATE OF IOWA,
Marshall County, ss:

FRANK STAUFFER, being produced and sworn before J. H. Bradley, a notary public for Marshall County, on this 5th day of March, 1883, testifies as follows (J. H. Bradley appearing on the part of contestee, and T. Brown on the part of contestant):

Q. 1. What is your name, age, place of residence, and occupation?—A. Age 17 years, and place of residence in Washington Township, Marshall County, Iowa.

Q. 2. Did you attend school in that township?—A. Yes, sir.

Q. 3. In what district?—A. Number 6.

Q. 4. How frequently did you attend school?—A. Nearly every day; only missed four or five.

Q. 5. Have you been there at school all the time?—A. Generally went home for dinner.

Q. 6. Were you present at any time when that ballot-box was opened in that room?—A. Yes, sir.

Q. 7. Who opened it?—A. I cannot say who did open it; I had the ballot-box in my hand and it was opened with my key, but I do not know who opened it. Some of the scholars had my key, but I do not know which one had it.

Q. 8. How long was it open?—A. About five minutes, or nearly that.

Q. 9. Was it locked up again?—A. No, sir; it wasn't.

Q. 10. They didn't lock it?—A. No, sir; it was put back on the shelf unlocked.

Q. 11. You may state if you disturbed the ballots at the time that it was opened?—A. No, sir; they were picked up and put back in again.

Q. 12. Did you shut the box?—A. Yes, sir.

Q. 13. Do you know of its being open at any other time?—A. No, sir; I didn't.

Q. 14. Did you know that any ballots were taken out, changed, erased, or new ones put in at the time it was opened?—A. No, sir; there wasn't.

Q. 15. Did you attend lyceum at your school every night; did you see the ballot-box opened any time at the lyceum?—A. No, sir; I saw it down twice, but never saw it opened. I merely passed by, some one had it open; I did not look at it, but he had it open when I passed.

Q. 16. Do you know anything about pieces of tickets being torn off?—A. No, sir.

Cross-examination:

Q. 17. Mr. Stauffer, when was this that the box was opened?—A. I cannot say; it might have been along in December; towards the fore part of the term, I think, or else the first of January.

Q. 18. Now you say that it was opened with your key?—A. Yes, sir.

Q. 19. Sure that it was not locked?—A. Yes, sir.

Q. 20. How many scholars?—A. I cannot say just how many; three or four girls; four or five boys.

Q. 21. How large are the girls?—A. About fifteen, or sixteen, or seventeen.

Q. 22. It was indoors that the box was opened?—A. Yes, sir.

Q. 23. Nearly everybody knew it?—A. Yes, sir; nearly every scholar in school knew it.

Q. 24. Did nearly everybody know that it was locked?—A. Yes, I guess so.

Q. 25. Were the scholars and boys all around there at the time?—A. Yes, sir; all taking their seats.

Q. 26. What time were you at the lyceum when you saw the box opened after that?—A. At recess during the lyceum, about 10 o'clock at night.

Q. 27. What time was that, in December or January?—A. I think that it was afterwards, along the fore part, or rather the last of January.

Q. 28. When you saw the box opened at the lyceum meeting, was it after that that you saw it opened in school?—A. Yes, sir; I saw it done several other times.

Q. 29. Did you know anything about pieces being split off?—A. No, sir.

Q. 30. Then pieces were not split off to open the box?—A. No, sir; I guess the box was opened with a key.

Q. 31. Then Mr. Wyatt was under the impression that it was unlocked when he took it away. It is quite reasonable?—A. Yes; I am almost certain that it was unocked.

Q. 32. Do you know when Mr. Wyatt took it away?—A. Yes, sir; I was there in school.

Q. 33. That was only three weeks ago?—A. No, sir; I think not over two weeks.

Q. 34. How many times have you seen the box down, being used as a seat or otherwise?—A. I saw it in school when it was used as a seat; also another time.

Q. 35. Did you hear anybody say that they had the ballots out of the box?—A. No, sir.

Q. 36. You didn't suppose there was anything wrong in looking at them?—A. No, sir.

Redirect:

Q. 37. Never saw any ballots taken out of the box?—A. Never saw it opened but once; never saw any taken out.

FRANK STAUFFER.

$1.95 paid as fee by contestant.

STATE OF IOWA,
Marshall County, ss:

CHARLIE WYATT, being produced and sworn before J. H. Bradley, notary public for Marshall County, on this 5th day of March, 1883, and examined before me, Eldon Moran,

notary public and commissioner agreed upon to take testimony, testifies as follows (T. Brown appearing on the part of contestant, and J. H. Bradley on the part of contestee):

Q. 1. What is your name, age, and place of residence?—A. I live in Washington Township, Marshall County, Iowa.

Q. 2. You attended school and boarded with us?—A. Yes, sir.

Q. 3. You may state what you know about the ballot-box of Washington Township being opened.—A. It was taken down and that is all I know about it.

Q. 4. Did you see it opened?—A. Yes, sir.

Q. 5. How long was it open?—A. I don't remember how long.

Q. 6. Did you see any ballots taken out of the box?—A. No, sir.

Q. 7. Do you know that the ballots were not taken out of it?—A. I don't know.

Q. 8. Were you there?—A. Yes, sir.

Q. 9. Did you take any out?—A. No, sir.

Q. 10. Did you see them at all?—A. No, sir.

Q. 11. Did you ever see it open but once?—A. Once is all; just once.

Q. 12. That is all you know about it? Did you attend the lyceum?—A. Yes, sir.

Q. 13. Did you ever see the ballot-box opened there?—A. No, sir; nor taken down.

Q. 14. Did you attend church part of the time—never saw it opened in church?—A. No, sir.

Q. 15. Who built the fires?—A. On Sunday, Elmer Stauffer.

Cross-examination:

Q. 16. Who was present when you saw the box opened?—A. Pretty nearly all of them, I guess.

Q. 17. Did you see it unlocked?—A. No, sir.

Q. 18. You don't know whose key they got?—A. Yes, sir.

Q. 19. Open when you went in?—A. Yes, sir.

Q. 20. Was it open before you saw it?—A. Yes, sir.

Q. 21. It was open before you went in, was it?—A. Yes, sir.

Q. 22. How long were you there while it was open?—A. About five minutes.

Q. 23. That was all the time you saw it open, was it?—A. Yes, sir.

Q. 24. Did you see it shut up?—A. No, sir.

Q. 25. It was open when you saw it last?—A. Yes, sir.

Q. 26. What were you around for?—A. Just looking at it.

Q. 27. They were reading the tickets?—A. Men were looking at them in there.

Q. 28. Were they handling the tickets?—A. I don't know whether they were or not; but I think that they were.

Q. 29. You say of your own knowledge that the tickets were taken out?—A. I don't know.

Q. 30. You heard somebody say they were taken out, didn't you?—A. Yes, sir.

Q. 31. Who did you hear say that the ballots were taken out?

(Objection; immaterial, only found error.)

A. No, sir.

Q. 32. The whole school was there when the box was opened?—A. Yes, sir; I think it was.

Q 33. When was this trial?—A. Three or four weeks ago, I think.

Redirect examination:

Q. 34. Who had the box in their hands when it was opened?—A. Jesse Sibert and Frank Stauffer.

Q. 35. These boys that have testified here?—A. Yes, sir.

Q. 36. That is the only time you know of?—A. Yes, sir; that is all I know of it.

(Paid $1.95 by contestant.)

CHARLIE WYATT.

STATE OF IOWA,
Marshall County, ss:

JESSE SEIBERT, being produced and sworn before J. H. Bradley, notary public for Marshall County, on this 5th day of March, 1883, and examined before me, Eldon Moran, notary public and commissioner agreed upon to take testimony, testifies as follows (T. Brown appearing on the part of the contestant, and J. H. Bradley on the part of the contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. Age is 15; I reside in Washington Township, Marshall County, Iowa.

Q. 2. You are a schoolboy?—A. Yes, sir; I was the fore part of the term.

Q. 3. Did you attend school in Washington Township? If so, who was the teacher?—A. Miss Eastman.

Q. 4. What district is it?—A. District No. 6.

Q. 5. You may state if you knew of the ballot-box being open—first, did you attend the school?—A. Yes, sir.
Q. 6. Were you present one day when the ballot-box was open?—A. Yes, sir.
Q. 7. Who opened it?—A. I saw Frank Stauffer with the box.
Q. 8. How was it opened?—A. I couldn't tell.
Q. 9. Do you know whether it was unlocked or not?—A. I suppose it was; I don't know who unlocked it.
Q. 10. You don't know who unlocked it?—A. No, sir.
Q. 11. Now I will ask you if at that time any tickets were taken out of the box?—A. No, sir.
Q. 12. Were any tickets written on or disturbed in any way?—A. No, sir; not that I know of.
Q. 13. Would you have known it if it had been done?—A. Yes, sir.
Q. 14. How many times was it opened?—A. Only once when I went to school.
Q. 15. Did you attend lyceums in that district?—A. Yes, sir.
Q. 16. How often?—A. Every time.
Q. 17. Were you then at every lyceum?—A. Yes, sir.
Q. 18. Did you ever know of the ballot-box being opened?—A. No, sir.
Q. 19. If it had been you would have known it, if anybody had handled the tickets?—A. I don't know whether or not; there was a crowd there.
Q. 20. You didn't see it disturbed at any time?—A. No, sir.
Q. 21. Where was the box sitting?—A. On the shelf.
Q. 22. How high up?—A. Next to the top shelf.
Q. 23. As high as the top of the door?—A. No, sir.
Q. 24. At the time the box was opened were the ballots removed from the box?—A. No, sir.
Q. 25. Was the string untied?—A. No, sir.
Q. 26. Do you know anything about a ballot being taken off?—A. No, sir.

Cross-examination:

Q. 27. What time was this?—A. I don't know what time; a good while ago.
Q. 28. Was it at noon or recess?—A. Yes, sir; at noon I think.
Q. 29. That was the only time you saw it opened?—A. Yes, sir.
Q. 30. That was at noon?—A. Yes, sir.
Q. 31. Now who was there?—A. The whole school, about.
Q. 32. You don't know who opened it, or had the key to it?—A. No, sir.
Q. 33. All the school knew it was opened, did they?—A. Yes, sir.
Q. 34. Do you know that the box was locked at all?—A. No, sir; I don't know that.
Q. 35. You don't know whether it was shut up or locked?—A. No, sir; I don't.
Q. 36. You don't know that it was opened at any time at noon?—A. No, sir.
Q. 37. Did you take out any ticket, or read it at this time?—A. I was going to take out one and read it, but it was fastened to the string, so I put it back in, and school was called when I put it back.
Q. 38. Was the teacher there?—A. Yes, sir.
Q. 39. It was indoors that the box was opened?—A. Yes, sir.
Q. 40. Everybody knew that the box was opened, and could be opened there at school?—A. Yes, sir.
Q. 41. Didn't the school attend the lyceum?—A. Yes, sir, all of them.
Q. 42. How many times was the box taken down to your knowledge?—A. Once was all.
Q. 43. Did you see these pieces split off of it?—A. No, sir.
Q. 44. The lid was off when you saw it taken off?—A. Yes, sir.
Q. 45. Did you see the key, or know of anybody having a key to it?—A. No, sir.
Q. 46. Hear anybody say who opened it?—A. No, sir.

Redirect:

Q. 47. You say that you held that box all the time?—A. Myself, and Mr. Frank Stauffer.
Q. 48. Still you cannot say who opened it?—A. No, sir; I cannot say that.
Q. 49. Was it you who opened it?—A. No, sir.
Q. 50. How long was it kept open?—A. Just a couple of minutes.
Q. 51. Not over two minutes?—A. No, sir.
Q. 52. It was closed, was it?—A. Yes, sir.
Q. 53. And fastened?—A. I could not say as to that.

Recross-examination:

Q. 54. You say it was open two minutes; did you see it opened?—A. No, sir.
Q. 55. Then it was open when you saw it?—A. They had it there; I don't know who opened it.
Q. 56. You mean that you was there after it was opened, while it was open?—A. Yes, sir.

Q. 57. You don't know but what it was open half an hour before you saw it?—A. No, sir; it was not open before.
Q. 58. Was it opened then, after you went there?—A. Yes, sir.
Q. 59. You held it all the time?—A. Yes, sir.
Q. 60. You took it off the shelf?—A. Yes, sir.
Q. 61. It was held in your hand, was it?—A. Yes, sir.
Q. 62. Somebody opened it?—A. Yes, sir.
Q. 63. You don't know who?—A. No, sir.
Q. 64. Whether they had a key or not, you don't know?—A. I expect so, if it was locked.
Q. 65. Do you suppose, that they had a key to it?—A. I don't know.

Redirect by contestant:

Q. 66. Do you know of the ballot box being disturbed at the lyceum?—A. No, sir.
Q. 67. You attended all the lyceums?—A. Yes, sir.
Q. 68. It was not disturbed to your knowledge at the lyceum?—A. No, sir.

JESSE SEIBERT.

Paid $1.95 by contestant.

STATE OF IOWA,
Marshall County, ss:

ROBERT BLAKELY, being produced and sworn before J. H. Bradley, notary public for Marshall County, on this 5th day of March, 1883, and examined before me, Eldon Moran, notary public and commissioner agreed upon to take testimony, testifies as follows (T. Brown appearing on the part of contestant, and J. H. Bradley, on the part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. My age is 17 years; I reside in Washington County, Iowa; my occupation is that of going to school, and working on a farm.
Q. 2. You may state if you attend school in that district, No. 6, in that township this winter?—A. Yes, sir, until lately.
Q. 3. Did you attend up to the time they had the ballot-box there?—A. The ballot-box was not taken away when I left school.
Q. 4. Did you attend the lyceums?—A. Yes, sir.
Q. 5. Did you know of the ballot-box being opened?—A. Yes, sir.
Q. 6. How many times?—A. Once.
Q. 7. When was that?—A. I cannot say exactly; along some time in December.
Q. 8. Who held the box?—A. Frank Stouffer and Jesse Seibert held it; I don't know who opened it; some one drew the lid back; one took hold of the ballots and held it up, and made the remark that it was strung up; they put them back in; after a while they shut the lid, and then put the box up.
Q. 9. You may state if you saw any of the ballots taken out or removed.—A. No, sir; not taken out. I saw one taken up by the corner and lifted up by the string. Not taken clear out; just enough to see that they were strung.
Q. 10. Were there any ballots changed or altered? The string was not untied at that time?—A. No, sir.
Q. 11. You attend the lyceums?—A. Yes, sir; I did when it was convenient, only when it was stormy. There were no lyceums on such evenings.
Q. 12. State if you saw the ballot-box opened during the lyceums?—A. No, sir. I was not there. Lots got there before I did.
Q. 13. You don't know of its being opened at any time?—A. No, sir.
Q. 14. When the lid was shoved back the ballot-box was tightly closed, was it?—A. Yes, sir.

Cross-examination:

Q. 15. Did you attend all the lyceums?—A. Yes, sir; all but when it was stormy.
Q. 16. Do you know who they were?—A. Mr. Buchanan and Wesley Smith. I don't know whether they got into the school-house or not.
Q. 17. Were you there when the school-house was opened for the lyceum?—A. No, sir. I was there one evening; the school-house was unlocked that evening. I got there the first. I was among the first, and the school-house was unlocked.
Q. 18. Who was there that evening when you got there?—A. A crowd went up, and we all went in together.
Q. 19. When you got there you found the school-house unlocked. Who was in the school-house when you went in?—A. Nobody in; it was empty.
Q. 20. So the school-house was not locked?—A. No, sir.
Q. 21. Now, those young people who attended lyceums attended school?—A. Yes, sir; most of the school was there.
Q. 22. Most everybody at the school knew that the ballot-box was left unlocked?—A. Yes, sir; I suppose so.

Q. 23. It was left unlocked?—A. Yes, sir; I guess so. I did not see any one lock it.
Q. 24. You did not see it locked?—A. No, sir; just saw them put the lid back.
Q. 25. Then it wasn't locked when they opened it this time?—A. No, sir; I did not get there in time to see them unlock it.
Q. 26. Were you there when they shut it up?—A. Yes, sir.
Q. 27. Didn't lock it then?—A. No, sir.
Q. 28. Did everybody know that it was not locked?—A. No, sir.
Q. 29. Everybody at the lyceum knew that it was not locked?—A. I don't know; a good many probably knew.
Q. 30. Do you know whether the school-house was usually left unlocked?—A. I should judge they did leave it unlocked after school—after the lyceum; I think so as a general thing, to my knowledge; I don't know that, only one evening I got there first.
Q. 31. How long did they have the ballot-box open while you were there?—A. I don't know; it might have been two or three minutes, I guess.
Q. 32. Well, there wasn't any accuracy about the fact that the ballot-box had been opened?—A. No, sir; everybody knew it that wanted to know about it.
Q. 33. If anybody had asked you, you would have said yes?—A. Yes, sir; I was not ashamed of it.
Q. 34. Did you tell anybody at the time that the ballot-box had been opened?—A. I don't know that I ever did; only Mr. Stone came out there; he is the first one I ever told, I believe.
Q. 35. You told him that the box had been opened?—A. Yes, sir.
Q. 36. When was that you told Mr. Stone?—A. I don't know exactly; a little over a week ago; I don't know exactly what time it was when he was there.
Q. 37. Was that when he was out to see Mr. Wyatt to get the ballots counted?—A. Yes, sir.
Q. 38. Mr. Stone told you what he wanted, and asked you what he wanted to find out?—A. Yes, sir; whether the ballots had been changed or not, or any taken out; he asked me if the box had been opened; that was about the only question he asked me.
Q. 39. You told him promptly that it had been opened?—A. Yes, sir.
Q. 40. Did you hear of it being opened at any other time?—A. I heard something about a clay man being put in and taken out.
(R. W. Blakely paid $1.95 as fee by contestant.)

STATE OF IOWA,
Marshall County, ss:

GEORGE B. YORK, being produced and sworn before J. H. Bradley, notary public for Marshall County, on the 5th day of March, 1883, and examined before me, Eldon Moran, notary public and commissioner, agreed upon to take testimony, testifies as follows (T. Brown appearing on the part of contestant, and J. H. Bradley on the part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. I live in Washington Township, Marshall County, Iowa; I live in school district No. 6; I am 14 years old.
Q. 2. State if you attend school in district No. 6?—A. Yes, sir.
Q. 3. Do you know anything about the ballot-box of Washington Township being opened?—A. Yes, sir.
Q. 4. How long was it open?—A. About five minutes.
Q. 5. Who opened it?—A. I don't know who did; Frank Stauffer and James Seibert held it.
Q. 6. Was that the only time you ever knew of it being opened?—A. I made a clay man, James Wyatt and Ray Stauffer put it in the box; I took it out; I did not touch anything; I slid the cover and took it out, and shut it up again.
Q. Never a ballot was touched, to your knowledge, the time you raised the lid to look in?—A. No, sir; that is all.
Q. 8. You never saw any ballots taken out or put in?—A. No, sir.
Q. 9. You attended school every day?—A. Some days I did. Well, one week I stayed out; I was sick two or three days.
Q. 10. Outside of that you attended school?—A. Yes, sir.
Q. 11. You attended lyceums?—A. Yes, sir; all but one night.
Q. 12. Never knew of the box being opened then?—A. Yes, sir; I was there all the time, except when I was sick.
Q. 13. How long was the box kept open?—A. About five minutes.
Q. 14. Were you standing by all the time?—A. No, sir; I came in just as the cover was slid back to look at it.
Q. 15. You were there until it was shut?—A. Yes, sir.
Q. 16. Nothing was taken out while you were there?—A. No, sir.

Cross-examination:

Q. 17. Do you know who unlocked it?—A. No, sir.

Q. 18. Do you know that it was locked at all?—A. No, sir; I don't know; I just came in.

Q. 19. You know that it was not locked when it was shut up?—A. No, sir; it was not locked; it was left unlocked.

Q. 20. You afterwards pulled the slide back to put it in?—A. No, sir; James Wyatt and Ray Stauffer put it in; I went to take it out and slide the cover back and shut it up again.

Q. 21. This clay man was in the first time you opened the box?—A. Yes, sir.

Q. 22. How long was this clay man in the box?—A. I don't know; a good while.

Q. 23. Some weeks?—A. I think between one and two weeks; I cannot say for sure.

Q. 24. Did you see anybody else take the box down and handle it?—A. No, sir.

Q. 25. Was there quite a number present when you took the clay man out?—A. Yes, sir.

Q. 26. Watched you do it?—A. Yes, sir.

Q. 27. They would say that it was not locked at all?—A. Yes, sir; just the scholars; I suppose that they knew that before.

Q. 28. How many do you suppose there were that knew that the box was not locked?—A. I do not believe there were any.

Q. 29. How many were there that knew that the box was not locked?—A. I do not believe there were any that knew that the box was not locked.

Q. 30. How many were there; 25?—A. Miss Bina Wyatt was not there; I cannot say as to others; that is the only one that I know was not there for sure.

Q. 31. The rest of the scholars were there, you think?—A. Yes, sir.

Q. 32. You know about this being opened; you did not change the ballots yourself?—A. No, sir.

Q. 33. Did you see any change?—A. No, sir.

Q. 34. You did not know but what a good many were changed?—A. I would not swear but what a good many were changed when I was not there.

(George B. York paid $1.95 as fee by contestant.)

STATE OF IOWA,
Marshall County, ss:

JACOB RANDALL, being produced and sworn before J. H. Bradley, notary public for Marshall County, on this 5th day of March, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, J. H. Bradley on part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. I am not quite 72 years old; reside in Marietta, Marshall County; my principal occupation is that of postmaster. I hold nearly all the township offices, and attend to that, too.

Q. 2. Were you one of the officers of the November election; and if so, what office did you hold?—A. I was clerk of Marietta Township, and also clerk of the board at the time of the election; have been for the last ten years.

Q. 3. Have you the ballots in your possession cast at the November election, 1882, for the office of Representative in Congress?—A. Yes, sir.

Q. 4. How has that ballot-box been kept since that time, and where has it been kept?—A. It has been kept in my office under two or three locks and keys, in a bookcase I have in the back office. When I go out I generally lock the door.

Q. 5. Has anybody changed or handled the votes since the election?—A. No, sir; not since I locked them that morning.

Q. 6. Does the ballot-box contain the identical votes that were cast at that election?—A. Yes, sir.

Q. 6. You may open the ballot-box and count the votes.—A. It has been opened last week some time. Some inquiries were made about the votes one Sabbath day. Instead of going to church I opened the box, I looked over the ballots, and counted them; also looked to see if there was anything wrong about them, and then covered them up. When I counted the ballots over I had a paper. I marked each one as I came to it, so as to know if it were the same ballot or not. They were all in there just as they were at first.

Q. 7. You may open the ballot-box now, in the presence of the commissioner, and state how many votes were cast for the office of Representative in Congress, and how many for each candidate.

(Witness proceeds to open the box and count.)

(Contestee objects that the evidence is incompetent, and then the witness continues to count the ballots.)

A. There is only one ticket about which there is any doubt. I think that is the

one on the outside. You may all look at that, and look at the ballots to satisfy yourselves that the ballot was not counted.

Q. 8. You may state how that ticket was voted. Describe it.—A. That is what I cannot tell you anything about. It was doubled up as other tickets are, pretty much as it is now, when it was put in the box. Some person voted it that I reckoned wanted to vote for Frederick. I don't know anything about the ticket that was taken out of the box—I mean that when I read it I remarked that it was a ticket for Wilson and Frederick both. I said we would not count that ticket.

Q. 9. You may state how the Congressional names appeared on the ticket.

(Witness reads it.)

A. It says for Representative in Congress, 5th district, Benjamine T. Frederick, of Marshall County, and James Wilson, of Tama County.

Q. 10. How is the Benjamine of Marshall County on the ticket?—A. Well, the ticket was a Democratic ticket. There is mucilage in the office. I suppose it was aimed to be pasted right over Wilson's name.

Q. 11. The name of Frederick is pasted immediately over Wilson's, is it?—A. Yes, sir; there are two or three pasted in that way. The others are pasted over so as to hide it.

Q. 12. You may attach that ticket to your answer to this case, I mean the ticket that was not counted.—A. Here is another ticket with James Wilson's name marked off, and no other name on it.

Q. 13. Were these counted for Wilson?—A. No, sir.

Q. 14. How many tickets were there in that box, and how many for Frederick?

(Witness examines poll-book of Marietta Township.)

A. James Wilson, 81; B. Frederick, 37; David Platner, 5.

Q. 15. Is that additional to this ticket that the commissioner has marked in evidence?—A. Yes, sir; it was that one that was not counted.

Q. 16. If this ticket were counted Frederick would receive 38, would he not?—A. There was no ticket counted for Frederick, only as I have told you.

Q. 17. How many tickets are there in that package, and have you compared them since the election for Congress?—A. 123.

Q. 18. How many of them, then, are there for James Wilson?—A. 81 counted for Wilson; then there are two, I think—I am not certain; but there is one in which his name has been crossed out; 126 ballots cast, and that one marked in evidence make two for Congress; I think there is one more where the name is crossed.

Cross-examination:

Q. 18. You did not count the ticket you spoke of because the names of both candidates were upon it.—A. How is that?

Q. 19. You did not count the first ticket because the names of both candidates were upon it, is that so?—A. Yes, sir; then there is one for each of them with their names crossed out entirely.

Q. 20. It plainly appears, does it not, on the face of this ticket, that it was a ticket for Frederick, also a ticket for Wilson?—A. Yes, sir; that is the way that I would read it; that was the way that it was read there; it was plain that the man intended to do something and failed, and the vote was not counted.

Q. 21. Does not this ticket read as follows: For Representative to Congress, 5th dist., B. F. Frederick, of Marshall County; James Wilson, of Tama County?—A. This is the ticket, and it is attached, marked B:

EXHIBIT B.

REPUBLICAN STATE TICKET.

For Secretary of State,
JOHN A. T. HULL,
of Davis County.

For Auditor of State,
JOHN L. BROWN,
of Lucas County.

For Treasurer of State,
EDWIN H. CONGER,
of Dallas County.

For Attorney-General,
SMITH McPHERSON,
of Montgomery County.

For Judge of the Supreme Court,
WILLIAM H. SEEVERS,
of Mahaska County.

For Clerk of the Supreme Court,
GILBERT B. PRAY,
of Hamilton County.

For Reporter of the Supreme Court,
EZRA C. EBERSOLE,
of Tamo County.

For Representative in Congress—Fifth Dist ,
BEN. T. FREDERICK,
of Marshall County.

JAMES WILSON,
of Tama County.

———

JUDICIAL TICKET.

For District Judge, Eleventh Judicial District,
H. C. HENDERSON,
of Marshall County.

For District Attorney, Eleventh Judicial District,
JOHN L. STEVENS,
of Story County.

———

COUNTY TICKET.

For Clerk of the Courts,
SAMUEL R. McLERAN.

For County Recorder,
J. B. JENNINGS.

For Member Board of Supervisors,
S. C. ROSEGRANT.

For Building Jail.
Against Building Jail (erased).

For Appropriating $22,000 Swamp Land Fund.
Against Appropriating $22,000 Swamp Land Fund (erased).

———

TOWNSHIP TICKET.

For Justice of the Peace,
J. RANDALL.

N. H. EADCALL (?).

For Constable,
G. HUNTER (?).

For Township Clerk,
J. RANDALL.

For Township Assessor,
J. RANDALL.

For Township Trustee,
——— ———.

Q. 22. And you don't count that vote for either of them because the law says you shall not?—A. Of course we did not; we did not count for either of them. That is the way I understood the law, anyway.

(Mr. Bradley on the part of the contestee objects to the ticket being attached as a part of the records in this case.)

($1.35, fee paid by contestant.)

JACOB RANDALL.

STATE OF IOWA,
Marshall County, ss:

A. N. FRENCH, being produced and sworn before J. H. Bradley, notary public for Marshall County, on this 5th day of March, 1883, and examined before me, Eldon Moran, notary public and commissioner agreed upon to take testimony, testifies as follows (T. Brown appearing on the part of contestant, and J. H. Bradley on the part contestee):

Q. 1. You may state if you are the auditor of Marshall County, Iowa, and have the poll-books that were returned to you from Washington Township.—A. I have.

Q. 2. Now take the poll-book and read, so the commissioner can take it down, and give the number of votes for each candidate for Congress in Washington Township.

(Witness examines the poll-book.)

A. You just want the certificates just as they were returned?

Q. 3. Yes, sir.—A. For Representatives in Congress there were 110 votes, of which James Wilson had 45, and B. T. Frederick had 52, and David Platner 13.

Q. 4. Is that the number of votes that were returned in the abstract made by the county canvassers for each candidate?—A. Yes, sir; it is the same number.

Q. 5. Turn to the poll-book of Marietta Township.—A. Yes, sir; I have it.

Q. 6. State how many votes were returned from Marietta township for the office of Representative in Congress, as shown by the poll-book, and read from the poll-book, so that the commissioner may take the same down?—A. For Representative in Congress, 5th district, there were 123 ballots cast, of which James Wilson had 81, B. T. Frederick had 37 votes, David Platner had 5 votes.

Q. 7. Have you the poll-book of Legrand township?—A. Yes, sir; I have.

Q. 8. Turn to the poll-book of Legrand township and state how many votes were cast for each candidate for the office of Representative in Congress, 5th district?—A. For the office of Representative in Congress, 5th district, there were 268 ballots cast, of which James Wilson had 180, B. T. Frederick 78, and David Platner 5 votes.

Q. 9. State if your returns from Washington township are the abstract of the votes made by the county canvassers for the township of Marietta and township Bangor, were the same as shown by the poll-book? Also, the same as to Washington township?—A. I will have to look and see.

Q. 10. First I will ask you if you have a copy of the returns made by the county canvassers of the State canvassers?—A. Yes, sir; I have

Q. 11. Now state as to this township. First take Washington township. How many votes were returned for the office of Representative in Congress to the State canvassers of Washington township?—A. For James Wilson 45, for B. T. Frederick 52, for Platner 13.

Q. 12. Now take Marietta?—A. James Wilson 81, B. T. Frederick 37, David Platner 5; this compares with the book.

Q. 13. Now take Legrand township?—A. Schedule shows Wilson 180, Frederick 78, and Platner 5, just the same as I read from the poll-book.

Q. 14. Now state the result of Bangor?—A. For the office of Representative in Congress there were 85 ballots cast, of which James Wilson had 75, B. T. Frederick 2, David Platner had 12. The abstract shows Wilson 75, Frederick 2, Platner 12.

(A. N. French paid $.85 as fee by contestant.)

STATE OF IOWA,
Marshall County, ss:

WILLIAM ERNST, being produced and sworn before J. H. Bradley, notary public for Marshall County, on this 5th day of March, 1883, and examined before me, Eldon Moran, notary public and commissioner, agreed upon to take testimony, testifies as follows (T. Brown appearing on the part of the contestant, and J. H. Bradley on the part of contestee):

Q. 1. You may state, if you know, what ticket Wesley Horner voted at the November election, 1882, for the office of Representative in Congress?—A. He voted for Frederick.

Q. 2. Did you see the ticket?—A. Yes, sir.

Q. 3. You may state whether he knew whether he voted for Frederick or not before he voted?—A. Yes, sir.

Q. 4. How did he know it?—A. I told him what the ticket was; I told him that the ticket was a Republican ticket with Frederick's name on, and that it was a Democratic.

Cross-examination:

Q. 5. You told him that Frederick was a Democrat?—A. Yes, sir.
Q. 6. That is, when you gave him the ticket, was it?—A. Yes, sir.
Q. 7. You told him that when you gave him the ticket?—A. I told him when I first offered him a Democratic ticket. He did not want it. Then I said that I had a Republican ticket, with the exception of one man, and that was Frederick, for Congress, and that he was a Democrat.
Q. 8. Did you tell him that this exception was a Democrat, and who was the Democrat candidate for Congress?—A. Yes, sir.
Q. 9. Are you the same William Ernst who testified before?—A. Yes, sir.

WILLIAM ERNST.

STATE OF IOWA,
Marshall County, ss:

P. C. CARTER, being produced and sworn before J. H. Bradley, notary public for Marshall County, on this 5th day of March, and examined before me, testifies as follows (J. H. Bradley appearing on the part of contestee; T. Brown on the part of contestant):

Q. 1. What is your name, age, place of residence, and occupation?—A. 51 years of age; residence, Bangor, Marshall County, Iowa; in mercantile business.
Q. 2. Were you one of the clerks of the Nov. election, '82, in which the electors of Bangor Township voted for Representative in Congress?—A. No, sir; not clerk; I was one of the judges of the election.
Q. 3. Have you in your possession the ballot-box for Bangor Township?—A. Yes, sir; I have.
Q. 4. How long have you had it in your possession?—A. Since about 11 o'clock to-day.
Q. 5. Is the clerk of the election here to-day? Where did you get the ballot-box?—A. I got it; it was in the possession of Squire Hayworth. The clerk at that time resigned his office, and is now in Kansas, and placed the ballot-box in Squire Hayworth's possession.
Q. 6. Do you know where he placed it in his possession?—A. No, sir; I did not. It was about two weeks ago that I left. I presume at that time he placed it in his hands.
Q. 7. You were one of the judges at the Nov. election?—A. Yes, sir.
Q. 8. How were the tickets left in the box at that election?—A. They were strung on a string and placed back in the box.
Q. 9. Have you seen the ballots in the box since the election?—A. Yes, sir.
Q. 10. When did you see them?—A. It is probably some two weeks ago; I don't remember just when. Mr. Stone came up there and wanted the trustees to come and recanvass the votes, but there was no one present but me. I got the box, and he and I and my partner, Mr. Coffin, examined the ballots.
Q. 11. Do you know how many ballots were cast for each candidate?—A. Well, from the returns there were 63 for Mr. Wilson, 12 for Mr. Platner, and I think for Mr. Frederick there was one ticket having no State officer voted for at all, making in all 86 ballots.
Q. 12. You may state when you examined them again whether you found the same number for Mr. Wilson.
(Objection to the question because it is not shown that the ballots have not been changed. It is not shown that there was no party to change the ballots.)
Q. 13. How did the ballots compare at the time you opened the box; how did their appearance compare with the ballots as they were left on the night of the election?—A. I could not see any change.
Q. 14. They were tied in the same manner?—A. Yes, sir; as far as I have knowledge they were tied. I presume they had been under lock and key, as far as I know.
Q. 15. Who had the key?—A. Mr. Hayworth had it in his possession when I got the box to-day.
Q. 16. Was he judge of the election?—A. No, sir.
Q. 17. He is a magistrate there, is he?—A. Yes, sir.
Q. 18. What are his politics?—A. I think he is a Republican.
Q. 20. What are the politics of the clerk?—A. Both Republican.
Q. 21. Now, I will ask you how many ballots were cast for James Wilson, as shown by the ballots now in the box?—A. 69 is the number we counted.
Q. 22. Are there 69 ballots for James Wilson in the ballot-box now?—A. I am of the opinion that the name of Mr. Wilson is scratched on one of these ballots. Mr. Stone and I decided that it was.
Q. 23. Did Mr. Stone handle any of these ballots?—A. Yes, sir.

Q. 24. Did he scratch any of them?—A. No, sir.
Q. 25. Are you certain that he did not change any ballot?—A. I am positive.
Q. 26. Can you find the ballot that was counted for Mr. Wilson and that is presumed to be scratched?—A. Yes, sir; I think so.
Q. 27. You may do so, and present it to the commissioner and have it attached to your deposition.
(Witness proceeds to examine the ballots.)
A. Here is the ticket.
Q. 28. Who counted the ticket?—A. Mr. Kirk.
(Ticket marked Exhibit "C.")
(Witness produces Exhibit "C," and it is as follows:

EXHIBIT C.

REPUBLICAN STATE TICKET.

For Secretary of State,
JOHN A. T. HULL,
of Davis County.

For Auditor of State,
JOHN L. BROWN,
of Lucas County.

For Treasurer of State,
EDWIN H. CONGER,
of Dallas County.

For Attorney-General,
SMITH McPHERSON,
of Montgomery County.

For Judge of the Supreme Court,
WILLIAM H. SEEVERS,
of Mahaska County.

For Clerk of the Supreme Court,
GILBERT B. PRAY,
of Hamilton County.

For Reporter of the Supreme Court,
EZRA C. EBERSOLE,
of Tama County.

CONGRESSIONAL TICKET.

For Representative in Congress, Fifth District,
JAMES WILSON (erased),
of Tama County.

JUDICIAL TICKET.

For District Judge, Eleventh Judicial District,
H. C. HENDERSON,
of Marshall County.

For District Attorney, Eleventh Judicial District,
JOHN L. STEVENS,
of Story County.

COUNTY TICKET.

For Clerk of the Courts,
SAMUEL R. McLERAN.

For County Recorder,
J. B. JENNINGS.

For Member of Board of Supervisors,
GEORGE A. TURNER.

For Building Jail.
Against Building Jail.
For Appropriating $22,000 *Swamp Land Fund.*
Against Appropriating $22,000 *Swamp Land Fund.*

TOWNSHIP TICKET.

For Justice of the Peace,
JOHN CLYMER.
J. W. MORGAN.

For Constable,
ED. HALL.

For Township Clerk,
JOHN CLYMER.

For Township Assessor,
W. C. HAWORTH.

For Township Trustee,
WM. D. MOORE.

A. (Witness continues.) I guess, since I come to think a little more, I made a mistake in the number for each candidate; there were 86 ballots the way we counted, 2 for Frederick—I guess 71 instead of 69.

Q. 29. I will ask you if you have recounted the ballots since the election?—A. Mr. Stone and I counted them over one day that I was over there.

Q. 30. How many ballots did you find for James Wilson, as Representative, in the box?—A. Mr. Stone and I counted them; by not counting that one that was erased, there were 70, I think,

Q. 31. You have no doubt but that the ballot was erased, have you?

(Objection. The ballot will show for itself whether it is erased or not.)

A. I think that it is erased, by its appearance.

Q. 32. What time did they count the ballots, in the day or night time?—A. By lamplight.

Q. 33. Were these ballots counted singly or in packages of fives?—A. They were counted in packages of five as long as they tallied; after that, they counted singly.

Cross-examination:

Q. 34. Who took the tickets out of the box?—A. I did, myself.

Q. 35. Did you examine them in so doing?—A. Yes, sir.

Q. 36. What did you do with them then?—A. I took them to Mr. Crook.

Q. 37. Who called them off to the clerk: who was the other judge of the election?—A. Mr. Willets.

Q. 38. What did Mr. Willets do?—A. He strung them on a string.

Q. 39. Did he examine them as he strung them on a string?—A. I can't say; I think not.

Q. 40. Do you think he did not look at them as he strung them on the string?—A. I cannot say; I think not; not very minutely.

Q. 41. How many people were standing around at the time?—A. I think there was no one, part of the time.

Q. 42. Any one besides the judges and the clerks you mean?—A. No, sir; no one but the board; a part of the time some others were in there; one or two.

Q. 43. You don't say that this ticket you have now attached was exhibited that night?—A. No, sir; it was unobserved by the board.

Q. 44. Now, when did you first observe the erasure?—A. When Mr. Stone and I were looking over the ballots.

Q. 45. That was two weeks ago, was it?—A. Some two or three weeks ago, I don't remember definitely.

Q. 46. You have not had the ballots yourself, and have not had possession of the ballot-box?—A. No, sir.

Q. 47. Who did you say kept it?—A. They were kept by the clerk; he resigned about two weeks ago; then he placed them in the hands of Squire Hayworth.

Q. 48. He resigned about how long ago?—A. Something like two weeks ago, I should think, not to exceed three weeks.

Q. 49. You know where he kept them?—A. In the office.

Q. 50. Where is the clerk now?—A. He has moved to Kansas.

Q. 51. What is his name?—A. Climer.

Q. 52. When he went away he delivered them to Mr. Hayworth?—A. Yes, sir.

Q. 53. You did not see them from the time of the election until Mr. Stone came up there for the purpose of counting them?—A. No, sir.

Q. 54. Can you tell from the appearance of the ticket whether the erasure was made before or since the canvass?—A. Can I tell from the appearance of it?

Q. 55. Yes, sir.—A. No, sir; I cannot.

Q. 56. Are the tickets in the box with Wilson's name erased?—A. I think there is only one.

Q. 57. Are there any there with Frederick's name erased?—A. I believe not; I cannot be positive about it.

Q. 58. You don't know, do you, whether this ballot-box has been kept locked all the time, do you?—A. No, sir; I don't.

Q. 59. You don't know that it has been examined into?—A. I could not say as to that.

Q. 60. You have not heard the clerk say that it has not been opened?—A. No, sir.

Q. 61. Mr. Hayworth is a justice of the peace?—A. Yes, sir.

Q. 62. He was not one of the judges of election?—A. No, sir.

Q. 63. Nor clerk of the election?—A. No, sir; not on the election board at all.

Q. 64. Leaving it with him would be like leaving it with any stranger?—A. Yes, sir.

(Contestant objects to the question as not proper and leading.)

Q. 65. That would be so, would it not; in no more official custody in his hands than in the hands of anybody else?

(Contestant objects to the question as not proper and leading.)

A. I cannot say that it would.

Q. 66. When Mr. Stone came there what part did he take in the vote?—A. I took the ballots out in this way; held them in my hands; he looked over them as I turned them, I believe; as to the part he took, we just hunted for Wilson's name on each ticket to find how many ballots we could find with his name on not erased; in counting over the whole number we found his name on 71 ballots; then that one with the pencil mark.

Q. 67. Who first suggested to you to count this ballot—did Stone?—A. Yes, sir; he is the only one that said anything about it. I had no knowledge of its being voted until told that they were looking it over that day.

Q. 68. What did Stone want it counted for?—A. Well, I think, as near as I can remember, that we or they or some one said something to the effect that we were going over all the precincts of the Congressional districts examining the ballots to see whether there were any errors or not, when he stated that in the different townships around us he had found more or less mistakes wherever they had been, and that they wanted the privilege of examining ours, thinking, probably, they might find some little error there. He said they had found mistakes everywhere they had been; sometimes in favor of Wilson and sometimes in favor of Frederick.

Q. 69. Did he say where they had been, and where they had counted the ballots?—A. Yes, sir; I believe that was it.

Q. 70. Did they say they were going to count the ballots in every precinct?—A. That is my impression.

Q. 71. Did he suggest that there was any mistake in these ballots?—A. In our township?

Q. 72. Yes, sir.—A. No, sir; I think not. He rather insinuated that there was a probability of it.

Q. 73. Can you conceive of any way in which he could have found out except by getting into the box?—A. I cannot, unless he employed some one else to do it.

Q. 74. When you were counting those ballots on the night of the canvass, did you suppose you were counting them correctly?—A. Yes, sir; I did.

Q. 75. What kind of a light did you have, and how many?—A. I think some three lamps, in a small room.

Q. 76. Have you had no trouble in seeing pencil-marks on this ticket in ordinary light?—A. No, sir.

Q. 77. Have you any trouble in seeing with such a light as you had on that night?—A. No, sir; I think not, if I had been careful. I might have overlooked it.

Q. 78. You mean if it was there?—A. Yes, sir; I mean that.

Q. 79. Well, did Mr. Stone have this ballot in his hand, did you see, at the time of the canvass?—A. I don't think that he did; I think I kept them in my own hands all the time. Well, sir, I cannot remember; he might possibly have had hold of them; it is my impression that he did.

Q. 80. Did you take them off the string?—A. No, sir; I was a little suspicious about it; thought there might be some kind of a snide about it; I was rather careful.

Q. 81. Where is Mr. Crook?—A. He is at home, I presume.

Q. 82. At Bangor?—A. Yes, sir.

Q. 83. And the other judge of elec ion—is he there?—A. Yes, sir.

Q. 84. What is his name, did you say?—A. Willets.

Q. 85. Mr. Stone was there, claiming to be in the interest of Mr. Frederick, as his agent?—A. He did not state in whose interest he did this.

Q. 86. You don't know, then, whether in the interest of Mr. Frederick or not?—A. No, sir.

(Objection to Exhibit C being attached with part of the Bangor records.)

Redirect:

Q. 87. How is that ballot erased in Exhibit C—how is the name of James Wilson erased?—A. It has the appearance of being erased by one pencil-stroke across it.

Q. 88. Is that erasure very clear; or is it an erasure that might be overlooked in counting the ballots?—A. I should say that it is one that might have been overlooked.

(Paid as fee by contestant.)

P. C. CARTER.

STATE OF IOWA,
Marshall County, ss:

I, Eldon Moran, a notary public and commissioner, agreed upon by the parties to take testimony in this cause, in pursuance of the annexed agreement, attached to the testimony of J. L. Adams, whose testimony was taken Feb. 22, 1883, do truly certify that on the 5th day of March, 1883, in pursuance of the notice hereunto annexed, I took the deposition of the following-named witnesses: Ezra Wyatt, R. E. Leech, Mary Eastman, Elmer Stauffer, Frank Stauffer, Charlie Wyatt, Jessie Siebert, Robert Blakely, George B. York, A. N. French, Wm. Ernst, Jas. K. Johnson, R. E. Strang, Jere-

miah Picket, Jacob Randall. P. C. Carter, whose testimony is set forth in the following manner: Each witness was first sworn by me duly, or caused to be sworn, in my presence, as provided by law, and when sworn the questions were propounded to him by the respective parties—Benjamine T. Frederick, contestant, and James Wilson, contestee, by their respective att'ys, and the question by me read to the witness, who answered the same, and his answer, in the language of the witness, was by me taken down under each question propounded, and reduced to writing until the deposition was completed.

I further certify, when the testimony of each witness was taken I carefully read the same over to the witnesses, who corrected the same, and each correction noted, and said testimony was then signed by the witness and sworn to by him before me.

I further certify that T. Brown & Carney appeared as counsel for the contestant, Benjamine T. Frederick, and J. H. Bradley appeared as counsel for James Wilson, contestee.

In witness whereof I have set my hand and seal notarially, this 5th day of March, A. D. 1883.

[SEAL.]

ELDON MORAN,
Notary Public for Johnson County, Iowa,
and Commissioner agreed upon to take testimony.

(No. 3.)

No. 1.

FREDERICK
v.
WILSON. } Testimony.

TRAER.

STATE OF IOWA,
Tama County, ss:

Deposition of witnesses produced before me, Eldon Moran, a notary public and commissioner, agreed upon to take testimony, and duly sworn by E. T. Langley, a notary public for Tama County on this 2nd day of March, '83, in the town of Traer, in pursuance of the notice hereunto attached, in a proceeding pending before the House of Representatives of the United States of America, in a contested election for the office of Representative in Congress, in which proceeding Benj. T. Frederick is contestant, and James Wilson, contestee; Brown and Carney for contestant; E. T. Langley, for contestee.

The following testimony was taken before me:

STATE OF IOWA,
Tama County, ss:

JOHN ROBERTS, being produced and sworn before E. T. Langley, a notary public for Tama County, on this 2nd day of March, A. D, 1883, testifies as follows (T. Brown appearing on the part of contestant, F. T. Langley on the part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. John Roberts; 33 years old; reside in Carroll Township, Tama County, Iowa; I am a farmer.

Q. 2. Did you hold any official position in that township in '82, and if so, what?—A. Township clerk.

Q. 3. Have you the ballot-box of Carrol Township in your possession?—A. Yes, sir.

Q. 4. In what condition has it been kept since the election in Nov., '82?—A. Good condition, I guess.

Q. 5. Has it been kept sealed?—A. No, sir.

Q. 6. Has it been out of your possession?—A. No, sir.

Q. 7. Has any one handled the ballots, since they were placed in the box after the election?—A. Well, it has not been out of my charge at all. I opened it and took out some books, and took books home in it.

Q. 8. It has been in your possession all the time?—A. Yes, sir.

Q. 9. And the ballots are intact?—A. Yes, sir; just as they were.

Q. 10. You may in the presence of the judges that have been sworn in that township open the box, count the votes for the office of Representative in Congress, and state how many each candidate received.

(Witness proceeds to count the votes.)

Att'y objects to the ballot-box being opened or the ballots being counted as not being the proper way to determine the matter.

(Assisted in the count by H. C. Cochran and John Hill.)

Q. 11. What is the result of the count?—A. Wilson, 49; Frederick, 43—there is one ballot with Wilson's name written and Frederick's not scratched. It is a Democratic ticket with Wilson's name written on with a lead pencil, and Frederick not scratched.

($1.55 paid as witness fee by contestant.)

JOHN ROBERTS.

STATE OF IOWA,
Tama County, ss:

JOHN G. BULL, being produced and sworn before E. T. Langley, a notary public for Tama County, Iowa, on the 2nd day of March, A. D. 1883, and examined before me, testifies as follows: T. Brown appearing on the part of contestant, E. T. Langley on the part of contestee:

Q. 1. What is your name, age, place of residence, and occupation?—A. John G. Bull; age, 39; am a farmer; reside in Buckingham Township.

Q. 2. Were you one of the clerks at the November election, 1882, in which the electors voted for the office of Representative in Congress?—A. Yes, sir.

Q. 3. Have you the ballot-box, ballot, and poll-book of that township in your possession?—A. I have had the poll-book ever since the township book were turned over to me.

Q. 4. How long have you had the ballot-box?—A. Since this morning; the keys have been in possession of the clerk, but I have the keys at present.

Q. 5. You may state if this poll-book is one of the poll-books of Buckingham Township, Tama County, Iowa.—A. Yes, sir; it is.

Q. 6. Look at the poll-book. [Witness examines it.] State how many votes the poll-book shows were cast for the office of Representative in Congress for each candidate as shown by the poll-books?—A. As shown by the poll-book, 104 ballots were cast for the office of Representative in Congress. James Wilson had 61 votes; Benjamin Frederick had 43 votes.

Q. 7. State whether any error was made in the return by the board of township canvassers to the board of county canvassers from Buckingham Township for the office of Representative in Congress, and also, if so, what that error was?

(Attorney for contestee objects for the reason that the books and ballots would be the best evidence to show whether or not there was any error made.)

A. What I would say in answering that question would be this, that I have not seen the poll-book since we canvassed the votes in the township.

Q. 8. You didn't make out the poll-book?—A. No, sir; it was returned as this is written, 43, but the tally in that book didn't correspond; the tally here was 38, that is in the other book as we have it, second hand, and we believe it.

(Attorney objects to the witness stating contents of the poll-book, not being the best evidence.)

Q. 9. You may return to the written returns; also read it to the clerk, for the office of Representative in Congress.—A. 104 ballots were cast; James Wilson had 61 votes, B. T. Frederick had 43 votes.

Q. 10. Is that return correct?—A. Yes, sir; I believe it is.

Q. 11. I will ask you if you have re-counted the ballots at any time since the election?—A. I have not seen them since the election; if they have been counted it was before I had charge of it.

Q. 12. You may now open the box, re-count the vote cast for the office of Representative in Congress for Buckingham Township, Tama County, and state the result to the commissioner.

(Attorney objects, same as before, that the books are the best evidence to show the facts in the case.)

Q. 13. You may state the result of the count.—A. We have re-counted the ballots; find 102 ballots were cast; Wilson received 61 votes, and Frederick 43.

(Paid $4.95 as fee by contestant.)

JOHN G. BULL.

STATE OF IOWA,
Tama County, ss:

CALVIN WORD being produced and sworn before E. T. Langley, notary public for Tama County, on this 2d day of March, 1883, and examined before me, testifies as ollows (T. Brown appearing on the part of contestant, and E. T. Langley on the part of contestee):

Q. 1. Did you vote at the November election 1882 in this precinct?—A. I believe so.

Q. 2. For whom did you vote for the office of Representative in Congress?—A. I think I voted for James Wilson, as near as I can remember.

Q. 3. Did you ever reside in Canada?—A. Yes, sir.

Q. 4. How long?—A. Well, I don't think I can tell you.

Q. 5. Did you ever reside there with your family part of the time? Did you ever vote there?—A. Yes, sir, I have; we moved into Canada when I was 12 years old.

Q. 6. Did you ever vote in Canada?—A. Yes, sir, I did.

Q. 7. Have you ever been naturalized?—A. No, sir; I was American, born in the State of Vermont.

Q. 8. How came you to vote in Canada?—A. Because the law allowed me to vote.

Q. 9. Where did your parents live?—A. They lived in the State of Vermont, where I was born.

Q. 10. Where did they move to?—A. In Canada.

Q. 11. Were they Canadian people?—A. No, sir; neither father nor mother. Mother was born and raised there in Vermont; father was born in the State of Massachusetts and raised there.

Q. 12. You lived in Canada, and voted?—A. Yes, sir; but didn't vote very many years; I think that I voted three times for member of Parliament, since I can recollect.

Q. 13. Did you ever, under the laws of Canada, quit your allegiance to the United States and become naturalized there?—A. No, sir; it was not the law there, if a person lived so long in a country he was naturalized by that law, so that I never had occasion, or any of my folks had occasion, to take up arms against the United States.

Q. 14. You were born in the United States?—A. Was born in Vermont; I guess that is in the United States; they used to call me in Canada, Yellow Bellied Jacket.

Redirect:

Q. 15. How long did you live in Canada?—A. I think that I have been in this country 16 or 17 years; at the first election when General Grant was elected.

Q. 16. How old were you when you went to Canada?—A. 12 years of age.

Q. 17. How old are you now?—A. I am almost 74.

Q, 18. Then you lived in Canada from the time you were 12 years old until Grant's election?—A. I think it was Grant's election; he was first elected after I came.

Q. 19. Did you come here about the time of Grant's election?—A. I came here the spring after Lincoln's assassination.

Q. 20. That was in 1866?—A. Yes, sir.

Cross-examination:

Q. 21. Did you mean the spring of his assassination?—A. No, sir; the next spring. I moved into the country the next spring; any householder or tax-payer there was entitled to vote.

Redirect:

Q. 22. How long did he have to live there?—A. A certain length of time.

Q. 23. Was it a number of years before he could vote?—A. Yes, sir; a number of years.

($0.85 paid as fee by contestant.)

his
CALVIN × WORD.
mark.

STATE OF IOWA,
Tama County, ss:

ROBERT PROVEN, being produced and sworn before E. T. Langley, notary public for Tama County, on this 2nd day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant and E. T. Langley appearing on the part of contestee):

Q. 1. Were you clerk of Buckingham Township in 1882?—A. Yes, sir.

Q. 2. Have you the ballot-box in your possession?—A. No, sir; it was in the possession of one of the trustees, but I have always had the key in my possession.

Q. 3. Have the ballot-box and ballots been disturbed since the election that you know of?—A. Yes, sir; looked over.

Q. 4. When were they looked over?—A. I don't remember the day; but it was done in the presence of the two trustees.

Q. 5. Were the ballots put back in the box?—A. Yes, sir; never one of them taken off the string.

Q. 6. Never any changed?—A. No, sir.

Q. 7. Can you tell how many votes James Wilson received for the office of Representative in Congress by the ballots cast?

(Objection, not the best evidence; record best evidence.)

Q. 8. Also, look at the poll-books.

(Witness examines it.)

A. Wilson, 61.

Q. 9. How many did Frederick receive?—A. 43.

Q. 10. State whether there was any error made in the return you made to the county canvassers?—A. Yes, sir; one tally.

Q. 11. That one tally was five votes?—A. Yes, sir; that was omitted.

Q. 12. Who was it omitted against?—A. It was omitted against Frederick.

Q. 13. Did you make the return?—A. Yes, sir.

Q. 14. You have examined that poll-book, haven't you?—A. It was returned to Toledo.

Q. 15. You know that tally was omitted?—A. Yes, sir.

Cross-examination:

Q. 16. All you know about the poll-book that has gone to Toledo is what you have heard others say?—A. Yes, sir; that is all.

Q. 17. You made it, didn't you?—A. I called it out; didn't notice the mistake; I wrote it out of the list in the book 43; there was one tally omitted; I didn't carry the returns to Toledo; one of the trustees did that.

($1.25 paid as fee by contestant.)

ROBERT PROVEN.

STATE OF IOWA,
Tama County, ss:

O. GRAVATT, being produced and sworn before E. T. Langley, notary public for Tama County, on this 2nd day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant and E. T. Langley appearing on the part of contestee):

Q. 1. What is your name, age, residence, and occupation?—A. O. Gravatt; age, 50; Buckingham Township.

Q. 2. Were you one of the judges of the election held in November, 1882, in which the electors of your township voted for the office of Representative in Congress?—A. Yes, sir.

Q. 3. State if you know whether any error was made in the return of the votes sent to the board of county canvassers of your township for the office of Representative in Congress, and what that error was?—A. I have no knowledge of any error, only by hearsay.

Q. 4. Now, state if you ever assisted in counting the votes, and had an examination of the poll-books from your township?—A. Yes, sir.

Q. 5. And ballots?—A. Yes, sir.

Q. 6. State how many ballots James Wilson received in Buckingham Township, and how many Frederick received for the office of Representative in Congress?—A. Wilson received 61 votes, and Frederick received 43.

Q. 7. Is that shown by the ballots counted in the presence of the commissioners to-day?—A. Yes, sir.

($1.05 paid as fee by contestant.)

O. GRAVATT.

STATE OF IOWA,
Tama County, ss:

J. C. WOOD, being produced and sworn before E. T. Langley, notary public for Tama County, on this 2nd day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant and E. T. Langley appearing on the part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. J. C. Wood; age, 56 years; reside in Buckingham Township; am a farmer.

Q. 2. Were you one of the judges of the November election, 1882, when the electors of that township voted for the office of Representative in Congress?—A. Yes, sir.

Q. 3. You may state how many ballots were shown by the poll-book and returns were cast for the office of Representative in Congress, and how many each candidate received.—A. 104; the poll-book returned to Toledo shows five short of that, from hearsay. However, I think that I know nothing of it; Wilson read 61, and Frederick would have had 43.

Q. 4. State if you assisted in re-counting the ballots since the election?—A. Yes, sir; it was done at my house.

Q. 5. You may state if that count corresponded with your testimony here to-day as to the number each received.—A. Yes, sir, with our count here to-day.

Q. 6. That was the same count you actually made on the night of the election when you canvassed the votes?—A. Yes, sir.

($0.95 paid as fee by contestant.)

J. C. WOOD.

STATE OF IOWA,
Tama County, ss:

P. H. MASON, being produced and sworn before E. T. Langley, notary public for Tama County, on this 28th day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant and E. T. Langley appearing on the part of contestee):

Q. 1. Were you one of the judges of Buckingham Township at the November election, 1882?—A. Yes, sir.

Q. 2. Did the electors of your township vote for the office of Representative in Congress?—A. Yes, sir.

Q. 3. How many votes were received according to the second canvass?—A. B. T. Frederick, 43; James Wilson, 61.

Q. 4. Have you recounted the ballots since the election?—A. Yes, sir; but not until to-day, and here.

Q. 5. Do the ballots correspond with your first count?—A. Yes, sir.

Q. 6. You may state whether that was a true count that you made the night of the election.—A. Yes, sir; it was.

($1.35 paid as fee by contestant.)

P. H. MASON.

STATE OF IOWA,
Tama County, ss:

ANDREW LAW, being produced and sworn before E. T. Langley, notary public for Tama County, on this 28th day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Stivers appearing on the part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. Andrew Law; age, 53; Perry Township; occupation, farming.

Q. 2. Were you one of the judges of the November election, 1882, in which the electors voted for the office of Representative in Congress?—A. Yes, sir.

Q. 3. I will ask you if you are acquainted with Frank Haveland?—A. No, sir.

Q. 4. Don't you know him?—A. No, sir.

Q. 5. You don't know such a man at all, then?—A. No, sir; I don't.

($1.05 paid as fee by contestant.)

ANDREW LAW.

STATE OF IOWA,
Tama County, ss:

W. H. BOWEN, being produced and sworn before James Fowler, notary public for Tama County, on this 2nd day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Stivers appearing on the part of contestee):

Q. 1. Were you one of the clerks of the election?—A. Yes, sir.

Q. 2. Do you know Mr. Haveland?—A. No, sir; I don't know him.

Q. 3. Have you the poll-books of the November election in your possession?—A. Yes, sir; I have.

Q. 4. Please look at them and see if you find the name of Frank Haveland?

(Witness examines the books.)

A. Haveland? Yes, sir.

Q. 5. Do you remember of his voting at the election?—A. I have no recollection of his voting whatever.

Q. 6. You have stated that you were one of the clerks of the election. I will ask you who has had custody and control of the ballot-box since the election?—A. I have.

Q. 7. Has it been in your possession all the time?—A. Yes, sir.

(Objected to by the contestee on the ground that it is improper examination and immaterial.)

Q. 8. Now, Mr. Bowen, state whether or not the ballots in the box that has been in in your possession have been meddled with or disturbed since the election?—A. Yes, sir.

Q. 9 You may state whether or not since the election referred to you have counted the ballots; if so, in the presence of what official?—A. Of the clerk.

(Contestee objects to the question on the ground that it is not proper examination; also it is irrelevant, there being no such issue.)

A. I have, in connection with the judges of the election, that served that day.

Q. 10. Name them, if you please.—A. Andrew Law, Nathan White, Wm. Keith; also W. B. Gillespie, who was clerk.

Q. 11. Now you may state, Mr. Bowen, what was the result of your count here to-day.

(Contestee objects on the ground that it is irrelevant and not proper cross-examination.)

Q. 12. State the whole number of votes, and the number which the contestee and contestant received, as the result of your count here to-day.

(Contestee objects on the ground that it is irrelevant, and not proper cross-examination.)

A. There were for Wilson by the count 297 votes.

Q. 13. Give us the whole count.—A. 297 for Wilson; 100 for Frederick, according to the count to-day.

Q. 14. Now, the whole number of votes?—A. There was one blank vote, making 398 votes cast.

Q. 15. Now you may state what the books show, if you have the book in your possession? State what the book shows the count was, as counted and returned to the board of canvassers?

(Contestee objects, it not being the book transmitted to the auditor of Tama County, and therefore not being the best evidence.)

A. The copy of the book transmitted shows for Wilson 296; for Frederick, 100.

Q. 16. State whether you know this is a correct copy of the book transmitted to the board of canvassers?

(Same objection as above.)

A. Yes, sir; to the best of my knowledge.

Q. 17. I will ask yon if you were subpœnaed by the contestant, Mr. Frederick, to appear here and make this count to-day?

(Contestee objects to the question on the ground that it is immaterial; this point not being in dispute.)

A. Yes, sir; I was subpœnaed to bring the box and ballots.

Q. You may state whether or not, by the attorneys of the contestant, if you were directed to count the ballots in the box?

(Contestee objects to the question on the ground that it is immaterial, and not competent.)

A. Yes, sir; I was.

($0.85 paid as fee by contestant.)

W. H. BOWEN.

STATE OF IOWA,
Tama County, ss:

JAMES FOWLER, being produced and sworn before E. T. Langley, notary public for Tama County, on this 2nd day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and E. T. Langley appearing on the part of contestee):

Q. 1. Do you know a man by the name of Frank Haveland?—A. I think that I do.

Q. 2. Did you see him here at the election?—A. Yes, sir; I did.

Q. 3. Do you know that he voted?—A. I will tell you in two or three words all I know about it.

(Objection.)

Q. 4. Answer the question.—A. That is something I can't state.

Q. 5. State just what you know about how he voted.

(Contestee objects to the witness saying how Haveland voted, for the reason that it has not been shown that he was an illegal voter. We object to his telling how he voted, until it is shown whether it was a legal or illegal vote.)

A. I met him the day of the election. I didn't know him, but asked him to vote for me; I was candidate for clerk; he says to me, "I have got a ticket," and he held it up to me with my name on it, also with Wilson's name on it; I was going to vote for you and Wilson, but I don't think I am a voter; I asked him where he lived; he said, at Mike Forney's, out here; I asked him when he came into the State, and he said about the middle of August; I said I didn't think he was a voter; I was busy; I didn't spend much time on him; in the course of an hour or two he told me that he had voted; he said that the judges only asked him how long he had been in the county.

(Objection as not being responsive to the inquiry; 2nd, irrelevant and immaterial; 3d, not the best evidence, it being simply hearsay.)

Q. 6. Tell if you are a citizen of the township or precinct.—A. Yes, sir; I think so.

Q. 7. Are you pretty well acquainted with the inhabitants of the township?—A. Yes, sir.

Q. 8. Did you know of this man before the day of the election?—A. No, sir; I didn't. Mike Forney had told me what somebody else had told him, that there was such a man working for him.

(Objection.)

Q. 9. You say you saw the ticket the man had with Wilson's name on it, and that he proposed to vote?—A. Yes, sir; I had my name on with Wilson's; I was interested. I cannot state what he did—only what he said.

Q. 10. Was he a stranger in the township and county?—A. Yes, sir; only by hearsay do I know him.

Q. 11. When did you first hear of his being here?—A. Well, I think it was about five weeks; I was electioneering for Mike, and told him of this fellow working for him.

(Objection.)

Cross-examination:

Q. 12. You said you were personally acquainted with this young man?—A. No, sir; I didn't say that.

Q. 13. To what you have said in reference to the length of time he has resided here

and his voting too, that what he told you or some one else?—A. No, sir; he told me and Linsely on the sidewalk; he said that he would—that he intended to—but didn't think he had lived in the State long enough.

Q. 14. I am not asking you what he said; you needn't tell a long story. Did you know of the limits of the length of his residence on it—what he told you or somebody else?—A. Yes, sir; that is all.

Q. 15. You learned it from somebody else?—A. Yes, sir; of course.

(Wilson.)

Q. 16. Did he say that he voted for Wilson?—A. I could not swear to that; he said he got it in.

Q. 17. What in?—A. The ticket.

Redirect:

Q. 18. Did he tell you where he lived at that time?—A. He told me that time that he went immediately out to Mike Forney's when he came in here; that he came in here on the train, got off, and went out to Mike Forney's.

JAMES FOWLER.

STATE OF IOWA,
Tama County, ss:

ROBERT LAW, being produced and sworn before James Fowler, notary public for Tama County, on this 2nd day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of the contestant, and W. H. Stivers appearing on the part of contestee):

Q. 1. Where were you born?—A. In Canada.

Q. 2. How long have you lived here in the United States?—A. 18 years the first of this month.

Q. 3. Did you vote at the November election, 1883, this precinct?—A. Yes, sir; I did.

Q. 4. Who did you vote for for Representative in Congress?

(Objection, it not being shown whether he is a legal voter or not.)

A. I won't be required to answer that.

Q. 5. Whom did you vote for for Representative in Congress?—A. Will I be required to answer that?

Q. 6. Yes, sir; you will not be liable to indictment.—A. I voted for Mr. Wilson.

Q. 7. Were you ever naturalized in this country?—A. I was naturalized on the 4th of April in 1865.

Q. 8. Have you got your papers?—A. I have got my papers, but not here; I have them at my brother-in-law's in Minnesota.

Q. 9. How many times were you before the court?—A. I took out my naturalization papers the 4th of April, 1865, and on the same day I took a homestead.

Q. 10. You only took out one set of papers?—A. Then in 1871 I took out my homestead.

Q. 11. Well, did you have to take out but one set of papers?—A. I am not certain about that; it seems to me I did, because I could not take my homestead without.

Q. 12. Have you but one set of papers?—A. That I could prove by sending up there, because I have been from one place to another for a good while. Then I was careless.

Q. 13. Were you ever before the court and sworn with relation to your naturalization papers more than once? I mean, to take out one paper from the clerk?—A. No, sir; I do not think it was, because they said all the time.

Q. 14. Was that before the clerk or court?—A. Before the court.

Q. 15. You then declared your intention of becoming a citizen, did you?—A. Yes, sir.

Q. 16. That was the only time you were before the eourt?—A. They said I would revoke the use of my homestead papers.

Cross-examination:

Q. 17. You say that when you went you were sworn before the court; you were before the court?—A. Yes, sir.

Q. 18. You are not positive whether you took out one or two sets of papers?—A. No, sir; not positive.

Q. 19. You took out such papers as informed you entitled you to a vote?—A. Yes, sir.

Q. 20. Since that time you have been voting?—A. Yes, sir; they said in 6 months afterwards I was a legal voter.

Redirect:

Q. 21. Did you go before the court 6 months afterwards and be sworn and introduce any witness?—A. No, sir.

Q. 22. You never went before the court again?—A. No, sir.

($1.50 paid as fee by contestant.)

ROBERT LAW.

STATE OF IOWA,
Tama County, ss:

WILLIAM WADE, being produced and sworn before James Fowler, notary public for Tama County, on this 2nd day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and W. H. Stivers on the part of contestee):

Q. 1. Where do you reside?—A. In Traer.
Q. 2. How long have you lived here?—A. 10 years.
Q. 3. What is your age?—A. 33 years.
Q. 4. Where were you born?—A. In Ireland.
Q. 5. Did you vote at the November election, 1882, for the office of Representative in Congress?—A. Yes, sir.
Q. 6. For whom did you vote?
(Same objection; it has not been shown that he voted illegally.)
A. Yes, sir.
Q. 7. If you have any naturalization papers you may now present them to the commissioner.
(Winess presents papers.)
Mr. BROWN (having examined them): That is all right, sir; these papers are correct.—A. That is what I thought.

WM. WADE.

($0.85 paid as fee by contestant.)

STATE OF IOWA,
Tama County, ss:

J. C. WARD, being produced and sworn before James Fowler, notary public for Tama County, on this 2nd day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of the contestant, and W. H. Stivers on the part of contestee):

Q. 1. What is your age?—A. 41.
Q. 2. How long have you lived in Tama County?—A. 12 or 13 years; I don't know exactly.
Q. 3. Where were you born?—A. In Canada.
Q. 4. Present any naturalization papers you may have to the commissioner.—A. I haven't them on my person; I have them at home.
Q. 5. Have you ever taken out more than one set of papers?—A. I am not positive of more than one paper.
Q. 6. Have you one paper, then, at home?—A. Yes, sir.
Q. 7. You haven't two?—A. No, sir.
Q. 8. You never were in the army?—A. No, sir.
Q. 9. You voted at the November election, 1882?—A. Yes, sir.
Q. 10. For Representative in Congress?—A. Yes, sir.
Q. 11. Who did you vote for?
(Objection—it is not showing that he is an illegal voter.)
A. I voted for Wilson.
Q. 12. Were you ever before the court but once and got papers?—A. No, sir; I am not positive.
Q. 13. Youhave no recollection of that, have you?—A. No, sir; only recollect one.
Q. 14. You have but one paper?—A. I told you that was all I had.

Cross-examination:

Q. 15. Were you ever a soldier?—A. No, sir.
Q. 16. You say you were born in Canada; where was your father born?—A. In Canada.
Q, 17. You remember of going before the court and taking out one paper?—A. Yes, sir; I think the 10th of May, 10 or 12 years ago, in Minnesota.
Q. 18. You haven't got that paper with you?—A. No, sir.
Q. 19. You don't remember what the coudition of it is?—A. No, sir; I can not remember now.
Q. You may state whether you were informed by parties who pretended to know that that was sufficient to give you authority to vote?
(Objection—hearsay.)
A. I asked the clerk whether it was sufficient to homestead on; he said it was. I took them out with the intention of going west on a homestead at that time.
Q. 21. You may state it so that the commissioner may get it down; that you have been voting right along at different elections.—A. Yes, sir, I have voted ever since my first vote.
Q. 24. You may state whether your father has been a resident of the United States

all this time.—A. He was considered so in Clinton County; he voted at Grant's election; it was looked up by the parties who had challenged.

Q. 23. What is your father's name?—A. Calvin Ward.

Q. 24. He was accustomed to vote in Canada, wasn't he?—A. No, sir; not that I know of, I never voted there.

J. C. WARD.

$1.25 paid as fee by contestant.

STATE OF IOWA,
Tama County, ss:

DAVID WARD, being produced and sworn before E. T. Langley, notary public for Tama County, on this 2nd day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and E. T. Langley on the part of contestee):

Q. 1. What is your age?—A. 45 years.

Q. 2. How long have you resided in the United States?—A. Since 1861.

Q. 3. Were you ever in the army?—A. No, sir.

Q. 4. Did you vote at the November election, 1882, for the office of Representative in Congress?—A. I did.

Q. 5. Whom did you vote for?

(It is not shown that he is a legal voter.)

A. For Mr. Wilson.

Q. 6. Hand commissioner any papers of naturalization you may have.—A. I have not got mine. I did not suppose I needed them.

Q. State your occupation?—A. City marshal of Traer.

Q. How long did you say that you had resided in this county?—A. Since 1861.

Q. 9. How old were you before you came here?—A. You mean since I came here to stay? I was, off and on, in Michigan and Canada.

Q. 10. State whether your father was a citizen of the United States?

(Objection; Immaterial whether he was or not; also incompetent.)

A. Yes, sir, he was. I was working in Michigan at that time I became of age. I want you to understand that.

Q. 11. When did you leave Canada?—A. When I left Canada last, to stay in this country, I left in 1861.

Q. 12. How long did you live in Canada from your birth?—A. Until I was 17 years of age.

Q. 13. Where did you make your home permanently after that time?—A. In Michigan.

Q. 14. Were you still a minor? Where did your parents reside?—A. In Canada.

Q. 15. What doing in Michigan?—A. Lumbering.

Q. 16. Did you consider Canada your home then?

(Objection: Calling for information.)

A. Not so long as I lived in Michigan.

Q. 17. How often were you home during the time you were in Michigan?—A. I think three times.

Q. 18. Did you have any clothing or dressing material at home?—A. No, sir.

Q. 19. When you were living in Canada, were you living all the time at one place—I mean in Michigan?—A. I made my home in Port Huron, Michigan; was 17 years old then.

Cross-examination:

Q. 20. Your home has been in this country since you were 17?—A. I claimed it before I went to Michigan; it was in 1861, that is, for good.

Q. 21. Well, did you come back as if going home, or as on a visit?—A. I did not calculate that was my home.

Q. 22. Where was your father born?—A. In Vermont.

Q. 23. Your home has been in this country since you were 17?—A. Yes, sir.

Q. 24. When did your father leave Canada?—A. In 1866.

Redirect:

Q. 25. How long did your father live there, and what business did he carry on in Canada?—A. Farming.

Q. 26. He made Canada his home for 20-odd years?—A. Yes, sir.

(Wilson.)

Q. 27. You said your father is a citizen of the United States?—A. Yes, sir; that is the reason I voted in this country at the time of Grant's first election. I was in La Crosse, Wis.; they contested my vote then. They considered me a legal voter, and I have voted ever since.

DAVID WARD.

$0.85 paid as fee.

STATE OF IOWA,
Tama County, ss:

SAMUEL UNDERHILL, being produced and sworn before E. T. Langley, notary public for Tama County, on this 2d day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and E. T. Langley on the part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. I live in Traer, Tama County, Iowa.

Q. 2. How long have you resided in Tama County?—A. Well, about 10 years, at different times; came here 10 years ago, perhaps.

Q. 3. Have you been away during that time?—A. Yes, sir.

Q. 4. How long were you away?—A. I was away pretty nearly 2 years.

Q. 5. Where were you during that 2 years?—A. In Nebraska, Colorado, and New Mexico.

Q. 6. What doing there?—A. Working on the railroad most of the time.

Q. 7. Have you a family?—A. No, sir.

Q. 8. When you went away from here did you go for a certain length of time?—A. No, sir.

Q. 9. Did you expect to return to this county when you went there?—A. Yes, sir.

Q. 10. How long did you expect to be away?—A. I did not know how long I should be away.

Q. 11. Where did you make it your home there?—A. I didn't have any particular place there; I worked for the railroad.

Q. 12. What road did you work for?—A. Denver and Rio Grande R. R.

Q. 13. What business were you doing for that road?—A. Carpentering work.

Q. 14. How long did you stay in any one place?—A. Well, I didn't stay a great while in any one place; 3 or four weeks, probaly.

Q. 15. What place was that?—A. I was in Buena Vista last and longest.

Q. 16. What year was it you were in Buena Vista?—A. '81 and '82.

Q. 17. How long were you there?—A. I was there in the spring, and stayed 3 months; went to work for the R. R. C.; worked until October; then came back to Buena Vista, and stayed there most of the winter.

Q. 18. When did you return to Tama County?—A. Last August.

Q. 19. Did you know when you were in Buena Vista when you expected to return?—A. I didn't have any particular time set.

Q. 20. You did not have any definite time, at any time, when you were to return?—A. No, sir.

Q. 21. Then you went away to be gone an indefinite time, without any knowledge when you were to return?—A. Yes, sir.

Q. 22. Did you vote at any election while away?—A. I only voted once—in the town election.

Q. 23. You voted once at a town election? When was that?—A. In Buena Vista. I think that was some time in March.

Q. 24. Did you vote at the November election in Tama County last fall?—A. Yes, sir.

Q. 25. In what precinct did you vote?—A. Here.

Q. 26. Who did you vote for for Representative in Congress?

(Same objection as before; not being shown that vote was illegal.)

A. Voted for Mr. Wilson.

Q. 27. At what election did you vote in Buena Vista?—A. Town election.

Q. 28. What State or Territory is that?—A. Colorado.

Q. 29. What year was it in?—A. It was in 1882.

Cross-examination:

Q. 30. You say, Mr. Underhill, you went away with the intention of returning?—A. Yes, sir.

Q. 31. You never changed your intention during the time you were absent?—A. No, sir; I always calculated to go back, but did not have any particular time set.

Q. 32. It was always your intention to return here as your home? Is that correct?—A. Yes, sir.

Q. 33. Mr. Underhill, I am going to ask you to state whether you always regarded this place as your residence and your home during your absence?—A. Yes, sir.

Redirect:

Q. 34. You regarded yourself a citizen of Colorado when you voted there, did you?—A. I did not know that I was a citizen.

Q. 35. You would not have voted there unless you had considered yourself as a citizen?—A. No, sir; I would not have had the right to vote, but I was working for the R. R.

($1.85 paid as fee by contestant.)

SAMUEL UNDERHILL.

STATE OF IOWA,
Tama County, ss:

J. P. MORRISON, being produced and sworn before James Fowler, notary public for Tama County, on this 2d day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and W. H. Stivers on the part of contestee):

Q. 1. What is you name, age, place of residence, and occupation?—A. My age is 40 years; I live in Traer, Tama County, Iowa, and I am a physician.
Q. 2. How long have you resided in Tama County?—A. Over 8 years.
Q. 3. Where were you born?—A. In Canada.
Q. 4. How long is it since you came to this country?—A. About 16 years.
Q. 5. Did you vote at the November election, 1882?—A. Yes, sir; I did.
Q. 6. For whom did you vote for Representative in Congress?
(Objection for the reason that the vote is not yet shown to be illegal.)
A. For James Wilson.
Q. 7. If you have any naturalization papers will you present them to the commissioner?—A. I haven't any; they got worn out. I do not know what became of them afterwards.
Q. 8. How many papers did you have?—A. Two, I think.
Q. 9. You made application, and took out second papers?—A. Yes, sir.
($0.85 paid as fee by contestant.)

J. P. MORRISON.

STATE OF IOWA,
Tama County, ss:

THOMAS WARD, being produced and sworn before James Fowler, notary public for Tama County, on this 2d day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and W. H. Stivers on the part of contestee):

Q. 1. What is your age, place of residence, and occupation?—A. I live in Parry Township, this county; I am 47 years old.
Q. 2 How long have you lived in the United States?—A. 17 years this spring.
Q. 3. Where were you born?—A. In Canada.
Q. 4. Did you vote at the November election, 1882, for the office of Representative in Congress?—A. Yes, sir.
Q. 5. For whom did you vote?
(Objection, for the reason that it is not shown that the vote is illegal).
A. I voted for Mr. Wilson.
Q. 6. Have you any naturalization papers? If so, present them to the commissioner.—A. I have not.

Cross-examination:

Q. 7. Mr. Ward, you say that you were born in Canada?—A. Yes, sir.
Q. 8. Where was your father born?—A. Vermont, I think.
Q. 9. You are a son of Calvin Ward, are you not?—A. Yes, sir.
Q. 10. Since you have been here in this country you have been voting at elections all along.—A. Yes, sir; ever since I came.
Q. 11. Have you been voting under the supposition that your father was a citizen of the United States, and that that made you a citizen of the United States; that you were born in Canada, and your parents being born in the United States, granted you the right?—A. Yes, sir.

Redirect:

Q. 12. How long did your father live in Canada?—A. I cannot tell you.
Q. 13. Did he live there from the time of your birth until about 17 years ago?—A. Yes, sir.
Q. 14. What did he do there?—A. He was farming.
Q. 15. Did you know whether he was voting for the elections for members of Parliament?—A. I expect that he did.
Q. 16. How far have you come?—A. 6 miles.
Q. 17. Did your father consider when he voted in Canada that he was a citizen of Canada?—A. He told me ever so many times that he was not naturalized there.
($2.35 paid as fee by contestant.)

THOMAS WARD.

STATE OF IOWA,
Tama County, ss:

WM. ALWAY, being produced and sworn before James Fowler, notary public for Tama County, on this 2nd day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on part of contestant, and E. T. Langley on the part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. My name is Wm. Alway; live in Traer; I am 50 years old.

Q. 2. How long have you resided in Tama County?—A. I guess I have been here 8 years.

Q. 3. Where were you born?—A. In Canada.

Q. 4. Did you vote at the November election for the office of Representative in Congress?—A. Yes, sir.

Q. 5. For whom did you vote for Representative?

(Same objection as before.)

Q. 6. Have you naturalization papers?—A. No, sir; I took a homestead, the same as my brother.

Q. 7. For whom did you vote?—A. For Mr. Wilson.

Cross-examination:

Q. 8. Did you ever go before a court and was sworn?—A. Yes, sir; I went before a court and was sworn when I took out my papers.

Q. 9. In your oath did you renounce allegiance to foreign governments and swear to support this Government?

(Objection.)

A. Yes, sir; I did.

Q. 10. Are your papers here?—A. No, sir; they are in Minnesota.

Q. 11. After that you were allowed to take a homestead in the United States?—A. Yes, sir; I was.

Redirect:

Q. 12. You may state how old you were when you came to the United States.—A. It was 18 years ago. I was 32 years old when I came to this country.

Q. 13. You may state whether you were ever before the court, except once, to declare your intention of becoming a citizen.—A. No, sir; I wasn't.

Re-examination:

Q. 14. I will ask you whether you went there to declare your intention of being naturalized?

(Objection.)

A. Well, I know they were terribly hard against the British Government.

Redirect cross-examination:

Q. 15. Did you have witnesses with you?—A. Just my brother.

Q. 16. Suppose you had been 5 years in the United States that time when you took your papers?—A. Well, I don't remember; I think about a year—that is, when I took my homestead.

Q. 17. When you took out your papers in the court and did declare your intention of becoming a citizen, how long had you been in the United States?—A. Well, about 2 years.

Cross-examination:

Q. 18. You say one time one year, next time 2 years; your recollection is not very distinct?—A. You asked me how long it was after I came to the United States before I took my homestead.

Q. 19. Were you a soldier in the Army?—A. No, sir; I never was.

Q. 20. I understand you to say your recollection is not very distinct as to the length of time you were in this country before you took your papers?—A. Somewhere in the neighborhood of a year, I think.

($0.85 paid as fee by contestant.)

WM. ALWAY.

STATE OF IOWA,
Tama County, ss:

CHAS. MAXWELL, being produced and sworn before E. T. Langley, notary public for Tama County, on this 2 day of March, 1883, and examined before me, testifies as follows: (T. Brown appearing on the part of contestant, and E. T. Langley on the part of contestee):

Q. 1. Where do you reside?—A. In Traer, Perry Township, this county.
Q. 2. How long have you lived in Tama County?—A. About 18 years; I came here in 1865.
Q. 3. What is your age?—A. 38 or 39.
Q. 4. Where were you born?—A. In Scotland.
Q. 5. Did you vote at the November election, 1882, for the office of Representative in Congress?—A. Yes, sir, I did.
Q. 6. For whom did you vote?
(Objection on the ground that the vote is not yet shown to be illegal.)
A. I voted for James Wilson.
Q. 7. You may present to the commissioner any naturalization papers you may have.—A. I have my papers at home; I lost my first papers, also my discharge from the Army; I supposed there that I did not need any second papers.

Cross-examination:

Q. 8. You say took out your first papers, then had a discharge from the United States Army?—A. Yes, sir; I had a discharge, as Mr. Wilson knows; he was my witness.
Q. 9. Now, at the time you took out what you call your papers, did you go before the court or clerk?—A. Before the court.
Q. 10. Did you have a witness with you there?—A. Yes, sir; I had my discharge papers with me there.
Q. 11. Also a witness?—A. Mr. Wilson was my witness; that was the only one I was acquainted with at that time; I happened to be in Toledo.
Q. 12. Do you remember, in the oath you took, do you remember whether or not you swore allegiance?
(Objection by Brown; not best evidence.)
Q. 13. In the oath you took there you swore allegiance to the United States and renounced allegiance to the old country?—A. Yes, sir.
($0.75 paid as fee by contestant.)

CHAS. MAXWELL.

STATE OF IOWA,
Tama County, ss:

I, Eldon Moran, a notary public and commissioner, agreed upon by the parties to take testimony in this cause, in pursuance of the annexed agreement attached to the testimony of J. L. Adams, whose testimony was taken Feb. 22d, 1883, do truly certify that on the 1st day of March, 1883, in pursuance of the notice hereunto attached, I took the depositions of the following named witnesses: John Roberts, John G. Bull, Calvin Ward, Robert Provan, O. Gravatt, J. C. Ward, P. H. Mason, Andrew Law, W. H. Bowen, James Fowler, Robert Alway, Wm. Wade, J. C. Ward, Samuel Underhill, J. P. Morrison, Thos. Ward, Wm. Alway, Chas. Maxwell, whose testimony is set forth herein in the following manner: Each witness was first sworn by me duly, or caused to be sworn in my presence, as provided by law, and when sworn the questions were propounded to him by the respective parties, Benj. T. Frederick, contestant, and James Wilson, contestee, by their respective attorneys, and the question by me read to the witness, who answered the same, and his answer, in the language of the witness, was by me taken down under each question propounded and reduced to writing until the deposition was completed.

I further certify when the testimony of each witness was taken, I carefully read the same over to the witness, who corrected the same, and each correction noted, and said testimony was then signed by the witness and sworn to by him before me.

I further certify that T. Brown & Carney appeared as counsel for the contestant, Benj. T. Frederick, and W. H. Stivers appeared as counsel for James Wilson, contestee.

In witness whereof I have set my hand and seal notarially this 1st day of March, A. D. 1883.

[SEAL.]

ELDON MORAN,
Notary Public for Johnson County, Iowa, and Commissioner agreed upon to take Testimony.

No. 2.

FREDERICK
v.
WILSON. } Testimony.

TOLEDO.

STATE OF IOWA,
Tama County, ss:

Deposition of witnesses produced before me, Eldon Moran, notary public, and commissoner agreed upon to take testimony, and duly sworn by L. G. Kinnie, a notary public in and for the county of Tama, Iowa, on this sixth day of March, 1883, in pursuance of a notice hereunto attached, at the office of Strubble and Kinnie, at Toledo, Tama County, Iowa, in a proceeding pending before the House of Representatives of the United States of America, in a contested election for the office of Representative in Congress, in which proceeding Benj. T. Frederick is contestant and James Wilson contestee (Brown and Carney appearing for contestant, and Wm. H. Stivers for contestee).

The following testimony was taken before me:

STATE OF IOWA,
Tama County, ss:

BENJAMIN THOMPSON, being produced and sworn before L. G. Kinnie, notary public in and for Tama County, on this sixth day of March, '83, and examined before me, testifies as follows (T. Brown appearing on the part of contestant and W. H. Stivers on the part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. Age, 38; reside in Tama City.

Q. 2. How long have you resided in Tama City?—A. Nearly 13 years.

Q. 3. Were you at the general election in Nov., '82?—A. Yes, sir.

Q. 4. Do you know Ellery Parks?—A. Yes, sir.

Q. 5. How long have you known him?—A. Nearly 13 years.

Q. 6. Was he a resident of Tama Township in 1882?—A. No, sir.

Q. 7. How long prior to the Nov. election, '82, did he have a residence in Tama Township?—A. I think he lived in Toledo Township in March, '82.

Q. 8. Did he ever reside in Tama Township after that?—A. No, sir.

Cross-examination:

Q. 9. Where was Ellery Parks at the time of the Nov. election in '82?—A. He was in transit from Toledo Township to Kansas.

Q. 10. Did he live any place?—A. No, sir.

Q. 11. Where was he?—A. In Tama City.

Q. 12. Where did he live previous to that?—A. At Toledo.

Q. 13. Where did he live?—A. On the judge's farm.

Q. 14. When did he live there?—A. He left there with his goods on the morning of the election, or night before, I do not know which.

Q. 15. Can you tell what section he lived on?—A. No, sir; I cannot.

Q. 16. Do you know what section he lived on?—A. No, sir.

Q. 17. North on one of the judge's places?—A. Yes, sir.

Q. 19. In that Ellery house?—A. Yes, sir.

(Witness fee, $1.55, paid by contestant.)

BENJ. THOMPSON.

STATE OF IOWA,
Tama County, ss:

E. G. PENROSE being produced and sworn before L. G. Kinnie, notary public in and for Tama County, on the sixth day of March, '83, and examined before me, testified as follows (Brown and Carney appearing on the part of contestant, Wm. H. Stivers on the part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. Age, 38 years; reside in Tama City.

Q. 2. How long have you resided in Iowa City, Tama County, Iowa?—A. I came here first in 1868, and then I was away three and half years, and have resided there since.

Q. 3. For the last seven or eight years continually?—A. Yes, sir; since 1879.

Q. 4. Do you know Ellery Park?—A. Yes, sir.

Q. 5. Did you see him on the day of the election, Nov., 1882, in Tama Township, Tama Co., Iowa?—A. Yes, sir.

Q. 6. Did you see him vote at that election?—A. No, sir.

Q. 7. Do you know whether or not he did vote?—A. I think that he voted.

Q. 8. Do you know for whom he voted for Representative in Congress for the 5th district of Iowa?—A. No, sir.

9. Did you ever have have any conversation with him as to whom he would vote for if he voted?—A. Yes, sir.

Q. 10. What did he say?—A. He said he was going to vote the Republican ticket.

Q. 11. Did he say anything about as to whom he was going to vote for in Congress?—A. No, sir.

Q. 12. You had no conversation with him afterwards?—A. No, sir.

Cross-examination:

Q. 13. This conversation with Parks was before the election, you say?—A. Yes, sir.

Q. 14. Did he tell you that he should vote the Republican ticket?—A. Yes, sir.

Q. 15. Did you have any conversation with him on the day of the election or after he voted?—A. No, sir; not after he voted, but previous. I did at the time I suppose he voted.

Q. Do you not know that he did vote?—A. No, sir; I have no knowledge further than what he said, I did not see him vote.

($.155 he paid as fee)

E. G. PENROSE.

STATE OF IOWA,
Tama County, ss:

THOS. H. WILLIAMSON, being produced and sworn before L. G. Kinnie, a notary public in and for Tama County, on this 6th day of March, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and W. H. Stivers on the part of the contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. Age, 27; reside in Tama City, Tama Township, Tama County, Iowa.

Q. 2. What office, if any, do you hold?—A. Township clerk.

Q. 3. When did you qualify and enter on the duties of that office?—A. The 1st of January.

Q. 4. What year?—A. 1883.

Q. 5. Have you in your possession, and under your control the poll-book and ballot-box, and ballots cast at the general election on Nov., 1882, in which B. T. Frederick and James Wilson were candidates for Congress, in Tama Township, Tama County, Iowa?—A. Yes, sir; I have.

Q. 6. When did you receive possession of said poll-book, ballot-box, and ballots, and from whom?—A. I received possession of the poll-box and ballot-box from C.M. Birdsalls, and think that I received the poll-book on the 3d of Jan., and the ballot-box and ballots and receipted for them at the same time, and considered them in my possession, but they were in the shelving in Mr. Birdsall's store.

Q. 7. At the time you really received possession of the ballots and box, what was its condition as to being sealed or otherwise?—A. It was locked, but not sealed.

Q. 8. Who gave it to you?—A. It was then delivered to me and my attention called to the possession of it; I did not take it from there then.

Q. 9. How long did it remain there after it came into your possession?—A. Probably seven weeks.

Q. 10. What did you do with it then?—A. I took it to my place of business.

Q. 11. What was its condition after you took it to your place of business?—A. It was locked but not sealed.

Q. 12. Whereabouts did you keep it?—A. I kept it in a small room back of the stairs; in a back office.

Q. 13. In what is called the reception room or private room of the bank?—A. In behind the counter.

Q. 14. Has it been kept there from that time till this time?—A. Yes, sir; it has with the exception of the day we opened it; it was taken into the private office room.

Q. 15. As far as you know has it been in any way opened by anybody by consent or otherwise, or without your consent, and the ballots examined by any one in any manner, and if so, in what manner and under what circumstances?—A. They have not been opened or examined by any one except myself.

Q. 16. When was that?—A. It was one day last week; I have forgotten the day.

Q. 17. Where was it and who was present?—A. It was in the director's room of the bank.

Q. 18. The 1st National bank?—A. Yes, sir; Dr. Thompson, and H. McAlister, and Mr. Guernsey were present.

Q, 19. How did you open the box?—A. The key had been lost; it had been stated to me that there was no key to the box; I took a hatchet, pried open the box, and broke the lock.

Q. 20. Did anybody count the ballots there at the time?

(Contestee objects to the question because it is not shown that the box was kept and not handled by other interested parties.)

A. I read the ballots to these three parties present at Toledo.

Q. 21. Do you mean that you read them simply the candidates to Congress?—A. Yes, sir; simply the candidates to Congress.

Q. 22. Did any of the other gentlemen present handle any of the ballots at that time?—A. They did not.

Q. 23. What was the result of that count as to candidates for Congress, and how many votes did the count show were cast for Mr. Wilson, and how many for Mr. Frederick as Representative in Congress from the State of Iowa?

(Contestee objects to the question on the ground that it is not shown that these were the original votes cast at the election, nor that the ballot-box remained in the hands of the proper persons from the time of the election up to the time of the cross-examination.)

A. We found that B. T. Frederick had 218 votes, and James Wilson had 176.

Q. 24. What was done with the ballots in the box after the count?—A. I put the ballots in the box; the ballots were never taken out of the box; they were counted in this way, by being held up in this way; then they were dropped right back into the box and I took the box into my room in the store, put a lock on it, and locked it up and sealed it.

Q. 25. Has it remained so ever since?—A. Yes, sir; it has to the best of my knowledge and belief.

Q. 26. As I understand it you had the poll-book in your possession from the 2d or 3d of January continuously?—A. Yes, sir.

Q. 27. Where was it kept?—A. With the other township books in the same room.

Q. 28. Will you please produce the ballot-box and ballots?

(Witness produces ballot-box.)

Q. 29. Is this the box which you have produced here before the commissioner, and also this poll-book and ballots, which were counted at the time you speak of; the poll-book, box, and ballots which were received by you from Mr. Birdsall, the former clerk?

Q. 30. Will you be kind enough, with the aid of the judges of Tama Township, to reconnt the ballots for member of Congress? Who were the trustees or judges of election for Tama Township?

(The ballots are recounted in the presence of the judges, Messrs. Fife, Day, and Jackson.)

Q. 31. Were these the old trustees?—A. Yes, sir.

Q. 32. They served in '82, at the time of the election?—A. Yes, sir.

THOS. WILLIAMSON.

STATE OF IOWA,
Tama County, ss:

BENJ. THOMPSON, being produced and sworn before me, L. G. Kinne, a notary public in and for Tama County, on this the 6th day of March, A. D. 1883 (T. Brown appearing on the part of the contestant and W. H. Stivers on the part of contestee), testifies as follows:

Q. 1. Was there any one or both of the Democrats made application for an appointment of a member of the election board at the Nov. election, 1882, in Tama Township?—A. I was chairman of the township committee, and, as such, I asked the clerk to appoint a Democrat on the board.

Q. 2. Did you ask Mr. Birdsall, township clerk?—A. Yes, sir.

Q. 3. Did he accede to your request?—A. He said that any one that I should nominate to the position should be put there, and I nominated Mr. J. H. Holland.

Q. 4. Was it done?—A. When he made his appearance there he was refused, and we put in Mr. Carmichael in his place.

Q. 5. Did you know anything about any votes being refused before the closing of the polls on the day of the election?—A. No, sir; not personally.

BENJ. THOMPSON.

Fee of $1 paid by contestant.

STATE OF IOWA,
Tama County, ss:

A. W. GUERNSEY, being produced and sworn before L. G. Kinne, a notary public in and for Tama County, on this 6th day of March, A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant and W. H. Stivers on the part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. Age, 47 years; place of residence in Tama County, Iowa, at Tama City, and my occupation is that of an attorney at law.

Q. 2. Were you present on the day last week and at the time Mr. Williamson testified to when he opened the ballot-box of Tama City for Tama Township, State of

Iowa, and the ballots cast for the candidate for Congress, 5th district of Iowa, and the ballots recounted by him and other gentlemen?—A. Yes, sir; I was present when the ballots were recounted at the time Dr. Thompson and J. J. McAllister were present the latter part of last week, I think.

Q. 3. Who counted and handled these ballots?—A. Mr. Williamson, township clerk.

Q. 4. Anybody else handle these ballots at all?—A. No, sir.

Q. 5. Did you keep tally of the ballots?—A. No, sir.

Q. 6 What was the result as to the No. of ballots cast for James Wilson and Benj. T. Frederick, candidates for Congress, 5th district of Iowa, in said township, county, and State?

(Objection, not shown that these were the original votes cast at the election nor that the ballot-box has remained in the hands of proper persons prior to the election up to the time of the cross-examination.)

A. There were tallied for Mr. Wilson 176 votes, and for Mr. Frederick 218 votes. I do notrecollect what the Greenback candidate's name was, but I think there were 10 votes for him, and one for Frederick, scattering.

Q. 7 Do you know for whom that scattering vote was cast?—A. I do not recollect, sir.

Q. 8. Neither for Frederick nor Wilson?—A. No, sir, I think not, if my memory serves me right, but for some horse or something.

Q. 9. You were there until after the ballots were put back?—A. Yes, sir; until Mr. Williamson started to go away.

Q. 10. With the box and ballots?—A. Yes, sir.

Q. 11. I will ask you if you have examined these tally-books?—A. Yes, sir.

Q. 12. Was that there at the time?—A. Yes, sir; I just footed up the number of votes cast for Congress and compared it with the tally-sheet. I noticed this discrepancy, 412 votes on the return sheet, 414 votes cast for Congress; that is all that I noticed particularly to-day.

Q. 13. Did you know Ellery Parks?—A. Yes, sir.

Q. Did you know where he resided in '82?—A. No, sir.

Cross-examination:

Q. 15. You say you found a discrepancy between the tally-list and poll-books?—A. No, sir; between No. of votes on the book and the counted number of votes cast for Congress.

Q. 16. You mean the number of voters who voted—that is, the list of voters kept by the board?—A. Yes, sir.

Q. 17. You say you found 412?—A. Yes, sir.

Q. 18. Counted votes for Congress?—A. It is the poll-book purporting to be the poll-book of the election held at the office of Mills and Guernsey, in Tama City, Tama County, Iowa, 7th November, '82. John Fife. H. Day. H. E. Rainsdell.

Q. 19. Whose book is this, clerk?—A. It is the one kept by the township clerk. Mr. Bridsall was township clerk then.

A. W. GUERNSEY.

$1.05 paid as fee by contestant.

STATE OF IOWA,
Tama County, ss:

W. T. HOLLEN, being produced and sworn before L. G. Kinne, notary public for Tama County, on this 6th day of March, A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant, and W. H. Stivers on the part of contestee):

Q. 1. What is your name, age, place of business, and occupation?—A. My age is 51 years, and my place of residence is in Tama City, Iowa.

Q. 2. How long have you lived in Tama Township, Tama County, Iowa?—A. 30 years and over.

Q. 3. Were you present on the day of general election, November, 1882, in said township, county, and State, at and during the time the ballots were being counted by the judges and clerks of the election?—A. I was, sir. part of the time they were counting, but not all the time.

Q. 4. During the time that you were present when the votes were being counted in said township, county, and State, state whether or not there was any discrepancy in the counts between the 2 clerks, and, if so, what was done with it by the judges and clerks?—A. Well, sir, at the latter part of the counting of the votes, the two clerks, in tallying up, discovered a discrepancy of five votes; Mr. Carmichael was five votes ahead of Mr. Birdsall on Mr. Wilson's tally.

Q. 5. You mean Mr. Wilson, the candidate for Congress?—A. Yes, sir; Mr. Birdsall tallied up five to make it even with Mr. Carmichael.

Q. 6. Did they go back and count the ballots to ascertain if it was correct?—A. No, sir; they did not.

Cross-examination:

Q. 7. That was toward the last, wasn't it?—A. Yes, sir; it was along there, probably.

Q. 8. The clerks conferred with one another until they were satisfied where the error was?—A. They conferred together in this way.

Q. 10. I don't care which way they did it; but they did it?—A. I don't know whether they did or not.

Q. 11. After they did confer together they corrected what they claimed was a mistake, didn't they?—A. They finally corrected it.

Q. 12. Was that after they conferred together?—A. Yes, sir; after they talked together of it.

Recalled:

Q. 1. Do you know Ellery Parks?—A. Yes, sir.

Q. 2. Did you see him vote in Tama County, Iowa, at the general election, 1882?—A. Yes, sir; I saw him put in his vote; yes, sir.

Q. 3. You don't know how he voted?—(A. No, sir; I don't know.)

W. T. HOLLEN.

$1.05 paid as fees.

STATE OF IOWA,
Tama County, ss:

SILAS SEARS, being produced and sworn before me, L. G. Kinne, a notary public in and for Tama County, on this 6th day of March, A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant and W. H. Stivers on the part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. Age, 60 years; live in Tama Co., Iowa.

Q. 2. How long have you lived in Toledo Township?—A. 1 year.

Q. 3. Were you present at general election held in court-house Nov., 1882?—A. Yes, sir; I was.

Q. 4. State, if you know, when the polls of said election in said county and State were closed for that day.—A. At 9 o'clock, I think, in the evening.

Q. 5. State, if you know, what man, if any man, voted about 6 o'clock or about that time; who was the last man that voted at or about 6 o'clock that day?—A. Ben Stone, I think, when I went to supper. We all went to supper. He came and voted.

SILAS SEARS.

$0.85 paid as fee by contestant.

STATE OF IOWA,
Tama County, ss:

CHARLES A. WILSON, being produced and sworn before me, L. G. Kinne, a notary public in and for Tama County, on this 6th day of Mar., A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant and W. H. Stivers on the part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. Age, 43 years; reside in Highland Township, Tama Co., Iowa.

Q. 2. How long have you lived there?—A. 10 years.

Q. 3. What official position do you hold in that township, if any, and how long have you held that position?—A. I am township clerk, and have been for two years past; am entering upon second term of office as township clerk.

Q. 4. Have you in your possession poll-book, ballot-box, and ballots of said township which were used, and the ballots which were polled at the general election in Nov., 1883, in said township?—A. Yes, sir.

(Witness produces the same ballot-box, ballots, &c.)

Q. 5. This election, Mr. Wilson, wherein the voters voted for Jas. Wilson and Benj. T. Frederick for Representative in Congress, 5th district of Iowa?—A. Yes, sir.

Q. 6. In whose possession has the ballot-box, ballots, and poll-book been from the time the ballot was counted until this time, from the night of the election, Nov. 7, 1882, until the present time?—A. In my possession.

Q. 7. What has been its condition as to being locked, sealed, or otherwise during this time?—A. It has been locked.

Q. 8. Been sealed?—A. No, sir.

Q. 9. Where have you kept it?—A. I have kept it in a room in the upper part of the house.

Q. 10. Has the box been opened or the ballots examined by anybody from the time the count was made in the night of the election until the present time?—A. Yes, sir; the box was opened.

Q. 11. By whom, and when?—A. Mr. Frederick and a man from Gilman came over and myself.

Q. 12. About when was this, do you recollect?—A. I cannot give the date, but I think some two or three weeks ago.

Q. 13. Who handled ballots at that time and counted them, if anybody?—A. I handled them myself.

Q. 14. Did anybody else, at that time or at any other time from the time of the count on the day of the election until the present time, count or handle the ballots except you?—A. I think Mr. Frederick strung the ballots.

Q. 15. Just before you had called them over, that is, did you or did you not put them back, and he strung them after you had read them?—A. Yes, sir.

Q. 16. That is the way it was done?—A. Yes, sir.

Q. 17. Did you keep a record of that count as to what the result was, and the tally of it, or did the other gentleman do that?—A. I had a paper and kept an account of them as they were polled. I haven't it with me.

Q. You did not tally yourself?—A. No, sir.

Q. 19. Who did keep tally, if you know?—A. Mr. Conningham, and Mr Benedict.

Q. 20. What was done with the ballots after this count? What did you do with the ballot-box and poll-book?—A. They were placed in the ballot-box again.

Q. 21. Been kept there ever since?—A. Yes, sir; they were.

Q. 22. Who were the judges of the election in that township, county, and State?—A. Mr. E. I. Fish, Jov. D. Sanborn, and Wm. Vosberg.

Q. 23. Who are judges of that election, and trustees of the township now?—A. H. J. Vosberg is one of the trustees, Mr. Sanborn, also Mr. Fish; there has been a man elected in Fish's place, but he has failed to qualify.

Q. 24. Then Mr. Sanborn is the only one present now of the trustees that was trustee or judge of election before?—A. Yes, sir.

Q. 25. Won't you and Mr. Sanborn be kind enough to open ballot-box and canvass the votes for Representative in Congress as shown by the ballots therein?

(Witness proceeds to count ballots, assisted by Mr. Sanborn and by Mr. Fish.)

STATE OF IOWA,
Tama County, ss:

CHARLES A. WILSON recalled (being produced and sworn before me, L. G. Kinne, a notary public in and for Tama county, on this 6th day of Mar., A. D. 1883, and examined by me, testifies as follows: T. Brown appearing on the part of contestant and W. H. Stivers on the part of the contestee.)

Q. 1. Have you, in connection with Mr. Sanborn and Mr. Fish, made a recauvass of the votes cast in Highland Township, of Tama County, Iowa, for Representative in Congress, 5th district?—A. Yes, sir.

Q. 2. What is the result of that canvass; how many votes were cast for Jas. Wilson, 5th dist., and how many for B. T. Frederick, as Representative in Congress, 5th district?—A. It appears from the canvass we have had, that Wilson has 80 votes and Frederick 35.

Q. 3. Did you examine the poll-books to see the returns on there; is that the one you have with you?—A. No, sir; not to-day, I did not.

Q. 4. Just take and examine it to see how the returns show on there.

(Witness examines poll-book.)

How many votes does that show cast for Mr. Wilson?—A. 81 votes for Jas. Wilson.

Q. 5. How many for Frederick?—A. 32 for Frederick; B. F. Frederick had one, and Ben. Frederick one.

Does the total number of votes as you have recanvassed them to-day compare with the number of names on the tally-list?—A. It compares correctly.

Q. 7. Means the same number?—A. Yes, sir; 128.

Q. 8. Did you find, in recanvassing to-day, did you find any ballots, and if so, how many, upon which the names of the candidate for Congress were scratched out and nobody voted for for that office?—Ans. We found six such.

Q. 9. Do you remember when the canvass was made on the night of the election of noticing ballots of that kind?—A. Yes, sir; of seeing them, but not of noticing them particularly.

Q. 10 What is your judgment as to whether or not the ballots you have here to-day are the identical ballots cast at the general election November, 1882, in which Mr. Wilson and Mr. Frederick were candidates for the office of Representative in Congress, 5th district of Iowa?—A. I think they are the identical ballots cast by the voters of that township: that there was one vote tallied for Mr. Wilson because of the fact that one of the votes was so dimly scratched that it would not be discoverable in the evening.

Q. 11. Plain enough to be seen in the daytime? Who is it for, is it not Mr. Wilson?—A. Yes, sir.

Cross-examination:

Q. 12. Have you that scratched ballot? Wish you would present it. (Witness examines the ballot for the purpose of finding it, and presents the ballot in question.) When did you first discover that this ballot had been scratched?—A. Some two or three week ago. I don't know just exactly.

Q. 13. Under what circumstances did you happen to observe it?—A. The day that Mr. Frederick was there was the first time they had been taken out.

Q. 14. Did Mr. Frederick handle these ballots?—A. He had them his hands, yes, sir; but not until after I had counted them.

Q. 15. Do you pronounce that a scratched ticket, Mr. Wilson?

(Witness examines the same.)

A. I would say that it was evidently meant to be scratched.

Q. 16. It is very dim, isn't it?—A. Yes, sir; it is dim. It would not be discovered in the evening.

Q. 17. Is it not about all you can do to discover that any attempt has been made upon it now; how is that? Does not that ballot look as though every attempt at a scratch or erasure that had been made had been rubbed out?—A. It looks to me as though it was possible that that scratch intended to scratch Wilson's name, or afterwards the intention was changed and an attempt made to erase it with a rubber pencil.

Q. 18. On the recount you made 35 for Mr. Frederick, that is, counting those scattering votes for B. T. Frederick and Ben Frederick; there were only two of these scattering votes?—A. This is a Republican ticket with Wilson's name scratched off.

Q. 19. But there were only two called of B. T. Frederick, and one for Ben. Frederick; how is that?—A. I am under the impression that the book that I returned to the court-house has three of these scattering tickets; this comes from an error of the clerk. I remember that I tallied only two scattering votes, when I should have tallied three. I am under the impression that the poll-books at the co. court-house has three scattering votes tallied; I may be mistaken, but this is my impression.

Q. 20. You may state whether you are not satisfied that it was the intention of that voter to rub out the erasure that was made.

(Objection, immaterial and incompetent.)

Q. Give us your best impression in regard to it.—A. That is the only conclusion that I can arrive at from the looks of the ticket; of course, I could not say in regard to the man's intentions.

Q. 21. Your best impression is all that we want.—A. That ticket was evidently tallied in the night time, and was not scratched enough to enable the judges to see it by lamp-light.

Q. 22. Now, is it not sure that the erasure or the attempt at an erasure or scratch, is so dim that when counting them over once your attention was particularly called to a hunt for scratched tickets you would still count that scratched ticket for Mr. Wilson. Suppose you were counting tickets to-day as to result of the election, to whom would you give that count?—A. I cannot see any other way only that I would consider that ticket a black, because there has been a lead pencil used on the ticket. Of course, what the person's intention was in regard to the matter, I am not able to say; of course, that is out of my power, but I am satisfied that that ticket was tallied to Mr. Wilson after the original canvass of the votes give Mr. Wilson 81, as the returns reported.

(As a part of the cross-examination of this witness we introduce these tickets in evidence, asking that it be incorporated in the record, marked Exhibit "D.")

EXHIBIT D.

REPUBLICAN STATE TICKET.

For Secretary of State,
J. A. T. HULL,
of Davis County.

For Auditor of State,
JOHN LEE BROWN,
of Lucas County.

For Treasurer of State,
E. H. CONGER,
of Dallas County.

For Attorney-General,
SMITH McPHERSON,
of Montgomery County.

For Judge of the Supreme Court,
WM. H. SEEVERS,
of Mahaska County.

For Clerk of the Supreme Court,
G. B. PRAY,
of Hamilton County.

For Supreme Court Reporter,
E. C. EBERSOLE,
of Tama County.

CONGRESSIONAL TICKET.

For Member of Congress, Fifth Dist.,
JAMES WILSON (erased),
of Tama County.

JUDICIAL TICKET.

For District Judge, Eighth Judicial District,
JAMES D. GIFFEN,
of Linn County.

For District Attorney, Eighth Judicial District,
MILTON REMLEY,
of Johnson County.

COUNTY TICKET.

For Clerk of the District and Circuit Courts,
S. C. LELAND.

For County Recorder,
T. E. WARREN.

For Member of the Board of Supervisors.
JOSEPH DYSART.

For Coroner,
J. C. KENDRICK,

TOWNSHIP TICKET.

For Justice of the Peace.
LEVI SNYDER.

For Township Trustee,
HENRY ENSMINGER (erased),
A. L. FAUTZ (in pencil).

For Assessor,
F. B. SANBORN.

For Constable,
FRANK FISH.

For Clerk,
C. A. WILSON.

For Against Five Supervisors.

Redirect examination:

Q. 23. At this time, when Mr. Frederick was there, when you counted the votes, I will ask you if before Mr. Frederick handled these votes or touched them, did not you run over them and arrive at the same conclusion you have here to-day?—A. No, sir.

Q. 25. I will ask you if before they came into his hands at all that you did not go over them and call them off?—A. Yes, sir; the tickets with Frederick's name on I called off the same as to-day I did. We did count them once before Mr. Frederick touched them; on the second count after Frederick touched them, we found them the the same way.

Q. 25. Did you notice the ticket "D" the same as the second count?—A. I do not know about but what Mr. Cunningham spoke about that. I am not positive in regard to that.

C. A. WILSON.

$2.05 paid.

STATE OF IOWA,
Tama County, ss:

C. CUNNINGHAM, being produced and sworn before L. G. Kinne, a notary public in and for Tama Co., on this 6th day of March, A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant, and W. H. Stivers on the part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. Age, 29 years; place of residence in Toledo, Tama County, Iowa.

Q. 2. Were you a member of the election board of Toledo Township, Tama Co., Iowa, at the general election, held in Nov., 1882, at which time Benj. T. Frederick and Jas. Wilson were candidates for Congress, and were voted for, for the office of Representative in Congress of the U. S.?—A. Yes, sir.

Q. 3. What office did you hold in said board?—A. Township clerk.

Q. 4. How long have you been such township clerk?—A. About a year from the 1st of January.

Q. 5. Do you still hold such possession?—A. Yes, sir.

Q. 6. Were you present at the time the polls were opened on the morning of the election, heretofore referred to?—A. Yes, sir.

Q. 8. There was no announcement made that the same would be kept open in the evening, later than 6 o'clock?—A. No, sir.

C. CUNNINGHAM.

$0.85 paid as fees.

THOS. WILLIAMSON, recalled, testified as follows:

Q. 1. Since going before the commissioner this morning have you made, in connection with the judges, a recanvass of the ballots polled at the general election, 1882, in Tama Township, Tama County, Iowa, in which Wilson and Frederick were candidates for Congress, in this 5th district of Iowa?

(Contestant objects to the question, on the ground that it is not shown that these were the original votes cast at the election, nor that the ballot-box has remained in the hands of proper parties from the time of the election to the time of the examination.)

A. Yes, sir.

Q. 2. What was the result of said canvass, and how many ballots does it show were cast for the candidates for Congress in said town, county, and State? How many for Benj. T. Frederick and how many for James Wilson?

(Contestant objects to the question, on the grounds that it is not shown that these were the original votes cast at the election, nor that the ballot-box has remained in the hands of the proper parties from the time of the election up to the time of the examination.)

A. I found that B. T. Frederick had 218, and Jas. Wilson had 176, and B. Platner had 11, in counting the votes.

Q. 3. Have you examined the poll-book to see how the result you have arrived at now compares with the result shown in the poll-book used at the election?—A. I found that B. T. Frederick had 218 on the poll-book, Jas. Wilson 185, Platner 11, and 10 straggling.

Q. 4. How many ballots did you find in the box cast for member of Congress, altogether?—A. 405 ballots.

Q. 5. Does that include the ballots having upon each the name of a candidate for Congress? Was any of them scratched, and no one voted for for that office?—A. No, sir.

Q. 6. How many of such ballots were cast?—A. Six.

Cross-examination:

Q. 7. As you now find the ballots, that is the way you found them?—A. Yes, sir.

Q. 8. You found the ballots with the name of the candidate for Congress scratched off; now tell us whose name was scratched off those six ballots?—A. I cannot tell that; they did not call them to me.

Q. 9. Won't you look now and see?—A. I only tallied.

Q. 10. Then this is simply as it was read to you by the former judges of the township, to-day?—A. Yes, sir; that is all.

T. L. WILLIAMSON.

$1.05 paid.

STATE OF IOWA,
Tama County, ss:

JOHN FIFE, being produced and sworn before me, L. G. Kinne, a notary public in and for Tama County, on this 6th day of Mar., A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant and W. H. Stivers on the part of contestee):

Q. 1. State your name, age, and place of residence.—A. Age, 53 years; reside in Tama City, Iowa.

Q. 2. How long have you resided in Tama Township, Tama County, Iowa?—A. I have resided in that township ever since it was organized—a good many years.

Q. 3. What position did you hold in said township in 1882, and do you hold the same position still?—A. Trustee of the township; I hold it still.

Q. 4. Since you came here before the commissioner this morning have you, with any one else, made a recanvass of the ballots cast at the general election, Nov., '82, in Tama Township, Tama County, Iowa, for the members of Congress in the fifth district of Iowa?—A. I am not positive of that.

Q. 5. Do you know who called the votes to be tallied?—A. Yes, sir.

Q. 6. Who was it?—A. Mr. Day and Mr. Williamson.

Q. 7. What was the result; what did it show as to how many votes were cast for Congress, 5th district of Iowa, for Frederick, also for Wilson, in said township, county, and State?

(Objection; not shown that these were the original votes cast for the election, nor that the ballot-box has remained in the hands of the proper persons from the time of the election up to the time of the examination.)

A. According to the tally of the clerk, Benj. T. Frederick had 218 and Jas. Wilson 176.

Q. 8. Do you believe that these were the same ballots cast at the general election, Nov. 1882, in Tama Township, Tama County, Iowa, at which Mr. Wilson and Mr. Frederick were candidates for Congress, 5th district of Iowa?—Ans. Well, it would be a very hard matter for me to answer. I saw some of the tickets that look familiar to me.

Q. 10. Is there any one of them that you recognize?—A. Yes, sir.

Q. 11. What is your judgment of it?—A. Well, I see nothing to make me disbelieve but what they are the same tickets.

Q. 12. State, if you recollect, whether at the time of the election, when you counted the votes on the night of the election, Nov., 1882, in said township and State, there appeared to be more ballots cast than there were men voted for the office of Representative in Congress?—A. I have no recollection about that one part; I know that there was a talk concerning the votes cast, but it slipped my memory so that I can't tell it definitely at this present time.

Q. 13. Do you recollect, as one of the judges of the election at that time and place, whether or no the polls were closed when a man presented himself and offered his vote and they received his vote?—A. I recollected after the polls were closed there was a man who offered to vote.

Q. 14. Where was this voting place?—A. At Mr. Guernsey and Mill's office.

Q. 15. Were the ballots handed in through a window?—A. Yes, sir.

Q. 16. Did you shut down the window immediately on closing the polls?—A. I would not say positively; it was announced that the polls were closed; I do not remember whether the window got put down immediately or not; I could not tell positively; I do not recollect of a man coming up, but I recollect of their stating that there was a man there wanting to vote.

Cross-examination:

Q. 17. At the canvassing of the votes was there a talk of a double ballot and as to what should be done with it?—A. Yes, sir; there was a double ballot.

Q. 18. What did you do with the double ballot, and how was it doubled?—A. The two ballots were folded together.

Q. 19. What did you do with them?—A. We threw them both away. That is the recollection. I have the tallies; did not count them both; that is my recollection, now.

Q. 20. Who counted the ballots after the closing of the polls? Mr. Fife, who counted them out?—A. I believe that Mr. Day called off for a while and think that I did the balance; that is my recollection at the present time.

Q. 21. Anybody else you can recollect of?—A. No, sir; I don't recollect of anybody else except Mr. Day and myself.

Q. 22. Did you both look at the same ballots when you called off?—A. No, sir; we selected the ballots; one selected them out of the box and looked them over; we selected them generally if we could get five or ten straight Republican, lay them down, count the tickets while the other counted and called off.

Q. 23. Was each ballot separately counted in that way?—A. Yes, sir.

Q. 24. One would open the lid, take out one ballot, lay it in a pile until he got five?—A. Yes, sir; or ten.

Q. 25. Then he would call it to the one counting them, take and read it off to the clerks?—A. Yes, sir; they would tally five or ten in the place of one; we got along faster.

Q. 26. Then when the person calling off would count out the five, what did you do with them?—A. They counted and knew that they were correct, then returned them to the one that strung them on a string.

Q. 27. Would not this judge of the election look over them, or the one that strung them look over them?—A. No, sir; I do not think he looked over only a very small part of the time.

Q. 28. You say you have examined and counted over the tickets in the ballot-box now?—A. Yes, sir.

Q. 29. Do you know what became of the ballot-box after the election?—A. No, sir; I do not. It was taken by the clerk.

Q. 30. Do you remember when you got there?—A. I am not positive.

Q. 31. Was it in the day or in the night?—A. It was in the night, or in the morning.

Q. 32. When you counted and called off, did you call it off as it was then?—A. Yes, sir.

Q. 33. Now, did anybody but you and Day call off?—A. I think not. That is the best of my recollection now.

Q. 34. As you counted the poll-book, now, is there any of the tickets with no Congressman at all on?—A. Yes, sir.

Q. 35. How many?—A. Six, I think

Q. 36. Will you tell us what was originally on it?—A. I could not, without examining the tickets.

Q. 37. Will you examine it now?—A. Yes, sir. (Witness examines it.) I find that originally James Wilson's name was on them.

Q. 38. They were Republican tickets, then?—A. Yes, sir.

Cannot you tell us whereabouts you were when you counted the votes, and who was by?—A. We were in Guerney and Mill's office. I think there was a Mr. Mahona there.

Q. 40. What was he, politically?—A. Greenbacker, I think.

Q. 41. Who else?—Ans. Mr. Murdock; he is a Democrat.

Q. 42. Do you remember Matron being there?—A. Yes, sir.

Q. 43. What is he, politically?—A. I do not know.

Q. 44. Do you remember his business in Tama City?—Ans. He is a brewer there.

Q. 45. Was he the proprietor there?—A. Yes, sir; at least I understood it so.

Q. 46. Did he not string the tickets?—A. Yes, sir; a portion of them; he strung half of them.

Q. 47. Who did the balance?—A. Mr. Ramsdell did.

Q. 48. Did Mr. Matron string?—A. Yes, sir.

Q. 49. Was not Mr. Matron there to look out for the votes as a representative of Mr. Frederick?—A. I do not know as to that.

Q. 50. Wasn't it talked over before you commenced counting the votes?—A. Well, we thought it would be advisable to let a few of eaeh party in.

Q. 51. Did not Mr. Frederick have a hand in that arrangement?—A. Yes, sir; as I understand it.

Q. 52. The man, Mr. Matron, I mean?—A. Yes, sir; probably.

Q. 53. Where was he during the counting of these votes?—A. He was generally looking before he strung them, that is, looking at the counting of the votes.

Q. 54. Were you judges and the men that strung the votes close together?—A. Yes, sir; all about the box.

Q. 55. After the votes were strung, and after you counted the votes, did you make out the returns there?—A. Yes, sir; I believe we did not finish the returns until the next morning; I am not positive as to that; I think we sent out the returns next morning.

Q. 56. Who made out the returns?—A. The clerk.

Q. 57. That was after you adjourned and went home?—A. Yes, sir; I think so; we were adjourned, and then in the morning sent the poll-books.

Q. 58. Then it was made up after you went home, by the clerks?—A. Yes, sir; on the next morning.

Q. 59. Now, do you recollect what time of the next day it was when you sent up the poll-books?—A. I am not positive; I think in the morning.

Q. 60. When you went away did you leave the clerk there, or did they all go together?—A. The clerk went with me.

Q. 61. All went home as soon as you got through counting?—A. Yes, sir; I think so.

Redirect examination:

Q. 62. You said you threw away two ballots?—A. My recollection is that neither of them was counted.

Q. 63. What did you do with them?—A. I suppose I put them into the box; but my memory is that they were neither counted.

Q. 64. Both for the same man for Congress?—A. Yes, sir.

Q. 65. Who for?—A. I do not remember; I do not have any recollection at all who the votes were for; I had a recollection of taking a vote in myself that I suppose was two ballots together; I called the judges attention to it.

Q. 66. Do you recollect whether or not in the canvass of the vote there was any discrepancy between the tallies that the clerks had for Mr. Wilson?—A. Whether there was or not for Congresman I could not tell. I think there was a discrepancy between the tallies of about five votes at one time, if I mistake not.

Q. 68. Do you know how it was fixed, whether the one behind tallied up or the other man scratched off five?—A. I think the matter was that they called off ten and Mr. Birdsall only tallied five, while the others tallied ten. I think that is the way that it was, but would not say whether for Congressman or not.

Q. 69. You know there was some discrepancy of that character?—A. Yes, sir; there was.

Q. 70. Do you recollect when you counted those tickets whether you found any tickets with Wilson's name scratched off and none substituted?—A. Yes, sir.

Q. 71. More than one, or several?—A. Yes, sir; more than one.

JOHN FIFE.

$1.05 paid as fee by contestant.

STATE OF IOWA,
Tama County, ss:

H. DAY, being produced and sworn before L. G. Kinne, a notary public in and for Tama County on this 6th day of March, A. D. 1883, and, being examined by me, testifies as follows (T. Brown appearing on the part of the contestant and W. H. Stivers on the part of the contestee):

Q. 1. What is your age and place of residence?—A. Have been living in Tama Township, Tama County, Iowa, about 15 years.

Q. 2. What official position do you now hold in Tama Township, Tama County, Ia.?—A. Township trustee; held it for four years; I think 4 years for first time.

Q. 3. Were you holding that position in the year 1882?—A. Yes, sir.

Q. 4. Were you one of the judges of the Nov. election, 1882, in said township, county, and State, in which Mr. Wilson and Mr. Frederick were candidates for Congress, 5th district?—A. Yes, sir.

Q. 5. Have you this morning, in connection with the clerk of said township and one of the trustees, made a recanvass of what purports to be the ballots cast in the election in Tama Township, Iowa, for Congressman, 1882?—A. Yes, sir, of what purported to be the same.

Q. 6. What was the result, taking the clerk's tally?—Ans. For Wilson 176 and for Frederick 218, Platner 11.

Q. 7. Do you recollect that when the canvass of the ballots was being taken in Nov. election, said township, county, and State, of their being any discrepancy in the count between the clerks?—A. I think there was a little once, but how much I cannot tell.

Q. 8. Do you remember whether for Congressman or not?—A. No, sir; I do not remember.

Q. 9. Do you know how it was fixed?—A. No, sir.

Q. 11. Do you remember in canvassing the votes whether or not there were two votes, straight Republican tickets, in which the name of Mr. Wilson had been scratched off and none inserted for candidate for Congress?—A. I remember something of that fact.

Q. 12. Do you remember how many there were?—A. No, sir.

Q. 13. What is your best judgment whether these ballots counted are the identical ballots cast at the Nov. election, 1882, in Tama Township, Tama County, Iowa, for candidate for Congress?—A. I find no ballots there; I recollect distinctly, but as to the other, I cannot say that I know.

Q. 14. Do they look like the same tickets?—A. Yes, sir; they look like the same ones used there at that time.

Q. 15. Do you remember, Mr. Day, of the polls being closed while there were some gentlemen that wanted to vote?—A. Can't recollect.

Q. 16. Do you remember that the window was closed down and then it was announced that the polls were closed down; not then, but after that, that some one made a fuss about some one wanting to vote?—A. Can't say.

Cross-examination:

Q. 17. You have no means of telling that these were the same ballots save one, except the general apppearance of their being printed ballots?—A. No, sir; nothing at all.

Q. 18. Do you recollect what time it was when you got through counting the ballots?—A. No, sir; I do not. In the small hours somewhere; I do not recollect.

Q. 19. Who called off the ballots?—A. I called off the biggest half of the time.

Q. 20. How was that done; how did you manage it?—A. Mr. Fife would sort out five or ten ballots and I would call it off. I would look them over, call so many for Wilson and so many for Frederick, Republican or Democratic ticket, as the case might be.

Q. 21. Fife would sort them out by taking one by one out of the ballot-box, would he?—A. Yes, sir.

Q. 22. Five and five you took them and looked at them, called them off, each name to the tallier?—A. I would look right over the list, see that they were all straight, and call five or ten at one time.

Q. 23. That was the way it was managed?—A. Yes, sir.

Q. 24. When you called them off, did you call them off correctly?—A. Yes, sir; I think so; I meant to, and think that I did do it, sir; I am satisfied I did it.

Q. 25. Now, after you had done counting off, what was done with these ballots then; do you recollect?—A. The ballots we had there were strung, and the clerk took care of them.

Q. 26. Who strung these ballots?—A. Mr. Ramsdell strung some of them, and Martin strung some of them, and Henry Ramsdell.

Q. 27. Who is Matron?—A. He is the man that runs and owns the brewery down in Tama.

Q. 28. What was he there for?—A. I do not know.

Q. 29. Was there any arrangement made to that effect before you commenced counting?—A. None that I know of.

Q. 30. Did he look over it?—A. He stood over my shoulder so as to know the tickets, counting them off.

Q. 31. Did he ever make any objections?—A. No, sir; never one.

Q. 32. Then the ballot-box was in the hands of the judges?—A. Yes, sir.

Q. 33. Three judges?—A. Yes, sir.

Q. 34. What did the other judges do?—A. Strung the ballots.

Q. 35. One strung them, one took them out and called off?—A. Yes, sir.

Q. 36. Then afterwards what did the trustees do; adjourn?—A. Yes, sir; adjourned and went home, I think, in the morning; if I am not mistaken; we adjourned after we got all through counting. In the morning we sent the poll-books.

Q. 37. Who made up the balance of the return in the box?—A. The clerks.

Q. 38. After your adjournment?—A. I think, right there, before we adjourned; that is my impression now.

Q. 39. Next morning where did you send them?—A. We sent them to Mill's office, I think.

Q. 40. You did not send the book until you sent most of them?—A. Yes. sir; I think that we sent most of them.

Q. 41. This poll-book, you sent?—A. Yes, sir.

Q. 42. Were the three trustees there when you sent it?—A. I think that we were all three together when we sent it.

Q. 43. Do you recollect the time of day?—A. I think eight or nine in the morning.

Q. 44. Was the ballot-box there?—A. I do not know.

Q. 45. Do you know whether Birdsall took the ballot-box with him or left it up there?—A. I think that he locked it in the store.

Q. Why think so?—A. Because we all went off together; we went together to Birdsall's store; and my impression is that he took it with him.

Q. 47. That is the last you have seen of it till to-day?—A. Yes, sir; I have not seen the ballots or poll book from that time to this.

Redirect examination:

Q. 48. You say you think you called off correctly?—A. Yes, sir.

Q. 49. Might not a mistake of this kind have occurred in the keeping of the tally?—A. It certainly might, I suppose.

H. DAY.

$1.05 paid.

STATE OF IOWA,
Tama County, ss:

A. S. MCPHERRAN, being produced and sworn before me, L. G. Kinne, a notary public in and for Tama County, on this 6th day of Mar., A. D. 1883, and examined by me, testifies as follows (T. Brown appearing on the part of contestant, and W. H. Stivers on the part of contestee):

Q. 1. State your name, age, and place of residence.—A. Age, 55 years; I reside in Tama Co., Iowa, Perry Township.

Q. 2. Are you acquainted with one Frank Haveran?—A. Yes, sir, personally; he worked with me.

Q. How long have you known him?—A. Since July, 1882.

Q. 4. Do you know when he came to the State of Iowa?—A. I do not know exactly.

Q. 5. What do know about when he arrived here?—A. He worked for Mr. Best, in Traer, but how long before he came to me I do not know. He came to my place in harvest time.

Q. 6. When did you first know him?—A. That was my first acquaintance with him, when he came to my place in July, 1882.

Q. 7. Did you ever have any conversation with him as to when he came to the State of Iowa?—A. Well, I do not know; I think that he left him some time in June.

Q. 8. Where did he reside formerly?—A. Indiana.

Q. 9. Did you learn this from conversation with him?—A. Yes, sir; he had finished harvesting at home before he came out here. He is a man that it is hard to tell where he was. He had been in Nebraska, as to his residence.

Q. 10. That is what he told you?—A. Yes, sir.

Q. 11. Do you know whether he voted at the general election, Perry Township, in Nov.?—A. I do not know that he did.

Q. 12. Did you hear him say that he did?—A. Yes, sir; I heard him say that he guessed that he voted.

Q. 13. Did you hear him tell whom he voted for?—A. He said he guessed that he voted for Wilson.

Q. 14. In conversation with him after he voted did you not ask him whether he was a citizen of the State, or simply ask him how long he had been in the State?—A. No, sir; he did not say anything to me; some how or other he had got some tanglefoot whisky or beer. From the time he came to the house I never heard him mention whom he voted for, from the time of the election until he left my place.

Q. 15. This conversation you had with him, when he did tell you that he guessed he voted for Wilson was before you got home?—A. Yes, sir; on the way home.

Cross-examination:

Q. 16. Was that after or before he got his tangle-leg?—A. Afterwards.

Q. 17. Was he drunk or sober?—A. He was pretty drunk.

A. S. MCPHERRAN.

$2.05 paid.

STATE OF IOWA,
Tama County, ss:

JAMES SANBORN, being produced and sworn before L. G. Kinnie, a notary public for Tama County, on this 6th day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, W. H. Stivers on the part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. James Sanborn; residence, Highland Township, Tama County, Iowa; age, 49 years.

Q. 2. What official position, if any, have you held in that township?—A. I was trustee last year.

Q. 3. Are you serving as trustee now?—A. Yes, sir.

Q. 4. Are you elected?—A. Yes, sir; I am elected for three years.

Q. 5. Were you present at the canvassing of the votes of the general election in November, 1882, at which James Wilson and B. T. Frederick ran for Congress?—A. Yes, sir.

Q. 6. Were you one of the judges at that election? Have you, in connection with the clerk of the county, who has just testified here to-day, made a canvass of the ballots cast at that election?—A. Yes, sir.

Q. 7. What was the result of that election, as to the number of votes cast for Mr. Wilson and Mr. Frederick?—A. Wilson, 80; Frederick, 35.

Q. 8. Do you remember how many for Platner?—A. 7.

Q. 9. How many tickets, if any, were there for no candidate, or in which it was scratched?—A. 6.

Q. 10. How does this total number of votes counted to-day compare with the total number of votes as shown by the poll-book?—A. It is even.

Q. 11. I will ask you what your judgment is about these being the same ballots cast at the election?—A. I think they are the same.

Cross-examination:

Q. 12. Mr. Sanborn, this ticket referred to by the witness just preceding you, as Exhibit D, is that one of the votes you counted in the recount as being for no one of the Congressmen?—A. Yes, sir.

($1.95 paid as fee.)

J. B. SANBORN.

STATE OF IOWA,
Tama County, ss:

E. L. FISH, being produced and sworn before L. G. Kinne, notary public for Tama County, on this 6th day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and W. H. Stivers on the part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. E. L. Fish, and reside in Highland Township, Tama County, Iowa.

Q. 2. What official position, if any, did you hold during the year 1882, up to the first of January, 1883, in Highland Township, Tama County, Iowa?—A. One of the trustees.

Q. 3. Were you present as said trustee at the general election in November, 1882, when Frederick and Wilson were voted for, for the office of Representative in Congress?—A. Yes, sir.

Q. 4. Have you, in connection with the other judges, made a recanvass for the ballots cast for Congress? What is the result as to how many votes cast for Frederick, and how many for Wilson?—A. 80 for Wilson, 35 for Frederick, including those that were marked B. F. and Ben.

Q. 5. What is your judgment as to those ballots you have canvassed to-day, being the identical ballots cast at the election November, 1882, Highland Township, Tama County, Iowa?—A. I think that they were the same tickets that were counted at that time.

Q. 6. How many did you find in that count to-day for Mr. Platner, Greenback candidate?—A. I think it was 7.

Q. 7. How many upon which the name of all candidates were scratched, with nobody voted for for that office?—A. I think 6.

Q. 8. How does that compare with the poll-book as to the aggregate?—A. I have not footed that up.

Cross-examination:

Q. 9. This Exhibit "D" for the ticket referred to by the witness Mr. Wilson, is that one of the tickets in your recount to-day counted as not being voted for as member of Congress?

(Witness examines the ticket.)

A. I think that it is the one we counted.

Q. 10. That you counted for whom?—A. That we counted as not being for any person.

Q. 11. Do you know whether it is or not?—A. It is pretty hard matter for me to tell.

Q. 12. You just made a recount; don't you know whether or not this is one of the tickets you recounted to-day that you made in your recount to-day as being one of them?—A. Yes, sir; I am pretty sure of that.

Q. 13. Have you had some hesitation as to whether or not that should be recounted for Mr. Wilson?—A. It is very dimly scratched; I cannot tell what the intention of the voter was.

Redirect examination:

Q. 14. You know that it shows that there has been a lead-pencil mark run over the name?—A. Yes, sir; it shows that the name has been tampered with.

Q. 15. Shows that lead pencil drawn through part or all of it; didn't it? Are not marks there yet?—A. Yes, sir; I should think that lead pencil had been drawn through it.

E. L. FISH.

Paid $1.95.

STATE OF IOWA,
Tama County, ss:

C. W. BIRDSALL, being produced and sworn before me, L. G. Kinne, a notary public for Tama County, on this 6th day of Mar., A. D. 1883, and examined by me, testifies

as follows (T. Brown appearing on the part of contestant and W. H. Stivers on the part of contestee):

Q. 1. What is your name, age, and place of residence, and occupation?—A. C. W. Birdsall; I live in Tama City.

Q. 2. In 1882 did you hold any official position in Tama Township up to 1883, and what was it?—A. Township clerk.

Q. 3. As such, were you present at the general election in Tama Township, Tama Co., Iowa, Nov., 1882, at which James Wilson and Benj. T. Frederick were candidates for Congress?—A. Yes, sir.

Q. 4. Did you at that time assist in telling the votes, assorting and declaring the result of that election that day after the result was announced or arrived at? What disposition did you make of the ballots, poll-books, and ballot-box?—A. I took the ballots and ballot-box and poll-books under my arm and came home or took them to the store.

Q. 5. Was the box locked or sealed or otherwise?—A. It was locked.

Q. 6. Was it sealed?—A. No, sir.

Q. 7. Where did you put it in the store?—A. On the upper shelf.

Q. 8. Was this in the business part of the store?—A. Yes, sir.

Q. 9. Was it put in the front part of the store, or in the back end?—A. Near the back end.

Q. 10. How long did it remain there?—A. I did not remember, but until just a few days since.

Q. 11. Did you turn it over to Mr. Wilson?—A. Yes, sir.

Q. 12. What became of the key of it, do you know?—A. I never had a key that belonged to it, that I know of. The key to-day, I think, belonged to Mr. McAllister; I do not know what we did with the key.

Q. 13. Was it closed in any other way except being locked?—A. No, sir.

Q. 15. When did you put it there, if at all?—A. I did not put it in.

Q. 16. Do you remember when you turned it over to Mr. Wilson?—A. Some time ago; I do not know just when.

Q. 17. Shortly after he called for them?—A. I think so, but don't just remember when.

Q. 18. Do you remember on the night of the election last November, when you were counting ballots, wasn't there a difference between you and the other clerks when you were making up the tally-list?—A. Yes, sir.

Q. 19. What was the difference on Representative to Congress, or some other office?—A. I don't remember what it was.

Q. 20. How was it adjusted or arranged?—A. They were calling a list of ten straight votes at a time. In registering I omitted to register five of the ten that were called; in running it over I noticed my mistake, and remembering of having omitted them, I tallied up my five votes with the permission of the board.

Q. 21. At that time did you or the other clerk go back over the ballots to see whether you had five less or five more?—A. No, sir.

Q. 22. Did you do that at any time?—A. No, sir.

Q. 23. During the time that the ballot-box was in your possession was it opened, or ballots taken out or examined or disturbed by anybody besides yourself?—A. No, sir.

Cross-examination:

Q. 24. How many keys are there to your place of business?—A. I think there are three.

Q. 25. You do not carry them all, do you?—A. No, sir.

Q. 26. Do you carry more than one?—A. I carry only one.

Q. 27. Well, your men work in the bakery at night, don't they?—A. Yes, sir.

Q. 28. Have access to all parts of the store during the night?—A. Yes, sir.

Q. 29. You say that this ballot-box was not sealed?—A. No, sir.

Q. 30. The top hole had no cover placed upon it?—A. No, sir.

Q. 31. That is all you know about whether the ballot-box had been tampered with is that you did not open it or tamper with it yourself?—A. That is all.

Q. 32. It may have been tampered with by others?—A. Such a thing is possible.

Q. 33. That is what I am asking you; you did not say positive that it may have been tampered with by others, and you not have known it.—A. Yes, it might have been.

Q. 34. How many men have access to the store?—A. In what way do you mean?

Q. 35. I mean with a key.—A. Three men; well, four really.

Q. 36. Your bakers have access to the store?—A. One of them has a key and one other man that works with him.

Q. 37. What kind of a lock was on the box?—A. Well, really I don't know.

Q. 38. Just a common lock, was it?—A. Just a common lock, I presume. We had to test it with several keys to open it.

Q. 39. How did you test them?—A. By trying it; that is, prior to the election.

Q. 40. You finally found a key in the hands of a transient party that would open that box, did not you?—A. Yes, sir.

Q. 41. What did you do with that key?—A. I do not know what became of it.

Q. 42. The owner kept the key, did not he?—A. I think likely that he did; I don't know what became of it. I do not remember whether he was present or not.

Q. 43, That was J. J. McAllister, was it not?—A. I think so; I am not positive.

Q. 44. At any rate you did not keep the key?—A. No, sir; I did not.

Redirect examination:

Q. 45. Mr. Birdsall, I will ask you if it would be possible, without unlocking the box—in the first place were the ballots all strung?—A. Yes, sir.

Q. 46. Would it be possible for any one, without unlocking or opening the box, to string any more ballots on there or to make any other change in this or any other count?—A. No, sir; I do not think it possible.

Q. 47. Did you at any time, as member of the board of election or any others in the board, did you officially declare the result of the election for Congress in this township? Go back and count out the total number of votes, what they all amounted to, which were cast for Wilson, Frederick, Platner, and add them all together, and then compare with names on the tally-list to see whether they were the same number?—A. I add them up in one instance that I remember. I don't remember who that was for. There were 214 tallies and we had 414 votes registered, but do not know what cast it was in. I spoke of it to them, but they did not go over the ballots to ascertain anything different.

Redirect examination:

Q. 48. Do you recollect of a ballot, two ballots rolled together, that were discovered by the board?—A. I do not remember of this; I have heard it spoken of since, but I do not call it to mind when they discovered them.

C. W. BIRDSALL.

1.05 paid.

STATE OF IOWA,
Tama County, ss:

O. E. PARKS being produced and sworn before L. G. Kinne, notary public for Tama County, on this 6th day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and W. H. Stivers on the part of contestee):

Q. 1. Where do you live?—A. In Tama City.

Q. 2. How long have you lived there?—A. I have been staying there about 4 months.

Q. 3. Do you know Ellry Parks?—A. Yes, sir.

Q. 4. Do you know for whom he voted for member of Congress, 5th district of Iowa, at Tama City, 1882, at the November election?—A. I cannot say as to whom he voted for.

Q. 5. Did you ever have any conversation with him as to whom he voted for at the November election?—A. Yes, sir.

Q. 6. Where was this conversation? What did he say as to whom he voted for?—A. He said that he voted for James Wilson.

Q. 7. Whereabouts was it that you had this conversation?—A. At the Chicago and Northwestern depot.

Q. 8. Was it in the day of the election or afterwards?—A. On the day of the election.

Cross-examination:

Q. 9. Are you a relative of Ellry Parks?—A. Yes, sir.

Q. 10. Brother?—A. Yes, sir.

Q. 11. Who was by when you had this conversation?—A. No one.

Q. 12. You said you and he indulged in conversation as to how he voted?—A. I have forgotten now, I cannot say how it was.

Q. 13. What was it he said?—A. He said that he voted for Wilson.

Q. 14. Was that all the conversation?—A. I think that it was.

Q. 15. What occurred to prompt the conversation?—A. He told me; that is all.

Q. 16. He just up and told you that he voted for James Wilson without any preliminary remarks?—A. Yes, sir.

Q. 17. For what office did he say that he voted for Wilson?—A. He did not say.

Q. 18. Been talking of the election before?—A. No, sir.

Q. 19. He did not tell you then for what office?—A. He voted for Wilson.

($1.05 paid as fee.)

OSCAR E. PARKS.

STATE OF IOWA,
Tama County, ss:

R. L. SWAIN being produced and sworn before L. G. Kinne, notary public for Tama County, on this 6th day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, W. H. Stivers on the part of contestee):

Q. 1. Where do you live?—A. Toledo.
Q. 2. Mr. Swain, how long have you lived in Toledo?—A. Ever since the college was built.
Q. 3. Can you fix the time you came here?—A. A year ago last September.
Q. 4. In September, 1880?—A. In 1881.
Q. 5. Where had been your residence prior to that?—A. Wayne County, this State.
Q. 6. At the time you came here to attend college, did your parents reside in Wayne County, Iowa?—A. Yes, sir; they did.
Q. 7. Were you of age when you came here?—A. Yes, sir; I was.
Q. 8. Have your parents, or either of them, furnished you means of support since you have been here?—A. No, sir; nor for a good while before.
Q. 9. During the time you have been here, or any of the time attending college as student, I mean now prior to the election last fall, did you spend your vacations at home, or any of them?—A. No, sir; I was here all the year, except summer vacation, and then was dodging from one place to another.
Q. 10. In November, at the time you voted, in 1882, did you intend to become a resident of this town and county?—A. Yes, sir, I did.
Q. 11. Had you voted at previous elections here?—A. Yes, sir; I had.

Cross-examination:

Q. 12. In March before?—A. I guess that was the month.
Q. 13. At municipal election?—A. Yes, sir.
Q. 14. From the time you cast your ballot at the municipal election, in the spring, 1882, in Toledo?—A. It was in 1881, or perhaps in 1882.
Q. 15. In 1882?—A. Yes, sir; just prior to the November election.
Q. 16. When you cast your municipal vote in Toledo, in the spring, 1882, including the time until you voted at the general election in the fall of 1882, was it your intention, and did you consider yourself a citizen of this township?—A. Yes, sir; I did.
($1.05, paid as Rob. Swain.)

R. L. SWAIN.

STATE OF IOWA,
Tama County, ss:

N. FISHER, being produced and sworn before L. G. Kinne, notary public for Tama County, on this 6th day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and W. H. Stivers on the part of contestee):

Q. 1. What is your name, age, and place of residence?—A. Toledo, Iowa.
Q. 2. At the November election, 1882, in Toledo Township, Tama County, Iowa, in which Benjamin Frederic and Wilson, candidates for and voted for, for Representative in Congress, 5th district of Iowa, did you act as judge of the election?—A. I did.
Q. 3. Were you present when the polls were opened on the morning of the election?—A. Yes, sir.
Q. 4. Was any proclamation made by the judges, clerks, or any one in there, during the day or before the opening of the polls, that they would be kept open later than 6 o'clock p. m.?—A. No, sir; there was not.
Q. 5. Can you tell how many votes were cast after 6 o'clock?—A. I don't recollect, but there were a few votes; I don't recollect how many.
($1.05 paid as fee.)

N. FISHER.

STATE OF IOWA,
Tama County, ss:

A. J. DINGEE, being produced and sworn before L. G. Kinne, notary public for Tama County, on this 6th day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and W. H. Stivers on the part of contestee):

Q. 1. Where is your place of residence?—A. Toledo, Tama County, Iowa.
Q. 2. What official position in Toledo Township, Tama County, Iowa, if any, did you hold during the year 1882, up to the first of January, 1883?—A. I didn't hold any official position in the township.
Q. 3. Were you sworn in and acted as one of the clerks of the general election, 1882, in Toledo Township, Tama County, Iowa, during the general election, when Wilson and Frederick were voted for as Congressmen in that district?—A. I was clerk.
Q. 4. Were you present after the polls were opened?—A. Yes, sir.

Q. 5. Any proclamation made by the judges of the election, or by the clerks, or by any one in there? Was it at the opening of the polls in the morning that it was announced that the polls would be kept open later than 6 p. m.? Do you remember how many votes were cast after 6 o'clock?—A. I think three, or perhaps five.

Q. 6. Do you remember when Ben Stone voted?—A. No, sir.

Q. 7. Do you recollect how late the polls were kept open?—A. I think after 6 o'clock.

Q. 8. Do you remember when Mr. Beardshea voted?—A. I think after 6 o'clock.

Q. 9. Now, to refresh your recollection, do you recollect that the polls were held open until after the train from the West came in connecting with the train from the West in order to permit Pres. Beradshea to vote?—A. I think it was not until after the train came from the North; am not sure.

Q. 10. You are not certain about that?—A. I think not until after the train came from the North.

Q. 11. You made a proclamation when they would be closed?—A. I did.

Q. 12. Did you proclaim at half-past 8 o'clock that the polls would be closed before 9 o'clock?—A. I do not remember how or what I did now in regard to it.

Q. 13. You know that they were open after 6 o'clock?—A. Yes, sir.

Q. 14. If they were kept open after the train came in from the North, it would bring it nearly 7 o'clock.—A. Yes, sir; it may have been that they kept them open until the train came in from the South.

Cross-examination:

Q. 15. Were the polls in Toledo kept open for any particular person or persons, beyond 6 o'clock in the evening. Is it true that they were kept open for the general accommodation of all who wished to vote, who were entitled to vote?—A. Yes, sir; I guess, for any one who wanted to vote. I think there were some; I don't remember who it was, some of the train men who wanted to vote.

Redirect:

Q. 16. If it was kept open long enough for them to vote, do you know whether any of them did vote?—A. Yes, sir; I think so.

Q. 17. They would have been kept open until nearly 8 o'clock?—A. Yes, sir; I have known them to hold them open until that time, to give them a chance to vote.

Q. 18. You have no recollection of their doing that, that night?—A. No, sir; I have not.

Q. 19. Don't you remember that there was a conversation among the board about Mr. Beardshea, besides Mr. Johnson, and others, who wanted to vote, and among other reasons, that was one reason, that they could get back on the train?—A. I think there might have been some back of Mr. Beardshea; don't remember about Mr. Johnson now.

Recross examination:

Q. 20. Do you remember whether the boys came up on the down run and voted?—A. I don't remember whether they voted when they went down, or whether they kept the polls open until they came back.

($0.85 paid as fee.)

A. J. DINGEE.

SILAS SEARS, recalled, testifies as follows:

Q. 1. Were you present on the night of the election, Nov., 1882, in Toledo, Tama County, Iowa?—A. I was.

Q. 2. Were you present at the time the announcement was made at what hour the polls would be closed that night?—A. I was present.

Q. 3. Who made the proclamation?—A. That I cannot say, as to who it was.

Q. 4. It was announced as to the time the polls would be closed?—A. The announcement was made substantially that the polls would be closed in half an hour.

Q. 5. At what time was this announcement made?—A. At about half-past 8 o'clock.

Q. 6. Do you recollect whether or not the polls were kept open until after the 6 o'clock train came down from the South?—A. Yes, sir; they were.

Q. 7. Do you remember if anybody that came from that train voted that night?—A. I heard them talk about certain ones; I didn't see. There were four persons that came in and voted after the train came in; one person I know of being on the train.

Q. 8. Who was that?—A. Claus Jones.

Q. 9. How many persons voted after 6 o'clock?—A. 15 or 20.

SILAS SEARS.

STATE OF IOWA,
Tama County, ss:

R. G. MCINTYRE, being produced and sworn before L. G. Kinnie, notary public in and for Tama County, on this sixth day of March, A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant and W. H. Stivers on the part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. Age, 52 years, and reside in Toledo.

Q. 2. What official position do you hold in this county, and how long have you held the same?—A. I hold the position of county auditor, and have held it a little over five years.

Q. 3. Have you with you the poll-book returned by the township officers to you as county auditor of Highland Township?—A. I have.

(Witness produces the same.)

Q. 4. Tell us, if you please, how many votes were returned for Highland Township by the election board of that township as having been cast there at the general election in 1882 for James Wilson for Representative in Congress and for Benjamin T. Frederic as Representative in Congress, and for David Platner for Representative in Congress.—A. There appears to be 81 votes returned for James Wilson; for Benjamin T. Frederic, 33 votes; for B. F. Frederic, 1 vote; for Ben. T. Frederick, 1 vote, and for David Platner 7 votes.

Q. 5. Have you with you the poll-book of Buckingham Township?—A. Yes, sir; I have.

Q. 6. How many votes were returned by the board of canvassers—that is, of the election board—as having been cast at the general election for James Wilson for Representative in Congress, for B. T. Frederick for Representative in Congress, and for David Platner for Representative in Congress, all of the 5th district?—A. For James Wilson, 861 votes; returned for B. T. Frederick—in the certificate it stands 43 votes, while that poll-list shows only 38 votes.

Q. 7. Have you with you the poll-book of Tama Township?—A. Yes, sir; I have.

Q. 8. How many votes were returned by the board of canvassers of Tama Township, Tama County, Iowa, as having been cast at the Nov. election, '82, for James Wilson, Representative in Congress, and for Benj. T. Frederick for Representative in Congress, and for David Platner for Representative in Congress, 5th district in Iowa?—A. For James Wilson, 185 votes; for Benjamin T. Frederick, 218 votes, and for David Platner 10 votes, and one vote returned scattering.

Q. 9. Have you with you the poll-books of Spring Creek Township?—A. Yes, sir.

Q. 10. How many votes were returned by the board of canvassers of Tama Township, Tama County, Iowa, as having been cast at the Nov. election, '82, for James Wilson as Representative in Congress, and for Benjamin T. Frederick for Representative in Congress, and for David Platner, Representative in Congress, 5th dist. of Iowa?—A. For James Wilson, 101 votes returned; for Benjamin T. Frederick, 97, and for David Platner, 52.

Q. 11. In reference to Buckingham Township, in canvassing the votes by the board of canvassers, what was done in reference to the discrepancy or difference between the certificate of the township board giving Mr. Frederick 43 votes and the tally-list giving him 38? You saw them sealed in official count, and in making up the aggregate number of votes they counted 38 votes for Mr. Frederick in certifying the votes to the State board; how many votes were included as having been cast for Mr. Frederick in Buckingham Township?—A. 38 votes.

Q. 12. The same number given in the canvass?—A. Yes, sir.

Q. 13. How many votes were given Mr. Wilson, how many Mr. Frederick, in the amount certified to State board of canvassers, as having been cast for them as Representatives in Congress for the 5th dist. at the general election, '83, in High Land township?—A. They counted 81 votes for James Wilson; 35 for Benjamin T. Frederick.

Q. 14. How many votes were counted for Wilson, and how many for B. T. Frederick, in making up the aggregate am't which was certified as they were received in Tama Township, and certified to by the State board of canvassers as having been cast at the general election, Nov., '82, in that township?—A. I found by reference to duplicate returns that 185 votes were certified for James Wilson and 218 votes for B. T. Frederick.

Q. 15. That is the certificate made to the county board of canvassers?—A. Yes, sir.

Q. 16. How many votes were certified to in the aggregate by the state board of canvassers by the county board as having been cast for Spring Creek Township, Tama County, Iowa, at the general election, '82, for Wilson for Representative in Congress? Also for B. T. Frederick for Representative 5th dist.?—A. 97 for Frederick; 101 for James Wilson.

R. L. MCINTYRE.

$0.85 paid.

(Contestant offers in evidence a certificate of the auditor of Tama County, Iowa, showing the number of votes cast in Buckingham, Spring Creek, and Tama Townships, in said county, at the Nov. election, 1882, for James Wilson and Benjamin T. Frederick for Representative in Congress, as shown by the official canvass made by the board of supervisors of Tama County, Iowa, as a board of canvassers, and both certified to State board of canvassers, marked Exhibit "E." $0.50 paid as fee for furnishing State exhibit.)

EXHIBIT E.

STATE OF IOWA,
Tama County, ss:

I, R. G. McIntyre, auditor of Tama County, do hereby certify that the following is the vote cast for Hon. James Wilson and B. T. Frederick, respectively, in the townships hereinafter named in Tama County, Iowa, as counted by the board of supervisors of Tama County, Iowa, sitting as a board of county canvassers in making up the aggregate of votes cast in said county for said parties at the general election held therein on the 7th day of Nov., A. D. 1882, which was certified by said board of county canvassers to the board of State canvassers, to wit: in Buckingham Township there was 61 votes cast for James Wilson, and for B. T. Frederick 38 votes, and the poll-book of said township, by the tally-list, showed that B. T. Frederick had 38 votes. The certificate of the judges showed that he received 43 votes in Tama Township. For James Wilson there were one hundred and eighty-five votes, and for B. T. Frederick two hundred and eighteen votes. In Highland Township, for James Wilson, there were eighty-one votes, and for B. T. Frederick thirty-five votes. In Spring Creek Township, for James Wilson, one hundred and one votes, and for B. T. Frederick ninety-seven votes, as appears from the records and papers in my office.

Witness my hand and the seal of the county of Tama this 6th day of March, A. D. 1883.

R. G. MCINTIRE,
County Auditor.

STATE OF IOWA,
Tama County, ss:

CHARLES FRENCH, being produced and sworn before L. G. Kinnie, notary public in and for Tama County, on this 6th day of March, '83, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and W. H. Stivers on the part of the contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. Charles French; age, 39; live in Gladbrook, Tama Co., Iowa.

Q. 2. What official position did you hold in that township, and how long did you hold that position?—A. Held the position of township clerk by appointment; was appointed some time last April; I forget; about April, '82.

Q. 3. And have held ever since?—A. Yes, sir.

Q. Were you present at the general election held in Spring Creek Township, Tama Co., Iowa, Nov., '82, at which Frederick and Wilson were voted for for member of Congress, 5th dist. of Iowa?—A. Yes, sir; I was.

Q. 5. Did you act as one of the clerks of that election?—A. Yes, sir.

Q. 6. After closing of the polls on the night of the election, what disposition did you make of the poll-book and ballots?—A. Ballots were placed in the ballot-box; ballot-box was carried to my office, which was Mr. Wilber's office at that time; it was left there; remained there until just a few days ago; it was carried from there to my harness shop; been there ever since.

Ques. 7. After you had canvassed the votes on the night of the election, what did you do after you put ballots and the poll-book in the box; was it locked and sealed or either?—A. Locked, but not sealed.

Q. 8. I will ask you whether or not in the canvass of the votes at the election if there was any ballot there with the name of B. Frederick written upon it for member of Congress, 5th district of Iowa, which was not counted?—A. Well, I could not say positive. The judges of the election handled the votes; all I did was to keep a record of it.

Q. 9. Have you the ballots and poll-book with you?—A. The ballots are in the box, the book I have with me.

Q. 10. Who were the judges of the election?—A. Hess, Berry, and Wescott. Mr. Berry and Hess are here.

Q. 11. Will you be kind enough to open the ballot-box, and, assisted by the members of the board who are present, determine how many votes there were cast for Mr. Wilson and how many for Mr. Frederick; also, whether or not there are any for B. Frederick or any other Frederick?

(Witness proceeds to open the ballot-box and examines the ballots, assisted by Messrs. Geo. W. Hess and S. W. Berry.)

Q. 12. Are the ballots which you have produced, and which you and Messrs. Hess and Berry have just counted, the same ballots which were cast at the Nov. election, '82, in Spring Creek Township, Tama County, Iowa, at which B. T. Frederick and James Wilson were candidates for and were voted for Representative in Congress, 5th district of Iowa?

(Contestant objects to the question for the reason that they have not shown that the ballot-box has been in the care entirely of anybody.)

A. I believe so.

Q. 13. Whereabouts in the office of Mr. Wilber, after the box was taken there, was it put?—A. I had a desk in Wilber's office, and right under my desk I placed the ballot-box.

Q. 14. It wasn't locked up in any desk?—A. No, sir.

Q. 15. Remained there until how many days ago?—A. I can't remember how many.

Q. 16. How many?—A. Two or three days ago.

Q. 17. Where did it go then?—A. From Mr. Wilber's office to my workshop.

Q. 18. While it was at Mr. Wilber's office, was it your office all the time?—A. No, sir, not all the time.

Q. 19. What portion of the years?—A. Until the first of the year, the first of January.

Q. 20. Have you opened the box yourself, or permitted anybody to open it, or has it been opened with your consent at all or not?—A. The box was opened a few days ago by myself.

Q. 21. In the presence of whom?—A. In the presence of Messrs. Putnam and Stone.

Q. 22. Did they or either of them handle the ballots or any of them?—A. They did not.

Q. 23. Was or wasn't the condition of the ballots at that time the same as when you had placed them in there on the night of the election?—A. I think that it was.

Q. 24. Was it possible that the ballots were strung when you put them in there on the night of the election?—A. No, sir; they were not strung.

Q. 25. Had they, or had they not, all been taken off by the judges?—A. Yes, sir; upon the first deposit of the ballots they were all folded.

Q. 26. Were they strung at all?—A. No, sir.

Q. 27. At the time you made the count when Stone and Putnam were present how did the total number of ballots compare with the number of ballots returned to the board of county canvassers after you made this aggregate cast for candidates to Congress; was it the same or not?—A. Well, for Mr. Wilson at the time I counted the ballots I counted 101, for Mr. Frederick in counting all on which Mr. Frederick's name appeared there were 98.

Q. 28. What did you ascertain by the recount you have made here to-night the vote for Mr. Frederick and Mr. Wilson to be?—A. The same as before.

Q. 29. You say when counting the votes all upon which Mr. Frederick's name appears; please explain that, what do you mean by taking all the votes with Frederick's name on them?—A. I mean by that that there were two votes upon which Mr. Wilson's or Mr. Platner's names were erased and the name of Ben. Frederick or B. Frederick written in with pencil.

Q. 30. Did you know whether all the votes you saw scratched were counted for Frederick or not?—A. I don't know; I was clerk.

Q. 31. How have you kept these ballots since you have had them in your harness shop?—A. They were in the box and locked the same as before.

Q. 32. In what part of the shop did you keep them?—A. On my cutting box.

Q. 33. State, to the best of your knowledge, whether or not these are the identical ballots cast at the Nov. election, '82, at Spring Creek Township, at which Wilson and Frederick were candidates for Congress?—A. Yes, sir; to the best of my knowledge they are.

Cross-examination:

Q. 34. Mr. French, let me ask you, you moved out of Wilber's office the first of January?—A. Yes, sir.

Q. 35. When you moved you left the ballot box whereabouts?—A. Well, in the same position under the table.

Q. 36. In the front room?—A. Yes, sir.

Q. 37. How many rooms are there to his office that are used?—A. Only one in general use.

Q. 38. Who uses that room? Who did use it at that time?—A. Mr. Wilber and myself.

Q. 39. What was it used for?—A. As lawyer's office, insurance office, also for justice of the peace.

Q. 40. Was it frequented by everybody else?—A. Yes. sir.

Q. 41. Almost any time of day?—A. Yes, sir.

Q. 42. What kind of key was to the lock on the box; one difficult to find a key to open or that is not?—A. I think that it was not a very difficult box to open.

Q. 43. Is it just a common ordinary key?—A. It is a common ordinary lock.

Q. 44. Almost any key would open it; it is one of those common ordinary locks?—A. Yes, sir; cheap lock.

Q. 45. Did you leave the ballots in charge of any one when you left it?—A. No, sir.

Q. 46. Just left it here, you went back after it last Feb., was it?—A. Yes, sir.

Q. 47. The ballots was just thrown loosely in the box after they were counted?—A. Yes. sir.

Q. 48. Was there any pains taken to keep them in any way separate?—A. I think no particular mode of keeping them.

Q. 49. Who counted them out at the polls?—A. Mr. Washington Hess, Samuel Berry, and Mr. Wilson.

Q. 50. Who took them out of the box?—A. Those parties took them out.

Q. 51. Tell me how they took them out, whether one took them out, and got them into fives and handed them to somebody else?—A. I can't tell; I was busy with my. own work.

Q. 52. You just simply checked them off as they called them?—A. Yes, sir.

Q. 53. You did not know anything else about counting them?—A. No sir.

Q, 54. You checked them off as they called them to you?—A. Yes, sir.

Q. 55. Now, there are three ballots in there; I want to make an exhibit of these three in your count to-night; how much —— well, in the first place produce these three ballots I have just referred to?

(Witness doesn't find the votes:)

Q. 56. Did you take the ballots back after you quit counting that night; did you take it back into the lawyer's office?—A. I took it there myself.

Q. 57. Where did you get it?—A. At Mr. Riteman's office where we held our election.

Q. 58. How long was it after you got done counting that you found the box and took it away?—A. I removed the box immediately.

Q. 59. You mean after you got done counting?—A. Yes, sir.

Q. 60. You mean after you had made out the tally list?—A. Yes, sir.

Q. 61. Then the box was set where the judges had left it?—A. Yes, sir.

Q. 62. Then you took it from there and carried it up to the justice of the peace's office?—A. The box was on the table where we did the examining; the judges took the ballots and placed them in the box and gave me the key; immediately after the work was done I took the box and removed it to Mr. Wilber's office.

Q. 63. You say the judges put the ballots in the box; were the ballots all out on the table?—A. Yes, sir; at one time they were all out on the table.

Q. 64. They bunched them up in some shape and put them back in the box?—A. Yes, sir.

Q. 65. Did you see them do this?—A. Yes, sir; I did.

Q. 66. Was there any stringing of the ballots as they were counting any other time or just laid loosely on the table?—A. They were never strung.

Q. 67. They were packed up on the table and put into the box loosely?—A. Yes, sir.

Redirect:

Q. 68. Were they laid out on the table in bunches, or did you mean to be understood that they were scattered all over the table?—A. When I say loose, I wish to be understood that they lay in piles, in loose piles, not strung.

Q. 69. Were there any other ballots that were used or had been used during the time of counting except these taken out of the box?—A. There were none on the table at the time we commenced to count; it wasn't intended that any person should put ballots there.

Recross-examination:

Q. 70. Let me ask you whether the crowd wasn't all around the table while they were counting out the tickets and those that could get near enough, looking over as though they would come around and count?—A. When I was near, or standing by, there were other parties in the office besides the judges and clerks.

Q. 71. While the judges were taking them out of the box, what I wanted to know is whether the other fellows crowded around the table to look and see whether they were properly called off?—A. There were other parties standing near.

Q. 72. How did they take them out of the box to count them—took one at a time, counted, and laid on the table?—A. No, sir; I think not.

Q. 73. How did they do that?—took them all out of the box, lay them on the table, and sort them?—A. When the polls were closed, the first thing done was to count all the ballots in the box to see if they agreed with the number of ballots cast.

Q. 74. How did they do that?—A. By removing them one at a time.
Q. 75. And put them on the table?—A. Yes, sir.
Q. 76. Then what did they do?—A. Their manner of proceeding there at that time was regular; I was busy there that time.

CHARLES FRENCH.

$2.45 paid as fee by contestant.

STATE OF IOWA,
Tama County, ss:

G. W. HESS, being produced and sworn before G. G. Kinney, a notary public for Tama County, on this 6th day of March, A. D. '83, and examined before me, testifies as follows (T. Brown appearing on the part of contestant and L. G. Kinney on the part of contestee):

Q. 1. What is your age, place of residence, and occupation?—A. I am 43 y'rs of age; I live in Gladbrook; I buy butter, and farm a little.
Q. 2. What official position, if any, have you held in Spring Creek Township in '82, up to Jan'y 1st, '83?—A. I was Township trustee; also acted as one of the judges.
Q. 3. In this Township?—A. Yes, sir.
Q. 4. Are you still one of the judges of the township?—A. Yes, sir.
Q. 5. Were you present at the general election in Nov., 1882, held in Spring Creek Township, Tama Co., Iowa, at which B. T. Frederick and James Wilson were candidates from the 5th Dist. Iowa?—A. Yes, sir.
Q. 6. Were you one of the judges of election at that time?—A. Yes, sir
Q. 7. Since you have been here to-day, have you made a recanvass of the ballots purporting to have been cast at that election?—A. Yes, sir.
Q. 8. What is the result of that examination as to how many votes you ascertained? How many ballots were cast for James Wilson and how many for B. F. Frederick, for Representative in Congress from the 5th dist. of Iowa?
(Objection not shown that these were the original votes cast at the election, nor that the ballot-box has remained in the hands of the proper persons from the time of the election up to the time of examination.)
A. There were 101 for James Wilson, as we counted them; 98 for B. T. Frederick.
Q. 9. What is your judgment as to whether the ballots which you have canvassed here are the same ones cast at the general election, Spring Creek Township, Tama Co., Iowa, in Nov., 1882, at which time James Wilson and B. T. Frederick were candidates for Congress from the 5th dist. of Iowa?—A. I don't see any reason why they should not be the same any more than it seems by the poll-book that there was one more for B. T. Frederick.
Q. 10. How many—one more now?—A. Yes, sir.
Q. 11. How do you account for that—for the vote anyway?—A. I do not know, unless we counted for B. T. Frederick an irregular vote and did not put it down for him.
Q. 12. Do you remember anything about what you did about that?—A. I don't know; only some irregular votes. I saw one with the Wilson scratched out. I should have thought that that was the same ticket.
Q. 13. You remember that there was some question of that kind as to one of the Congressional votes?—A. Yes, sir; I had entirely forgotten what it was until I saw the tickets.
Q. 14. Did you examine the poll-book and send down here to see whether the aggregate number of votes for Congress was the same as you make them here to-night?—A. No, sir; not until to-night.
Q. 15. How do you find it now?—A. 97 for Frederick, 101 for Wilson.
Q. 16. I mean what does the book show?—A. That is what I said, the book.
(Witness examines the book. The book shows 97; as the ballots show it is 98.)
Q. 17. Does that make the number of votes polled altogether; was there 101 votes shown by the poll-book cast for Wilson, 97 for Frederick, and for Platner 52 make in the aggregate the same number of votes as the total number of persons whose names appear on the poll-book as having voted at said election?—A. No, sir.
Q. 18. How much does that lack of it?—A. It lacks two votes.
Q. 19. Then counting one vote, which you might have possibly counted by mistake for Frederick, would it lack one vote of being the total number of votes cast?—A. Yes, sir.
Q. 20. How do you account for that one vote being voted in that way?—A. That ticket that has neither Frederick or Wilson's name on it.

Cross-examination:

Q. 21. Who counted the ballots out of the box that evening?—A. I think I took the ballots out of the box that evening.
Q. 22. Will you tell us how you did it?—A. I took out one at a time to see if we

tallied all the number of votes, and took them out of the box, laid them on the table one at time.

Q. 23. What did you do with the box—A. It sat there on the table.

Q. 24. Open?—A. Yes, sir; it was open.

Q. 25. Then what did you do with the ballots?—A. I can't remember sure whether we put them back in the box or whether we opened them. I took them out of the box. Just after we folded them up and laid them on the table.

Q. 26. Then what?—A. I don't know whether we put them back in the box or not. We proceeded to open them; I think that we sorted them out.

Q. 27. They were just laid in a loose pile as they were folded on the table?—A. Yes, sir.

Q. 28. You don't know whether you put them back in the box until they were tallied?—A. I would not be sure about that.

Q. 29. The box was there on the table?—A. Yes, sir.

Q. 30. How did you manage to tally them?—A. My recollection is that we sorted out two straight tickets for each of the candidates, and tallied so many straight tickets.

Q. 31. You tallied out in three or four or five piles on the table straight Republican tickets?—A. Yes, sir.

Q. 32. Straight Greenback tickets in another?—A. Yes, sir.

Q. 33. Then what did you do with the ballots?—A. Put them in a pile. After we tallied them we went to work and tallied the others one at a time.

Q. 34. What did you do with them?—A. When we would call off a ticket we would lay it back on the pile; we kept a pile of tickets. It does not appear to me that they were sorted out like they are now. Six odd tickets should have been mixed, Democrat or Republican tickets together.

Q. 35. How often have you seen the ballot-box since that night?—A. I might have seen it, but did not pay any attention to it. I might have seen it under the table there.

Q. 36. Do you recollect whether you put the tickets back in the box or not?—A. I could not say whether I did or not.

Q. 37. You have no recollection of putting them back, then?—A. No, sir; I have not.

Q. 37. Who read off the tickets?—A. I don't know which one of us three did.

Q. 38. What did the others do besides the one who read them?—A. I guess that they kept watch that the thing was done straight.

Q. 39. You mean watch of him that was reading them?—A. Yes, sir; I expect so.

Q. 40. Where was the count?—A. They were probably at our box.

Q. 41. How big was the room?—A. It was rather a small room; I think it was about probably twelve, possibly it may be twelve, feet square; a small room.

Q. 42. Standing up full?—A. Quite a good many in the room.

Q. 43. All standing up close around where you were counting?—A. No, sir; not close enough to crowd on to us very much.

Q. 44. Did the folks stand up or sit down?—A. They stood up back of us.

Q. 45. What kind of lock is there on the box; just a common, cheap lock; one of these cheap locks, is it?—A. Yes, sir.

Q. 46. Any trouble about the key to unlock it?—A. I think you could not find a key very easy to unlock it.

Q. 47. Was this in French's harness shop?—A. Yes, sir.

Q. 48. You used to own this shop?—A. Yes, sir.

Q. 49. Was it under the cutting bench?—A. The cutting bench is on the side of the working-room.

Q. 50. Back room?—A. Yes, sir.

Q. 51. Where scraps of leather and one thing and another are thrown?—A. Yes, sir.

Q. 52. A kind of convenient place for rubbish; is this where it was kept by French?—A. Yes, sir; I don't know whether that is right or not; only what he said.

Q. 53. You know where the cutting bench is in French's shop?—A. Yes, sir.

Q. 54. You were harness-maker and owner of the shop previous to French being there?—A. Yes, sir.

Redirect examination:

Q. 55. How as to the location of this table in this room; how was it located, next to one side?—A. Yes, sir.

Q. 56. Did you sit behind the table or to one side of the table?—A. It is my recollection that we were between the light and the table; if I recollect right it was in this way; one side of the table was to the wall; we sat around on the other side.

Q. 57. Anybody on the other side of the table at all?—A. No, sir.

Recross-examination:

Q. 58. Your recollection is you counted and tallied all the ballots except that one that was counted for nobody in Congress?—A. That is the way I think it was.

Q. 59. There is no memorandum on your poll-book of one scattering vote being for Frederick, is there?—A. No, sir; there is not.

Q. 60. Now, if you left it off you certainly would if you did not count it for Ben. Frederick, you would put it on for B. Frederick; is not that the rule?—A. It might have been done.

Q. 61. When the name of any one was on the ticket plainly you put it down?—A. Yes, sir; that is the intention.

Q. 62. When there is no name on at all that ticket is left out of the count?—A. Yes, sir; the poll-book does not show any vote for B. Frederick.

G. W. HESS.

$2.45 paid as fee by contestant.

STATE OF IOWA,
Tama County, ss:

S. W. BERRY, being produced and sworn before L. G. Kinnie, notary public for Tama County, on this 6th day of March, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant; W. H. Stivers, on the part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. S. W. Berry; age, 43; farmer.

Q. 2. What official position did you hold in Spring Creek Township, Tama County?—A. I did hold the office of trustee of the township at the time of the election.

Q. 3. During what time—you held that position in what year?—A. During the year '81 and '82.

Q. 4. Were you present as judge of the general election, Nov., 1882, in Spring Creek Township, Tama County, Iowa, at which Wilson and Frederick were voted for for Congress in the 5th dist.?—A. Yes, sir.

Q. 5. Did you assist this evening in examining the ballots produced here as having been cast at that election and in counting them?—A. Yes, sir; I looked over to see that it was done.

Q. 6. What is the result ascertained by you and Mr. French and Mr. Hess here to-night; that is, how many ballots did you find for Wilson and how many for Frederick?

(Objection, on the ground that it has not been shown that these ballots are the same as cast for the reason that they have not been safely kept.)

Q. 7. Have you noticed the poll-book to see how the total number of votes as you have counted them this evening, including the ballots for Wilson, Frederick, and Platner, compare with the total number of votes as shown to be polled on the poll-book?—A. No, sir; I have not.

Q. 8. What is your opinion as to whether or not these are the same votes cast in Nov., '82, Spring Creek Township, Tama County, Iowa, for member of Congress?—A. I think that these are the same ballots, to the best of my knowledge.

Q. 9. Explain to us, if you please, how the table was sitting in the room, and whether or not it was so seated that any one but the judges could get in there?—A. The table was sitting middling close to the side of the office, and two of us judges at one end of the table, and one at the side of the table, if I remember right, at the time we counted the votes.

Q. 10. Where were the two clerks with reference to the position of the judges?—A. I am not able to tell.

Q. 11. They were sitting at the table, were they?—A. Yes, sir.

Q. 12. In the counting there do you remember any vote for Congressman that was not counted, but was passed over when you just looked them over on account of the name not being very full or something of that kind?—A. Well, it seems to me—I don't remember exactly—it seems as though there was one for Frederick and I calculated to report it for B. Frederick, but I guess I neglected it.

Q. 13. Did you put ballots back in the box after the counting was finished that night?—A. No, sir.

Q. 14. Do you remember who did?—A. I don't remember whether Mr. Hess or Mr. Wescott—one of the two men put them into the box.

Q. 15. When you left there that evening did the clerks and the judges leave at the same time, do you remember?—A. I cannot say for certain; I think so; I think all left at the same time.

Q. 16. Do you remember the number of votes that were certified to by the county auditor as having been cast for Mr. Frederick and Mr. Wilson?—A. No, sir; I don't.

Cross-examination:

Q. 17. Mr. Berry, you have no means of telling, only that they resemble the ballots that were voted that day?—A. No, sir; I have no way of telling.

Q. 18. You say that you did not put the ballots in the box?—A. No, sir.

Q. 19. Can you tell who did?—A. I would not swear who did.
Q. 20. You have no recollection of seeing the men put them in?—A. No, sir; if I did, I could tell it.
Q. 21. The ballots were all taken from the box before they were opened, were they?—A. Yes, sir.
Q. 22. Unfolded and put on the table in the room?—A. Yes, sir.
Q. 23. Set there where you took them out, and then the ballots were distributed in piles over the table, some four or five?—A. Three piles.
Q. 24. Not more than three?—A. No, sir.
Q. 25. The Democratic vote was in one pile?—A. Yes, sir.
Q. 26. The Republican vote in another pile?—A. Yes, sir.
Q. 27. Greenback in another?—A. Yes, sir.
Q. 28. What did you do with the others?—A. There were no others.
Q. 29. Well, I mean the scratched ones?—A. I think we put them in another pile.
Q. 30. That made four piles?—A. Yes, sir.
Q. 31. Then what you call straight votes were counted?—A. Yes, sir.
Q. 32. And given to the talliers by numbers not crossed?—A. Yes, sir.
Q. 33. Laid back on the table?—A. Yes, sir.
Q. 34. Now, after you got through counting the ballots, did you turn to the tally list to see how it came out, you or the other men?—A. No, sir.
Q. 35. What did you do?—A. I was helping unfold tickets.
Q. 36. I mean after you had counted them and tallied, what did you do then?—A. I don't know that I did anything particular.
Q. 37. Did you stay there?—A. Yes, sir; I was there.
Q. 38. What I want to know is, whether you assisted in counting the ballots, or in anything of that kind?—A. Well, what do you mean?
Q. 39. Whether you assisted in any way?—A. I expect so.
Q. 40. What did you do after this?—A. I am not able to tell you just exactly what I did do.
Q. 41. Somebody you think put them back in the box?—A. I think so.
Q. 42. You don't know who?—A. I cannot say.
Q. 43. Now, from the time you counted the ballots on the table, after you put them on the table and counted them, did you see them until you saw them to-night?—A. I did not see them after they were put in the box.
Q. 44. Answer that first.—A. No, sir.
Q. 45. From the time you saw them brought on the table up there, did you see them any more after they were put into the box until you saw them to-night?—A. No, sir; I did not see them.
($2.45 paid as fee by contestant.)

S. W. BERRY.

STATE OF IOWA,
Tama County, ss:

J. M. PUTNAM, being produced and sworn before E. G. Kinnie, notary public for Tama County, on this 6th day of March, A. D. '83, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, W. H. Stivers on the part of contestee):

Q. 1. What is your age, name, place of residence, and occupation?—A. Name, J. M. Putnam; Gladbrook.
Q. 2. Were you present, some time in the latter part of Feb., at Gladbrook, in Tama County, Iowa, when the votes that had been cast at the Nov. election, '82, in said township, county, and State for Representative in Congress were counted in the presence of Mr. French and Mr. Stone?—A. Yes, sir.
Q. 3. Can you tell what day of the month that was, or day of the week?—A. I cannot tell; I think Friday or Saturday of last week.
Q. 4. Well, at the time of that count did you keep tally of the count?—A. Yes, sir.
Q. 5. What was the result; how many did Frederick have, and how many did Wilson?
(Objection, because there is no evidence that those are the ballots that were cast, not having been carefully preserved, &c. The count was not made under oath.)
A. 101 for Wilson; 98 for Frederick.
Q. 6. Whreabouts was this count had; where did it take place?—A. At Mr. French's harness store.
Q. 7. Did you handle any of the votes—you or Mr. Stone—at all?—A. No, sir.
Q. 8. Who called them off?—A. Mr. French.
Q. 9. Where did he get them?—A. He got them out of the ballot-box.
Q. 10. This same box produced here to-night?—A. I think so.
Q. 11. Did you look at those ballots as they were being counted here to-night?—A. I looked at them.

Q. 12. Were they the same ballots counted there that day?—A. Yes; they were, I think.

Cross-examination:

Q. 13. What do you form your opinion from?—A. They look like the same ballots.
Q. 14. What did you do at the time of the count?—A. I just said that I tallied.
Q. 15. Did you see the ballots by tallying?—A. I will tell you—let me see—wait a minute. I am not sure now whether I tallied or whether Mr. Stone tallied. I cannot be positive whether I tallied or not.
Q. 16. You did not keep count?—A. I said that because of these——
Q. 17. Answer yes or no. Do you know whether you kept any count?—A. Yes, sir; I have a count here I took myself.
Q. 18. Took at the time of the tally?—A. Yes, sir.
Q. 19. Did you tally?—A. I say I won't be sure whether I tallied or not.
Q. 20. Then how did you keep count?—A. If I did not keep count myself I took a count from Mr. Stone's book.
Q. 21. I ask you whether you know anything about it, only what Mr. Stone told you?—A. Just let me think a minute.
Q. 22. I am not hindering you from thinking.—A. I give it up. I do not know whether I tallied or not.
Q. 24. You don't know whether you tallied or not?—A. I think so.
Q. 25. You saw them?—A. Yes, sir, I saw them.
Q. 26. You examined them?—A. I did not take hold of them. I looked over them; I did not compare them. I simply looked over them as we ran them off, to see whether for Frederick or Wilson.
Q. 27. All that you know about it is what Mr. Stone told you?—A. I took it from Mr. Stone's tallying.
Q. 28. You copied from Stone's tallying, of course, alone?—A. I took it from his.
Q. 29. Do you know anything more about the result except what Stone told you?—A. I presume not.
Q. 30. How came you to go there to look?—A. Mr. Stone requested me to go with him.
Q. 31. He is the gentleman from Marshalltown; what does he do up there; what is his given name?—A. I don't know that I can give it to you.
Q. 32. Was he a stranger to you?—A. Yes, sir.
Q. 33. You don't know his name or what he follows?—A. Yes, sir; he was a right-of-way-man for a R'y Co.
Q. 34. He came there to see you to get you to come to see the votes counted?—A. I don't know that he came expressly to see me. Yes, sir, he came into my store; asked me to go with him to French's; he wanted somebody to see the votes counted.
Q. 35. This right-of-way man wanted to see the votes counted. Did they count them when you were present?—A. French counted the votes.
Q. 36. He wanted you to be present when the votes were counted?—A. Yes, sir.
Q. 37. You were quite an active Frederick man in the canvass?—A. No, sir; not active, but a man.
Q. 39. You were an active man in the canvass?—A. No, sir; not very.
Q. 40. What men were active in the canvass?—A. I don't know any of them.
Q. 41. Were you active?—A. I have answered that question; I don't have to answer it.
Q. 42. What part did you take in the election for Mr. Frederick?—A. What part did I take?
Q. 43. Yes, sir.—A. I walked down and voted.
Q. 44. Is that all?—A. Yes, sir; that is all.
Q. 45. You did not take any part in drumming up votes?—A. If I expressed myself, I expressed myself in favor of Frederick.
Q. 46. You say you did not answer that question as to whether you took an active part in drumming up votes?—A. I say I did not take a very active part.
Q. 47. Did you then take a part in drumming—in drumming up votes for Frederick at the polls?—A. No, sir; I didn't at the polls; I did not say I was at the polls but once; I presume I voted; I am pretty sure I voted; I can not answer that positively.
Q. 48. Now, when you were up there, you and this right-of-way man went up to count these votes, where did you find Mr. French?—A. In his harness store.
Q. 49. In his store?—A. Yes, sir.
Q. 50. Where is that, in connection with the shop?—A. In the same building.
Q. 51. In the same room?—A. Yes, sir.
Q. 52. About what size was that front room?—A. Well, I don't exactly know.
Q. 53. What do you judge?—A. Probably 20 x 30; I don't know, though.
Q. 54. Well, when you found him, where did you go?—A. We stayed right there.
Q. 55. You stayed in the front room?—A. Well, we were in both rooms.

Q. 56. You say you found him in the front room?—A. We stayed in the store after that; back in the back part of the store is where we did the work.
Q. 57. In his harness shop?—A. Yes, sir.
Q. 58. Who found the ballot-box?—A. Mr. French and Mr. Stone, before Mr. French left.
Q. 59. Where was that?—A. He told me——
Q. 60. I did not ask you what he told you. Where did he find it?—A. I don't know where in thunder he found it; I have his word for it.
Q. 61. Did you go into the back room with him?—A. Yes, sir.
Q. 62. Stone go too?—A. Yes, sir.
Q. 63. How big is this room?—A. 12 x 20, probably.
Q. 64. Back door?—A. I don't know whether or not.
Q. 65. How long had you been there when Mr. French found the ballot-box in the back room?—A. Probably half an hour, though I will not be positive about it.
Q. 66. Was French there all the time this half hour?—A. No, sir; he had gone out to find the ballot-box.
Q. 67. He went out somewhere and found the ballot-box?—A. Yes, sir.
Q. 68. Then it was not under the cutting-bench?—A. No, sir.
Q. 69. Was he gone half an hour hunting the ballot-box?—A. I should judge.
Q. 70. When he came back he brought this ballot-box with him; you and Stone and he counted the ballots. Did not get it there in his room at all?—A. I think not.
Q. 71. Who unlocked it, or was it locked?—A. Well, I don't know who unlocked it; I am sure I did not.
Q. 72. Did you see anybody unlock the box?—A. I cannot answer that question.
Q. 73. You have no recollection of seeing anybody unlock the box?—A. I don't know that I noticed; I don't suppose that I did.
Q. 74. Did he bring it under his arm?—A. I dont know whether under his arm.
Q. 75. What did he do with it?—A. Set it on the table.
Q. 76. On the counting table?—A. I suppose so.
Q. 77. Who opened it?—A. Mr. French did.
Q. 78. French opened the box?—A. Yes, sir.
Q. 80. How did he do it?—A. I cannot tell for the life of me; I suppose he lifted the lid.
Q. 82. Take them all out, laying them on the table?—A. Yes, sir; took them all out.
Q. 83. Then what did you do when you had all of the ballots out of the box onto the table?—A. French counted; run through them.
Q. 84. French laid them on the table?—A. Yes, sir.
Q. 85. Mr. Stone, you said, tallied?—A. I think so.
Q. 86. You looked on?—A. Yes, sir; I think so.
Q. 87. Looked at the tallying or the counting?—A. At the tickets.
Q. 88. When they were counted?—A. Yes, sir.
($2.45 paid as fee by contestant.)

JAS. M. PUTNAM.

STATE OF IOWA,
Tama County, ss:

I, Eldon Moran, a notary public and commissioner agreed upon by the parties to take testimony in this cause in pursuance of the annexed agreement attached to the testimony of J. L. Adams, whose testimony was taken Feb. 22, 1883, do truly certify that on the 6th day of March A. D. 1883, in pursuance of the notice hereunto annexed, I took the deposition of the following-named witnesses: Benj. Thompson, E. G. Penrose Thos. L. Williamson, Benj. Thompson (recalled), A. W. Guernsey, W. T. Hallen, Silas Sears, Charles A. Wilson, C. Cunningham, Thos. Williamson (recalled), John Fife, H. Day, A. S. McFerren, James Sanborn, E. L. Fish, C. W. Birdsall, O. E. Parks, R. L. Swain, N. Pisher, A. J. Dingee, Silas Sears (recalled), G. R. McIntyre, Chas. French, G. W. Hess, S. W. Berry, J. M. Putnam, whose testimony is set forth herein in the following manner:

Each witness was first sworn by me duly, or caused to be sworn, in my presence, as provided by law, and when sworn, the questions were propounded to him by the respective parties, Benj. T. Frederick, contestant, and James Wilson, contestee, by their respective attorneys, and the question by me read to the witness who answered the same, and his answer in the language of the witness was by me taken down under each question propounded, and reduced to writing until the deposition was completed.

I further certify that when the testimony of each witness was taken, I carefully read the same over to the witness, who corrected the same, and each correction noted and said testimony was then signed by the witness and sworn to by him before me.

I further certify that T. Brown & Carney appeared as counsel for the contestant, Benj. T. Frederick and W. H. Stivers appeared as counsel for James Wilson, contestee.

In witness whereof I have set my hand and seal notarially this 6th day of March A. D. 1883.

[SEAL.]

ELDON MORAN,
Notary Public for Johnson County, Iowa,
and Commissioner agreed upon to take testimony.

No. 3.

STATE OF IOWA,
Marshall County, ss:

Deposition of witnesses produced before me, Eldon Moran, a notary public and commissioner agreed upon to take testimony in this cause, and duly sworn before J. H. Bradley, a notary public for Marshall County, on this 11th day of April, A. D. 1883, at Marshalltown, in pursuance of the notice hereunto attached, in a proceeding pending before the House of Representatives of the United States of America, in a contested election for the office of Representative in Congress, in which proceeding Benj. T. Frederick is contestant, and James Wilson contestee; Brown & Carney for contestant, and J. H. Bradley for contestee.

STATE OF IOWA,
Marshall County, ss:

D. S. TYNER, being produced and sworn before J. H. Bradley, a notary public for Marshall County, on this 11th day of April, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant and J. H. Bradley on part of contestee):

Q. 1. Where do you live?—A. I live in Montour, Indian Village Township.

Q. 2. Did you vote at the Nov. election, '82?—A. Yes, sir.

Q. 3. Where did you vote?—A. At Montour, Tama Co., Iowa.

Q. 4. For whom did you vote for the office of Representative in Congress?—A. Mr. Wilson.

Q. 5. Where did you live prior to that time?—A. My home has always been in Tama Co.

Q. 6. Did you go to Dakota and take a claim?—A. I went to Dakota.

Q. 7. What time did you go to take that claim?—A. I went in March; I don't know whether you would call it taking a claim; I applied for a claim, but did not get it.

Q. 8. How long did you remain?—A. Three days, and then I came back.

Q. 9. Did you go to Carroll County after that?—A. I went to Dakota again; first time went in April.

Q. 10. How long did you stay then?—A. Staid until July.

Q. 10 (*a*). Did you take a claim? You staid until July; where did you go then?—A. Back home.

Q. 11. To Tama County?—A. Yes, sir.

Q. 12. Where did you go then?—A. To the western part of the State.

Q. 12. Where were you—near the Toledo and Northwestern road?—A. As far as Lake City, back through Shelby Co., back into Carroll County, and then home.

Q. 14. How long did you stay in Carroll County?—A. I was there four weeks.

Q. 15. Did you rent some land up there?—A. Yes, sir; I did.

Q. 16. Did you live on it?—A. No. sir.

Q. 17. Did you stay with it?—A. No, sir; I think I was there a couple or three weeks; I was there only a short time, did a little plowing, and came back home.

Q. 18. Did you move all your things away?—A. No, sir.

Q. 19. Did you take anything with you?—A. I took one team and a plow.

Q. 20. Did you have a wife or family at home?—A. No, sir; I am a single man.

Q. 21. Did you leave anything at home?—A. Yes, sir.

Q. 22. What did you leave?—A. My money and clothes at home, except my working clothes. I have some bedding, and I left that. I have a buggy, and I left that at home.

Q. 23. Did you take the rest of your property with you?—A. I took nothing, except the team.

Q. 24. Did you take harness and wagon?—A. We had a wagon together. We had that; yes, sir. All I took was a team.

Q. 25. Did you stop there for the purpose of farming?—A. I went to do some fall plowing on the place we had rented.

Q. 26. What time did you return from Carroll County; and what time were you there?—A. I think we were there, it might have been the last of Sep., after the county fair. We got back the last of Oct. some time. I don't remember the day we got home.

Q. 27. Who went with you?—A. Mr. Carter.

Q. 28. What time did Mr. Carter go out there?—A. He went with me and came home with me.

Q. 29. Did he go to Dakota with you?—A. Yes, sir.

Q. 30. Did you go to Dakota to take a claim?—A. We expected to take a claim, do some breaking to hold it, and then come home again.

Q. 31. Did you go to Carroll County with the expectation of farming your land in the spring?—A. Yes, sir; we expected in the spring to go back again.

Q. 32. You went with the expectation of moving on the farm and doing business there?—A. Yes, sir; the next year.

Q. 33. You did some business there; expected to live there?—A. All the business that we did was to plow a little.

Q. 34. That is all the farming you did?—A. Yes, sir; all we had to do in the fall.

Q. 35. When you were requested to vote did you not tell them you were not a voter?—A. I went up to the polls to vote; they objected to my voting. I told them I wanted to think about the thing a little. Of course wanted to think about the thing. I studied it out a little while, got a little advice, concluded I was a voter, and voted.

Q. 36. You had some doubts; you had moved away; you afterwards moved up to Carroll County?—A. No, sir.

Q. 37. Was it not just the same as if you had moved anywhere. The fact that you left a few clothes did not make any difference?—A. When I go to move I take all my property; when I go to work I don't take it all.

Q. 38. Did you not know how Mr. Carter voted?—A. No, sir; all I know is what I heard.

Q. 39. Did he state at that time how he voted?

(Objection on the ground that it is incompetent and immaterial.)

A. He said that he voted a straight Republican ticket.

Cross-examination:

Q. 40. You did not intend to move out to Carroll County till this spring?—A. No, sir.

Q. 41. By going out there to make improvements you only intended it to advance your work?—A. Simply to advance our work in the spring.

Q. 42. Did Mr. Carter intend to do the same as you did?—A. Yes, sir.

Q. 43. He came back the same as you did?—A. Yes, sir; he was here the whole season; only a few days from home.

Q. 44. Was he a married man?—A. No, sir; he was not.

Q. 45. Did you and Mr. Carter both stay there through the winter, at Montour?—A. Yes, sir; that was our home; he was running around where he had a little business to attend to.

Q. 46. Montour was your home at that time.—A. Yes, sir; he was at different places; he was busily engaged right there. He was at various places away from home.

Q. 47. You say you did not succeed in getting a claim in Dakota?—A. No, sir; we applied for our claim. I did not get any until the other boys got a claim. We did not get the land we took, and our money was refunded to us.

Q. 48. You did not make any home there?—A. No, sir; we disposed of it.

Q. 49. I understood when you went out there, you went temporarily; you intended to return, then decided to go in the spring?—A. Yes, sir; that was so; I intended to go back in the spring.

Q. 50. When did Carter go to Carroll County?—A. I think the first week in March that he moved.

Q. 51. Has he been out there during the winter or fall?—A. I think he made two trips to Carroll in the winter; he was only gone a few days.

Q. 52. How long had you been in Carroll County before you returned to Montour?—A. I think four or five or six weeks. Something like that; I think we went last Sep.; came home last Oct.; some time about that time.

Q. 53. Did you go there the last of Oct.?—A. No, sir; the last of Sep.; returned the last of Oct.

Q. 54. You did not get back until a day or two before election?—A. I don't know how long we were home before the election.

Q. 55. Did you not return home Sat. before election?—A. I got home Sun.

Q. 56. Well, Sun. before the election?—A. I don't know whether that Sun. or Sun. week before the election; it could not have been more than a week.

Q. 57. Did you not return the 5th of Nov., in fact?—A. I could not say about the 5th of Nov.; I could not say in regard to that.

Q. 58. You put money in your claim in Dakota?—A. We deposited money with the land agents when we went there, he returned the money to us.

$2.25 paid as fee by contestant.

D. S. TYNER.

STATE OF IOWA,
Marshall County, ss:

E. E. WILCOX, being produced and sworn before Mr. Brown, a notary public for Marshall County, on this 11th day of April, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and J. H. Bradley on the part of contestee):

Q. 1. Are you station agent at Montour?—A. Yes, sir.
Q. 2. Do you know Mr. Tyner? Do you know of their moving to Carroll County?—A. Yes, sir; only by the record left in the office by what they shipped.
(Contestant objects to the testimony; the record is the best evidence.)
(Witness produces the book.)
Q. 3. You may state what you have recorded here in regard to Mr. Tyner and Mr. Carter.—A. I only have a record of Mr. Carter's way bill of the shipment left in the office: Way-bill No. 6, April 24th, 1882; Montour to Hitchcock, Dakota; emigrant; Dakota Central car, 1522.
Q. 4. What is Mr. Carter's first name?—A. The initials given here are J. O. Carter.
Q. 5. He took a whole car load, did he?—A. Yes, sir; according to the records.
Q. 6. There is no record as to Mr. Tyner—what he shipped?—A. Not that I know of.
Q. 7. Did Mr. Tyner go with Mr. Carter?—A. I could not say.
(Contestant objects to the preceding; evidence is incompetent and immaterial.)
($1.85 paid as fee by contestant.)

E. E. WILCOX.

D. S. TYNER recalled:

Q. 1. Did you go with Carter to Dakota?—A. Yes, sir.
Q. 2. Did you have any property in your care?—A. Yes, sir.
Q. 3. What was it?—A. Three horses, corn, oats, and a breaking-plow; also a trunk.
Q. 4. Did you have any bedding?—A. Nothing, only I believe a big quilt, and three or four horse-blankets; also a trunk.
Q. 5. You went there to stay when you started, did you not?—A. Yes, sir; I staid a short time and did some breaking.
Q. 6. You had no idea as to when you would come back?—A. Yes, sir.
Q. 7. When did you say you would be back?—A. Right in harvest, or August; by fall, any way.
Q. 8. You went to take a claim; locate it and improve it?—A. We left money; we desired to go up there, do some plowing, and return.

Cross-examination:

Q. 9. When you went there you found your claim was not open?—A. Yes; we sold out and came home.
Q. 10. When you went you did not intend to change your residence, then?—A. Yes, sir.

Redirect:

Q. 11. What time did you rent your farm in Carroll County?—A. Some time in the month of September.
Q. 12. How long did you rent it for?—A. For a year from the first of March; the time was to commence the first of March, '83.
Q. 13. Did you not have possession in the fall to do plowing?—A. Yes, sir; we boarded ourselves, that we might do fall plowing.
Q. 14. Did you not have possession for the purpose of improving your farm?—A. I don't know whether you would call it possession or not.
Q. 15. Did you do plowing?—A. Yes, sir.
Q. 16. You did not have possession to do plowing?—A. I don't know what you would call it.
(Excused.)

STATE OF IOWA,
Marshall County, ss:

J. A. HARVEY, being produced and sworn before J. H. Bradley, notary public for Marshall County, on this 11th day of April, '83, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, J. H. Bradley on part of contestee):

Q. 1. Do you remember when Mr. Carter and Tyner left for Dakota?—A. Only by referring to the books.
Q. 2. You are one of the station agents?—A. I was a student in the telegraph office.
Q. 3. You may state what they said as to their going away.
(Objection.)

Q. 4. Do you know whether they left as permanently moving, or not?—A. I do not know; I cannot say as to that.

Q. 5. Did you ever have any conversation with him?—A. I don't think I did, only when we were loading the car there that day.

Q. 6. What did they tell you?—A. Mr. Carter told me that he had a nice piece of land up there; was going up there to live on it.

(Contestee objects to testimony as being incompetent and immaterial.)

($1.85 paid as fee by contestant.)

J. A. HARVEY.

STATE OF IOWA,
Marshall County, ss:

JAMES L. MCGEE, being produced and sworn before J. H. Bradley, notary public for Marshall County, on this 11th day of April, '83, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, J. H. Bradley on part of contestee):

Q. 1. Where do you live?—A. In Indian Village Township, Tama County.

Q. 2. Do you know Tyner and Carter?—A. Yes, sir.

Q. 3. Where do they reside?—A. Tyner, or his father, lives three-fourths of a mile from my place—our farms are joining; that is, the young man's father. He has no particular home any more than when he is with his father.

Q. 4. He was here last summer. Do you know for what purpose he went away?—A. I knew that he was here; also as to where he was going to be.

Q. 5. What did he say?

(Objection, incompetent and immaterial.)

A. I understood from the neighbors that they were moving up there.

Q. 6. To Dakota?—A. Yes, sir.

Q. 7. For the purpose of making that their home?—A. Yes, sir; that seemed to be the understanding.

Q. 8. What did Carter say about that?

(Objection, incompetent and immaterial.)

A. After he came back from there, in the first place, he said that he liked the country, and that he had taken out a nice piece of land. He said that they had found a nice piece of land to suit them, but, finding that the land-office was 80 miles west, caused them to go out there; that they would have to go by stage or walk out. We got men to attend to it; paid them for it. They came down to get horses, and started to move up there.

Q. 9. You may state where they lived during the summer.—A. They were not down there until the fore part of August, and were there, I guess, about two weeks, probably; then they left there and went west.

Q. 10. Do you know what they went west for?—A. I had a talk with Mr. Carter. He said they had lost the piece of ground they wanted to get, and they had made up their minds they would go to the western part of the State to get land. When they went to the ticket office they found they could get a ticket to Montour as a cheap or cheaper to the western part of the State. They concluded that they would run around here, see the boys, and then go on west.

Q. 11. How long were they gone that time?—A. They were gone quite awhile. I did not have any talk with them. I understood they rented a piece of ground; got it to go to work on.

Q. 12. What time did they return before election?—A. The first I saw of them was on the day of the election.

Q. 13. Do you know whether or not they voted at the election?—A. I saw this man Tyner vote. I did not see Mr. Carter vote; this man's vote was challenged, and it went in. Carter voted the fore part of the day. I voted the latter part of the day.

Q. 14. Do you understand that they moved there from Montour and had a residence there before the election?—A. Well, I don't know; they sold out in Dakota. I understood that when they rented a piece of ground they went out to commence work on it.

(Contestee objects to the testimony of this witness, for the reason that it's a declaration which is incompetent hearsay.)

($2.35 paid as fee by contestant.)

JAMES MCGEE.

STATE OF IOWA,
Marshall County, ss:

I, Eldon Moran, a notary public and commissioner agreed upon to take testimony in this cause, in pursuance of the annexed agreement, attached to the testimony of J. L. Adams, whose testimony was taken February 22, 1883, do truly certify that on the 11th day of April, 1883, in pursuance of the notice hereunto annexed, I took

the depositions of the following-named witnesses: D. S. Tyner, E. E. Wilcox, D. S. Tyner (recalled), J. H. Harvey, James L. McGee, whose testimony is set forth in the following manner: Each witness was by me duly sworn, or caused to be sworn, in my presence, as provided by law, and when sworn, the questions were propounded to him by the respective parties, Benj. T. Frederick, contestant, and James Wilson, contestee, by their respective attorneys, and the question by me read to the witness, who answered the same, and his answer by me, in the language of the witness, taken down under each question propounded, and reduced to writing till the deposition was completed.

I further certify that when the testimony of each witness was taken, I carefully read the same over to the witness, who corrected the same, and each correction noted, and said testimony was then signed by the witness and sworn to by him before me.

I further certify that T. Brown appeared as counsel for the contestant, Benj. T. Frederick; and J. H. Bradley appeared as counsel for the contestee, James Wilson.

In witness whereof I have set my hand and seal notarially this 11th day of April, A. D. 1883.

[SEAL.]

ELDON MORAN,
Notary Public for Johnson County, Iowa,
and Commissioner agreed upon to take testimony.

STATE OF IOWA,
Marshall County, ss:

C. A. STEVENS, being produced and sworn before J. H. Bradley, on this 10th day of March, 1883, and examined before me, testifies as follows (T Brown appearing on the part of contestant, J. H. Bradley on part of contestee):

Q. 1. How old are you?—A. Thirty-one years old.

Q. 2. Where do you reside?—A. Montour.

Q. 3. Were you one of the officers at the November election held in Indian Village Township, Tama County, Iowa, in which the electors voted for the office of Representative in Congress?—A. Yes, sir.

Q. 4. What office did you hold?—A. Township clerk.

Q. 4(*a*). Did you have the ballot-box of that township in your possession after the election?—A. Yes, sir.

Q. 5. How long?—A. Until January 1st.

Q. 6. You may state where the ballot-box was kept while you had it in your possession.—A. It was kept in the bank. It sat on the safe part of the time and part of the time under the counter.

Q. 7. Who had access to it?—A. C. J. Stevens.

Q. 8. Where was the key?—A. It hung up in the office.

Q. 9. You are C. J. Stevens?—A. No; C. A. Stevens is my name.

Q. 10. Do you know whether the ballot-box was disturbed while in your possession or the ballots taken out or exchanged?—A. I don't know; it might have been.

Q. 11. Who was there that could have done it?—A. Well, I don't know of any one unless it was C. J. Stevens.

Q. 12. What are his politics?—A. Republican.

Q. 13. Is he the proprietor of the bank?—A. Yes, sir; he was at that time.

Q. 14. Was this kept in the back part of the building?—A. Yes, sir; under the counter part of the time and part of the time sitting on the floor beside the safe. I don't know but what I did have it some of the time in the back part of the office sitting on top of the desk.

Q. 15. Who had access to the key besides yourself?—A. I don't know that anybody did, but the ballot-box is in such shape that any one can open it.

Q. 16. How do it?—A. By turning it up on one end.

Q. 17. Well, what persons had access to it?—I don't know of any one except Stevens.

Q. 18. Is he the only person that could have opened it?—A. Yes, sir; the only one that I know.

Q. 19. You never opened it or disturbed the ballots?—A. I took them out once the next morning after the election.

Q. 20. For what purpose?—A. Just to look them over.

Q. 21. Did you alter any of the ballots?—A. No, sir.

Q. 22. Did you recount them?—A. No, sir.

Q. 23. Did you erase any name upon any ballot for any office?—A. No, sir.

Q. 24. Or write anything upon any one?—A. You mean after the election?

Q. 25. Yes, sir.—A. No, sir.

Q. 26. What do you say as to the ballots in the box when you turned it over to your successor being the same identical ballots?—A. Yes, sir; for anything that I know of.

Q. 27. Have you any reason to doubt but that these are the same ballots?—A. No, sir.

Cross-examination:

Q. 28. Is your box so that if turned up on one end the lock will allow it to open?—A. Yes, sir.

Q. 29. Where was the safe?—A. In the back part of the building.

Q. 30. Was that back of the counter inside?—A. The bank part of it is in two separate rooms; the first part of the office as you come in is where the safe is kept, and there is a back sitting room; this ballot-box, I think, most of the time was kept in that room.

Q. 31. That was on the back side of the counter?—A. Yes, sir; it was.

Q. 32. You simply know that you did not take care of the ballots yourself?—A. No, sir; I did not.

Q. 33. You did not say anybody had it?—A. No, sir.

Q. 34. You say the ballot-box could have been opened?—A. Yes, sir.

Q. 35. Did you make a canvass that night?—A. No, sir; I just kept tally.

Q. 36. Did you keep tally correctly?—A. Yes, sir.

Q. 37. Were you particular about it?—A. Yes, sir.

Q. 38. One of the judges handed out the tickets, and one of them counted them off?—A. Yes, sir.

Q. 39. In the presence of all three?—A. Yes, sir.

Q. 40. Did they all examine them?—A. No, sir, I think not; I think that Mr. Taplin unfolded them in tallies of 5 each, and handed them to Mr. ————, and called them off.

Q. 41. Did you make out certificates at the end of the tally-book?—A. No, sir; not in this thing. The one that I made out went to Toledo.

Q. 42. For aught you know?—A. Yes, sir.

Q. 43. The ballots may have been changed?—A. Yes, sir; for aught I know.

Q. 44. The key hung up in the office?—A. Yes, sir; the key hung up in the room where the safe was.

Q. 45. You say if you turn the box up on one end you need no key?—A. Yes, sir; that is a fact.

Redirect examination:

Q. 46. Is that place where the ballot-box was kept where everybody went, or nobody besides you and Stevens?—A. Yes, sir; this is about all the people that were allowed in there.

Q. 47. You did not allow everybody in your money drawer?—A. No, sir.

Q. 48. It was not kept where anybody had access to it besides Mr. Stevens?—A. no, sir.

Q. 49. Mr. Stevens is a banker there and a reputable man?—A. Yes, sir.

Q. 50. What office has he held?—A. He was clerk of the courts.

Q. 51. Nobody else besides Mr. Stevens and yourself?—A. No, sir; I don't think of anybody else besides my wife. I do not think she did anything of that kind.

($2.00 paid as fee by contestant.)

C. A. STEVENS.

STATE OF IOWA,
Marshall County, ss:

A. B. TAPLIN, being produced and sworn before me, J. H. Bradley, a notary public in and for Marshall County, on this 10th day of March, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and J. H. Bradley on the part of contestee):

Q. 1. What is your name, age, and place of residence, and occupation?—A. My name is A. B. Taplin; age, 54; and I live in Montour.

Q. 2. Were you one of the judges of the election held in Indian Village Township in November, 1882?—A. Yes, sir; I was one of the judges.

Q. 3. State what time these votes were counted?—A. We commenced to count votes I think, about half past seven o'clock in the evening.

Q. 4. What kind of light did you have?—A. We had kerosene lamps; three of them, I think.

Q. 5. Who were the other officers?—A. James Miles, Fred Hotchkiss, and myself were all. Chas. Stevens was clerk; Wm. Thomas was the other, I think. That is my recollection.

Q. 6. You may state how you counted the votes, whether in fives or not?—A. Well, I took the votes out of the box very carefully and passed them to Hotchkiss; another judge read them through, and they were tallied, of course.

Q. 7. How old a man is Mr. Hotchkiss?—A. 35 or 36; somewhere along there.

Q. 8. Have you assisted in the recount to-day?—A. Yes, sir; I have assisted in taking the return of the number of votes, also in tallying the names.

Q. 9. How many ballots did you find in the box to-day for the office of Representative in Congress—how many for each man?—A. I think it all foots up to 243.

Q. 10. That is all the votes in the box?—A. Yes, sir; 121 we found it to-day for Mr. Wilson, 108 for Frederick, 6 for Platner; 8 have no Representative on at all.

Q. 11. Are two of these tickets such tickets as might have come off from other tickets?—A. Yes, sir; it looks as though there might be two of them that might have come off.

Q. 12. Was the township ticket written or penciled on?—A. Yes, sir; a good many of them.

Q. 13. They might have come off in the boxes?—A. Yes, sir; it is possible they might.

Q. 14. Yet you have no recollection of any one voting township ticket without anything else?—A. I had no other way of knowing.

Q. 15. From the appearance of these two extra ballots, or rather township tickets, what is your judgment as to their having been attached to other tickets?—A. One of them, I am sure, was attached; as to the other I am not so certain.

Q. 16. Then really only 242 votes were found in the box, if there is over 241?—A. I would say not.

Q. 17. Did you count the tickets over more than once at the election?—A. No, sir; to my recollection I would not.

Q. 18. There were a good many tickets in the box with the name of Frederick written on them, were there not, and you found such at the election?—A. Yes, sir.

Q. It being in the night time when you counted, what do you say as to the possibility of your making an error in counting the ballots?—A. I will admit that I might make an error now, or either I was careful; I kept close to the light.

Q. 21. Did you wear glasses on that night?—A. Yes, sir; I did wear glasses.

Q. 22. You have made no error in the count to-day, have you?—A. No, sir; I do not know that I have. I do not know that I had then either.

Q. 23. How many times did you count the votes to-day?—A. I have seen them counted twice; tallying after the call was made.

Cross-examination:

Q. You took as much as ordinary care to make a correct canvass, did you not?—A. Yes, sir; I did.

Q. 26. And it may be that the count to-day is right?—A. Yes, it might be.

Q. 27. Well, might it not be now, considering the scratches on the ballots, that the count is right to-day, and was right on that night, and there have been no changes?—A. It might be, sir; I do not know anything about that.

Q. 28. You could not tell from the examination of the tickets whether scratches were made then or since then?—A. No, sir.

Q. 29. Well, as to the probability of your canvassing rightly, you mean to say simply that there was a possibility of an error?—A. Yes, sir; there was a possibility of an error.

Q. 30. You do not mean to say a probability?—A. No, sir; only a possibility.

Q. 31. You mean to say you feel pretty certain it was right?—A. Yes, sir; I felt so all the time.

Q. 32. And you still feel so?—A. Yes, sir.

Q. 32 K. These two ballots, if you please; I would like to have you take these two ballots out and let us see them. I now refer to the ballots to which I believe there are no State tickets attached.

(Witness here produces the same.)

These tickets, now, which you say it would be possible to become attached—you think, do you, that it would have been possible for either of them to become attached to another in the box?—A. In case of one I do not see anything to indicate that it could have been attached.

Q. 34. Did you observe any paste or pen-work?—A. No, sir.

Q. 35. The other ticket is all in writing or in printing?—A. Yes, sir.

Q. 36. Did you observe any paste on that one?—A. Yes, sir; there is some that came off.

Q. 37. Both are simply township tickets?—A. Yes, sir.

Redirect:

Q. 38. That may have been folded into another ticket, may it not?—A. I do not know at that time—it could have been, of course.

Q. 39. You are not so certain but there was a possibility of a mistake in that election, and that in the count of the votes the clerks might have made an error in the tallying?—A. Yes, sir; there is a possibility of error in almost anything that might be done.

Q. 40. The clerks might have made an error, although you might have called them right?—A. Yes, sir; that might be.

Q. 41. You would be as likely to place it in that direction as in any other?—A. I would hardly know where to put it.

Q. 42. It is not uncommon that errors are made in the tally, is it? There are discrepancies between the two clerks frequently?—A. Yes, sir; there is a discrepancy sometimes of one tally; I have seen that at different times; although I did not notice that one there.

Recross-examination:

Q. 43. Did you count the ballots before you commenced the canvass, after the election, to see whether the number of ballots agreed with the number of voters?—A. No, sir; I do not think that we did. I think that we went to work on them counting them out by fives.

A. B. TAPLIN.

Witness fee, $2.00, paid by contestant.

No. 4.

STATE OF IOWA,
Tama County, ss:

Depositions of witnesses produced before me, Eldon Moran, a notary public and commissioner agreed upon to take testimony, and duly sworn before G. W. Burnham, a notary public for Tama County, Iowa, on this 5th day of May, 1883. In pursuance of the notice hereunto attached, in a proceeding pending before the House of Representatives of the United States of America, in a contested election for the office of Representative in Congress, in which proceeding Benj. T. Frederick is contestant, and James Wilson contestee, the following testimony was taken:

STATE OF IOWA,
Tama County, ss:

ARTHUR NELSON, being produced and sworn before O. H. Mills, notary public for Tama County, on this 5th day of May, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and W. H. Stivers on the part of contestee):

Q. 1. Where do you reside?—A. At Potter, Tama County, Iowa.
Q. 2. How long have you resided there?—A. 16 months.
Q. 3. Did you know Thomas McGuire?—A. Yes, sir; I do.
Q. 4. How long have you known him?—A. Personally, about two and one-half years; by sight, about three years.
Q. 5. Where did he live during that time?—A. A part of the time at Potter; part of the time at Fayette County
Q. 6. How long did he live in Potter?—A. I think he was there about 6 months; he came in May and went away about the first of October; he was discharged; he didn't go away until about the middle of October; I think he was discharged the 2d day of October; it was the day the circus was here; that is the way I remember the day.
Q. 7. In 1882?—A. Yes, sir.
Q. 8. Was he here at the November election, 1882?—A. Yes, sir.
Q. 9. He voted at the election, did he?—A. I cannot say.
Q. 10. Where did he board?—A. At the section-house until he was discharged; then he boarded with Mr. Hixon.
Q. 11. Had he been here in Tama County over 6 months at the time of the election?—A. He came here in May; you can count.
Q. 12. He came here about the first of May?—A. Yes, sir.
Q. 13. How long have you known him to be in the State?—A. Three years, except 6 weeks; he went back to Wisconsin to visit.
Q. 14. Did you know of his being a voter in this State?—A. I have known him to vote two different times; he voted with me once; we polled our votes side by side.
Q. 15. Where was that?—A. In Fayette County.

Cross-examination:

Q. 16. What did he do?—A. He worked on the railroad.
Q. 17. What work?—A. Section hand.
Q. 18. How long have you been in the county working as section hand?—A. I came here the 7th of January, a year ago.
Q. 19. Jan. 1882?—A. Yes, sir; 1882.
Q. 20. From where?—A. I came from Marion here.
Q. 21. How long had you been in Marion?—A. Not very long; I don't know exactly.
Q. 22. Well, how long?—A. Two or three months, maybe.
Q. 23. From where did you come to Marion?—A. From Tama County.
Q. 24. What part of it?—A. From the town of Randalia.
Q. 25. How long did you live at Randalia?—A. Nine months.
Q. 26. From where did you come to Randalia?—A. Hazleton, Buchanan County.

Q. 27. What is your age?—A. Twenty-four years.
Q. 28. You were at Marion, what were you doing there?—A. Working for the company.
Q. 29. For the Milwaukee R. R. Co?—A. Yes, sir.
Q. 30. How long have you been working for them?—A. Sixteen or eighteen months.
Q. 31. Where did you commence working for them?—A. In Marion.
Q. 32. How came you to go to Potter?—A. To work.
Q. 33. The company sent you up there to work?—A. Yes, sir.
Q. 34. Do you go wherever the company sends you?—A. Yes, sir; when I am pleased with the position.
Q. 35. You have been doing that wherever the company commands you to go?—A. Yes, sir.
Q. 36. Did the company give you any time, any length of time, to work at Potter?—A. No, sir.
Q. 37. Did you expect to go wherever they send you?—A. They told me they would give me work at Potter.
Q. 38. You expected to work there as long as they wanted you?—A. Yes, sir.
Q. 39. What did you expect to do then?—A. The next best thing.
Q. 40. Did you go wherever they wanted you to?—A. Yes, sir; wherever I wanted to work for them.
Q. 41. You did'nt go to Potter to stay any time?—A. No, sir.
Q. 42. Just as long as they wanted you to work?—A. Yes, sir.
Q. 43. The man McGuire you say you knew in Fayette County?—A. Yes, sir.
Q. 44. When did you know him there?—A. I knew him there in 1881.
Q. 45. What time of year you referred to in 1881?—A. It was in the winter '80 and '81.
Q. 46. 6 months prior to January '81 you were not referring were you?—A. No, sir.
Q. 47. How long was it, please, before '82, was it 6 months?—A. Hardly that long.
Q. 48. How long was it then?—A. Well, I think it was in August or September I went to Marion.
Q. 49. 1881?—A. No, sir, '82; hold on; I will tell you in a minute; it was in '81, in Aug. or Sept.
Q. 50. Tell us again when you knew this man McGuire in Fayette?—A. In the winter of '80 and '81, some time along during the winter.
Q. 51. When did you first become acquainted with him?—A. Later than that, when I first became acquainted with him.
Q. 52. When did you become personally acquainted with that man McGuire?—A. in March some time.
Q. 53. In '81?—A. Yes, sir.
Q. 54. You lived in Fayette in Aug. or Sep., '81?—A. Yes, sir.
Q. 55. Have you been back to Montour since?—A. No, sir.
Q. 56. Were you not acquainted with McGuire before '81?—A. Not personally; I knew the man when I saw him; I had seen him at different times; I had been out at different places where they were and met this man.
Q. 57. Previous to March '81 your acquaintance with him was as a section hand on the R'y?—A. Yes, sir.
Q. 58. You became personally acquainted with him in March, 1881?—A. Yes. sir,
Q. 59. Are you not mistaken about that?—A. No, sir; I think not.
Q. 60. When did you come to Potter?—A. Along about the first of May.
Q. 61. What year?—A. In '82.
Q. 62. Was he with you when you went from Marion to Potter?—A. No, sir.
Q. 63. How long before or after you were there did he come to Potter?—A. I came to Potter in January, he came in May.
Q. 64. As a section hand on the road?—A. Yes, sir.
Q. 65. And stayed there until they discharged him?—A. He became foreman after he was there a while. He agreed to stay until they discharged him.
Q. 66. When they discharged him he went away again?—A. Yes, sir.
Q. 67. The same with the rest of the hands and with you?—A. Yes, sir; I never was discharged, though.
Q. 68. You staid just as long as you got employment?—A. No, sir.
Q. 69. You lived in Fayette County in August or September, 1881. When was it you first knew of him?—A. I will tell you, just give me time, that is what I ask you. I cannot give the day; it was a special election called in Fayette County in regard to moving the jail.
Q. 70. That is the only time?—A. No, sir; I voted with him at an election along about ——
Q. 71. The question was about the jail?—A. Yes, sir; in regard to building a jail.
Q. 72. Where was the next election you voted with him?—A. It was between March and August. I only voted with him once. I saw him before that day.
Q. 73. He lived in Fayette then?—A. Yes, sir; in Fayette County.

Q. 75. In what precinct did you vote at this special election—whereabouts did you vote?—A. At Randall.
Q. 76. That was on the railway?—A. Yes, sir; but not on the Milwaukee railway.
Q. 77. You were just a section hand then?—A. Yes, sir.
Q. 79. So long as the company sees fit to keep you you will stay?—A. Yes, sir.
Q. 80. Is that the way with McGuire?—A. Yes, sir; I presume so.

Redirect:

Q. 81. Are you a Republican?—A. Yes, sir.
($1.35 paid as fee by contestant.)

ARTHUR NELSON.

STATE OF IOWA,
Tama County, ss:

JAMES DAVIS, being produced and sworn before M. P. Mills, a notary public for Tama County, on the 5th day of May, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and H. P. Mills on part of contestee):

Q. 1. Are you acquainted with Mr. Thomas McGuire?—A. I am, sir.
Q. 2. How long have you known him?—A. I have known him about three months.
Q. 3. What time did you know him?—A. Well, I don't know what time it was. It was along about August I went to work there.
Q. 4. You first knew him in August?—A. Yes, sir.
Q. 5 You saw him on the section previous to that?—A. Yes, sir; I worked right along on the farm, right by the section, where I could see him every morning. I was not acquainted with him.
Q. 6. How long did you see him?—A. Well, I worked under him there three months on the section.
Q. 7. You remember the first time you saw him?—A. Yes, sir.
Q. 8. Some time in the early part of summer or spring?—A. Yes, sir; I had seen him, although, many times before, but I did not know him at the time.
Q. 9. You did not know him personally?—A. No, sir.
Q. 10. You knew him afterwards?—A. Yes, sir.
Q. 12. Voted, did he?—A. Yes, sir.
Q. 13. You have known him for more than 60 days in Tama County, have you not?—A. I had seen him there for more than 60 days.
Q. 14. Was that the township in which he voted?—A. Yes, sir.

Cross-examination:

Q. 15. When was the first time you recollect seeing him?—A. That I cannot tell you.
Q. 16. How do you know it was more than 60 days?—A. Because I had been there more than three months.
Q. 17. Tell us the first time you recollect of seeing him?—A. I cannot tell you.
Q. 18. Well, tell us the first time you recollect of seeing him.—A. It was long about the 1st of August that I recollect of seeing him.
Q. 19. Along about the 1st of August?—A. Yes, sir.
Q. 20. Where was it?—A. Right on the railway side of Potter.
Q. 21. Was he a single man?—A. Yes, sir.
Q. 22. How do you know?—A. He said he was a single man. He boarded with me.
Q. 23. Is that the only way that you knew that he was a single man?—A. Yes, sir.
Q. 24. Did you know that he had a family living in Wisconsin?—A. No, sir.
Q. 25. Do you know where he came from to Potter?—A. No, sir. He said he was a Hawkeye.
Q. 26. This fellow told you that he came from Hawkeye?—A. McGuire told me that he came from Hawkeye. He worked a section in Hawkeye.
Q. 27. You don't know whether or not he was a man of a family?—A. No, sir.
Q. 28. How did he tell you that he was a single man?—A. He did not tell me any more than the rest of them.
Q. 28. Where was it?—A. In the section-house at Potter.
Q. 29. Tell us what he told you?—A. I cannot tell you any more than that he said he did not have a family; said that he was a single man, also that he wanted to get married.
Q. 30. How long after you knew him did he tell you that?—A. About a month or six weeks.
Q. 31. Staid there how low long after the election?—A. I don't know how long.
Q. 32. Don't you konw he went away the next day?—A. Well, he went away the next day or night to stay away. He was back and forth there some time.
Q. 33. He went away the next day after the election, did he not?—A. I don't know whether or not.

Q. 34. Where did he go; off with the work?—A. I don't know that, sir.
Q. 35. Well, tell us about how long it was before he went away?—A. Well, I cannot tell you exactly.
Q. 36. Were you on the works?—A. Yes, sir.
Q. 37. Who was boss election day; McGuire?—A. No, sir; Mr. Rose was boss then.
Q. 38. How long had Rose been your section-boss, about, that time; on election day?—A. He had not been our boss over three or four weeks.
Q. 39. Had he been more than three or four days?—A. I don't know that.
Q. 40. Don't you know it?—A. I never bore it in mind.
Q. 41. Did you not know that Rose had been your boss for three or four days before election?—A. No, sir; I don't remember that. He may have been our boss three hours, or he may have been our boss for a year for all that I know.
Q. 42. For all you know, Rose may have been section-boss, for all you know?—A. There or somewhere else.
Q. 43. Now, I mean your boss.—A. I know that he was there five years.
Q. 44. Did you not tell me that he was there five years, possibly?—A. It was that long or longer.
Q. 45. Which way do you want it now?—A. I don't know anything about that.
Q. 46. Well, go about something that you do know something about.—A. That is what I want.
Q. 47. Did this man McGuire tell you how long he was going to stay there when he was talking about getting married?—A. No, sir; he did not know whether he would stay 15 minutes or a year.
Q. 48. He was subject to the order of the company?—A. Yes, sir.
Q. 50. He came there at the order of the company?—A. Yes, sir.
Q. 51. Did he go away at the order of the company?—A. Yes, sir; that is the way they do.
Q. 52. That is the way you did?—A. Yes, sir.
Q. 53. And all of them?—A. Yes, sir.
Q. 54. All in the same way; no assurance of staying there one day?—A. Yes, sir; might go away any day; I would not know whether I would stay one day.
Q. 55. He was to go whenever and wherever the company sent him?—A. Yes, sir; that is the way they do it.
Q. 56. And that was the way with McGuire?—A. Yes, sir.

Redirect:

Q. 57. I want to ask you a direct question; did you vote at the election?—A. Yes, sir.
Q. 58. How long had you lived in the township before you voted?—A. I came to Mr. McGuire's the second day of Feb.
Q. 59. Did you have any residence anywhere else?—A. No, sir.
Q. 60. You voted at the election, did you not?—A. Yes, sir.
Q. 61. Did you have a family?—A. No, sir.
Q. 62. That was your home, then, at that time?—A. Yes, sir.
Q. 63. How long did you work for McGuire, and how long did you work at Potter; from Feb. to election time?—A. Well, I think I was on the r'y at election time.
Q. 64. You worked for McGuire a while, then for the r'y co.?—A. Yes, sir.
Q. 65. You worked there at that time, and was a resident of that township when you voted?—A. Yes, sir.
Q. 66. You had no other home?—A. No, sir.

Recross-examination:

Q. 67. How old are you?—A. 46 last April.
Q. 68. Where did you come from to Potter?—A. From Mr. McGuire's.
Q. 69. Where did you come from when you came to Mr. McGuire's?—A. I came from Mr. Merrit's.
Q. 70. Where does he live?—A. He lives about five miles north of Gilman.
Q. 71. Where did you come from to Merrit's?—A. From Mr. Harvey's.
Q. 72. Where does he live?—A. At York.
Q. 73. Where come from there?—A. From Ill.
Q. 75. When did you come to Harvey's?—A. Well, it was 15 years ago the 5th day of last April.
Q. 75. Lived at Harvey's ever since?—A. Yes, sir; until I came up here to McGuire's.
Q. 76. What is Harvey's given name?—A. Irvin.
Q. 77. Then your home was at Mr. Harvey's, was it not?—A. Yes, sir; I made my home at Mr. Harvey's; Turner Forker's and and Mr. Harvey's.
Q. 78. Mostly at Mr. Harvey's?—A. Yes, sir.
Q. 79. Your home?—A. Yes, sir.
Q. 80. When you went back home you went to Harvey's?—A. Yes, sir; that is my place.

Q. 81. How long had you been away from Harvey's; when did you leave home—what time in the year?—A. It was in Aug.
Q. 82. When did you come back?—A. I have not been back there.
Q. 83. Any since?—A. No, sir.
Q. 85. You voted at that election, did you not?—A. Yes, sir.
Q. 86. Did you have a family?—A. No, sir.
Q. 87. You worked at McGuire's?—A. Yes, sir.
Q. 88. How long did you intend to stay at McGuire's?—A. I don't know just how long.
Q. 89. As long as you and he could suit, then go elsewhere?—A. Yes, sir.
Q. 90. How long for the R'y Co.?—A. Until they discharged me.
Q. 91. Then what did you calculate to do?—A. Go somewhere else.
Q. 92. Wherever you could get work?—A. Yes, sir.
Q. 93. You did not have any intention of staying there a day longer than you could get work?—A. No, sir.
Q. 94. That is the way you did?—A. Yes, sir.
Q. 95. Then Mr. Harvey and Forker did not live in Indian Village Township?—A. Yes, sir.
Q. 96. There is where you called your home—at Harvey's?—A. Yes, sir.
Q. 98. You say you voted at that election?—A. Yes, sir.
Q. 99. Did you vote for Frederick or Wilson?—A. For Frederick.

Redirect:

Q. 100. When did you leave Mr. Harvey's?—A. In Aug.
Q. 101. What year?—A. '82.
Q. 102. Have you been back since?—A. Yes, sir.
Q. 103. Did you move away from your home?—A. Yes, sir; I went away from there; I was at work in the same place as Mr. Forker; I used to work for him at his place; then I had to go elsewhere; Harvey has gone away, gone out West and rented his farm.
Q. 104. You say you moved into Indian Village Township in Aug.?—A. Yes, sir.
Q. 105. You were then a resident of Indian Village Township; that was your home?—A. Yes, sir.
Q. 106. You were a regular resident in Indian Village Township?—A. Yes, sir.

Recross-examination:

Q. 107. You say you moved away?—A. Yes, sir; to be sure, I moved away.
Q. 108. What did you move?—A. My baggage.
Q. 109. You calculated to move away as soon as you were through there?—A. Yes sir; just moved somewhere else.
Q. 110. You calculated to move away from Indian Village Township as soon as the R'y Co. would send you somewhere else?—A. Yes, sir.
Q. 111. You calculated to move your baggage wherever you could get work?—A. Yes, sir.

Redirect:

Q. 112. You took your personal effects with you?—A. Yes, sir.
Q. 113. Was it in '81 you left Mr. Harvey's?

Recross-examination:

Q. 114. Where do you live now?—A. At Chas. Cerm's.
Q. 115. When did you leave Indian Village Township?—A. I left there in——
Q. 116. Well, how long after the election?—A. I think it was in Feb.
Q. 117. How long after the election was it?—A. In Feb.; you can count it up yourself.
Q. 118. In what township does Mr. Merritt live?—A. In Highland Township.
Q. 119. You left when you quit working on the R. R.?—A. No, sir; I was at McGuire's some time after we quit on the R. R.

($2.25 paid as fee by contestant.)

JAMES DAVIS.

STATE OF IOWA,
Tama County, ss:

JAMES L. MCGEE, being produced and sworn before O. H. Mills, a notary public for Tama County, on this 5th day of May, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, W. H. Stivers on part of contestee):

Q. 1. What time did you become acquainted with Davis?—A. 2nd day of Feb., '82.
Q. 2. Did he board at your house?—A. Yes, sir; I employed him to work for me on the 2nd day of Feb., '82. He worked for me until the 29th of July, and the 30th being Sunday, Monday he said he had business in town and he went away. Tuesday he came back and said his brother-in-law had written to him at Marshall. He said he

would like to go up there. I said all right; he went there, came back to Montour, staid there for some time, then he went away to Potter and hired out on the Milwaukee R. R. I could see him there most every day. My farm joined up close to the station. He remained there until the Saturday previous to the election at Montour. He came over to my house and said he wanted to help me gather corn. I employed him. He remained with me until court set, in Toledo. About the 14th of Feb. he left me.

Q. 3. He had his home with you?—A. Yes, sir; his trunk and clothes were there; he had his washing done there. He made his home part of the time at the station-house, the balance of the time at Hickson's.

Q. 4. Indian Village Township?—A. Yes, sir.

Cross-examination:

Q. 5. He came home and you hired him to work how long?—A. During the season, that is when I first hired him in Feb., '82. He staid about Montour for 2 weeks; he was about sick.

Q. 6. Then went to work on the r'y?—A. Yes, sir; he hired out to the Milwaukee R'y; left his trunk at my house until Sep. He came to my house in Sep. and told me he wanted his trunk over there.

Q. 7. About Sep. you got him to settle up and he was still working on the r'y?—A. Yes, sir; on Friday night.

Q. 8. Was he working under a section boss?—A. Yes, sir.

Q. 9. How far does a section extend along the road?—A. I guess it was about five miles.

Q. 10. From where?—A. Well, it is 2 miles and a little over east of Potter, where the east end of it is; the west end of it may extend into Marshall County.

Q. 11. These section hands have a boarding-house that they take along with them?—A. No, sir; they had a section-house there at which they board.

Q. 12. What do you mean by a section house?—A. Milwaukee Road puts up a house for him to live in and board his hands.

Q. 13. They board their hands in this house along the road?—A. They generally have one on their section.

Q. 14. They shove hands from one section to another? Have they, as a general thing, families living with them? McGuire and Davis don't have, do they?—A. No, sir; no families.

Q. 15. They went wherever the road put them?—A. It might be such a thing; they would take them out wherever there was a day's work to do.

Q. 16. A section hand's home is wherever he boards?—A. Yes, sir; and has his washing done.

Q. 17. Because he boards there, you say his home is there?—A. Generally; they don't have any other home.

Q. 18. How do you know?—A. I was personally acquainted with them.

Q. 18 (a). When did you become personally acquainted with Davis?—A. When he came there to work.

Q. 19. When he came and hired out to you?—A. Yes, sir.

Q. 20. How long did he work for you?—A. During the season.

Q. 21. Why did he not stay the season out?—A. He went to Montour; got to drinking, and got a little miffed; he had been drinking some.

Q. 22. Then he changed his home from the r'y to your house; did he change his home—that is what I want to know?—A. He talked of changing his home.

Q. 23. Where did he change his home from your house?—A. He changed his place of work, and was not in my employ any more.

Q. 24. That is as long as he was under your employ?—A. Yes, sir.

Q. 25. He was in the employ of the Milwaukee R. R. Co. before he came to your house?—A. Yes, sir.

Q. 26. Then his home would be wherever the section extended?—A. Yes, sir; only on that section.

Q. 27. You think his home would be on that section?—A. He could leave any time he wished if they did not discharge him; he could leave of his own accord; at least he told me so when he and I settled up. He was owing me a little and agreed to help me pick corn.

Q. 28. Then he changed his home back to you first before election?—A. Well, there was nothing said about election.

Q. 29. Wasn't it first the Saturday before election?—A. Yes, sir; he came there first before election.

Q. 30. He came there to help you pick corn first the Saturday before the election?—A. Yes, sir.

Q. 31. Nothing said about election between you and him?—A. No, sir. When we settled in Sept. he owed me $3; he said he had no money; he said that he would like to help me pick corn, and would like to have his drink. I said all right. He took

his drink very often. I gave him notice when I was going to pick corn, and he came over to my house.

Q. 32. How long was he to stay at your house, two or three days?—A. No, sir; to help me clear through.

Q. 33. How long would that be?—A. As long as it would take to pick the corn.

Q. 34. Then where was he to go?—A. There was nothing said about that.

Q. 35. That was the length of time he was to stay?—A. That was the time for which I hired him.

Q. 36. Then so far as you know he was going away?—A. We did not have any more work for him.

Q. 37. When you got through, if there was no more work, he was to go away?—A. There was nothing said about that.

Q. 38. That was your understanding?—A. I presume so.

Q. 39. When you are through with a man you hire, you expect him to go away?—A. Yes, sir.

Redirect:

Q. 40. Do you know anything about the residence of J. W. Shelton?—A. No, sir; and I cannot tell you anything about him.

($1.75 paid as fee by contestant.)

JAMES L. McGEE.

STATE OF IOWA,
Tama County, ss:

JASON H. THURSTON being produced and sworn before me, O. H. Mills, a notary public for Tama County, on this 5th day of May, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, W. H. Stivers on part of contestee):

Q. 1. Where do you live?—A. Montour.

Q. 2. How long have you lived there?—A. About 2 weeks.

Q. 3. Where did you live before that?—A. At Howard.

Q. 4. Did you know John W. Shelton and J. H. Smith?—A. Yes, sir.

Q. 5. When did you know them?—A. Well, in Indian Village Township part of the time was their home.

Q. 6. They lived there about that time?—A. Yes, sir; but they have been out to work mostly, that is, Shelton has.

Q. 7. That is their home, is it?—A. Yes, sir.

Q. 8. You have known that to be their home from 9 to 13 years?—A. Yes, sir.

Q. 9. Prior to that Nov., '82?—A. Yes, sir.

Cross-examination:

Q. 10. You say John W. Shelton has resided in Indian Village Township all the time?—A. That has been his home.

Q. 11. Where was he during the summer '82?—A. Most of the time in Indian Village Township.

Q. 12. What is his father's name?—A. Thomas.

Q. 13. Where does he live?—A. In Mo.

Q. 14. Where did he live during the summer of '82; that is, his father?—A. Yes, sir.

Q. 15. When did he move away from Tama County?—A. He went away in Feb., '82.

Q. 16. Did not John W. go with them?—A. Not when his father did.

Q 17. Where did he live in Indian Village Township, in the the summer of '82?—A. Well he lived whereever he worked.

Q. 18. Where did he work?—A. For Henry Cooper.

Q. 19. Who else?—A. I don't know just exactly where all he did work, but he came back here.

Q. 20. What is that?—A. He went down on a visit to Mo.

Q. Hold on a little, what do you mean? You say he came here; do you mean to Indian Village Township?—A. Yes sir, he went on a visit to Mo.

Q. 22. He came back to Indian Village—whereabouts in Indian Village?—A. To Montour. He worked for corn-shellers there.

Q. 24. What corn-shellers?—A. I don't know what the men's names were that shell corn.

Q. 25. How do you know that he did this?—A. I saw him.

Q. 26. When was it?—A. In the month of June, '82.

Q. 27. When else did you see him?—A. He was at my house frequently during the summer; he grubbed for Henry Cooper 2 or 3 months, in Indian Village.

Q. 28. For Cooper?—A. Yes, sir.

P. 29. What months?—A. I think that he commenced there in Aug.; the last of Aug. or the first of Sep.

Q. 30. Did you know where he went last fall?—A. No sir.

Q. 31. Did he leave?—A. He went away in the fall.
Q. 32. What time in the fall?—A. The last of Dec., about the 20th.
Q. 33. Do you know where he was at the time he left in Dec.?—A. He was husking corn for——
Q. 34. Was it for Wilcox?—A. Some for Wilcox and some for another man.
Q. 35. Was it the same man that husked corn for Wilcox?—A. Yes, sir; for different men at Montour.
Q. 36. Was he the man that had difficulty about the horses?—A. No, sir.
Q. 37. Which one was that?—A. That was Arden.
Q. 38. Do you know how long he husked corn for Wilcox?—A. I don't think he husked corn for Wilcox more than a week.
Q. 39. This is the same John W. Shelton?—A. Yes, sir.
Q. 40. Arden is a brother of his?—A. Yes, sir.
Q. 41. Where did he come from when he came back?—A. He went——
Q. 42. Well, you need not tell me where he went to when he came back there.—A. He went into Mo. on a visit.
Q. 43. How do you know that he went on a visit?—A. He told me so.
Q. 44. When did he tell you that?—A. When he started away; he was at my house on the night previous to the time that he left.
Q. 45. When did he tell you he was going on a visit?—A. Some time in the month of Oct., '1.
Q. 46. Visiting where his father lived, in Mo.?—A. No, sir; his father did not live there. He went down the second winter on a visit to his uncle.
Q. 47. Then in the spring his father moved down there?—A. Yes, sir, in Feb.
Q. 48. Then he came back in June, '82?—A. Yes, sir.
Q. 49. He stayed here how long after he came back?—A. Until the last of Dec.
Q. 50. Then went where—to Mo., where his father lived?—A. Yes, sir.
Q. 51. Is he there still?—A. Yes, sir.

Redirect:

Q. 52. When he went down there he left his property, took clothes, &c.?—A. Yes, sir.

Recross-examination:

Q. 53. What did he leave in the way of property?—A. It consisted mostly of a grub-hoe and a grindstone.

Redirect:

Q. 54. Did he leave his clothing?—A. Yes, sir; part of it.

Recross-examination:

Q. 55. What did he leave?—A. Coat and vest.
Q. 56. The one that he grubbed in?—A. I expect so.
Q. 57. Where did he leave his coat and vest?—A. At his brother's, Elroy Shelton.
Q. 58. How do you know that?—A. I have seen it there.
Q. 59. What color?—A. About the color you have on there.
Q. 60. How do you know it was his?—A. I have seen him wear it frequently.
Q. 61. You have seen him wear it simply and you supposed it was his?—A. Yes, sir; just the same as I suppose that is yours.
Q. 62. How far apart did you and Leroy live?—A. About 80 rods.
Q. 63. You went there to Leroy's?—A. Yes, sir; frequently.
Q. 64. Did they tell you he had left his coat and vest?—A. I saw them there; I did not ask them if he left them there.
Q. 65. Where was this coat and vest at Leroy's?—A. In the house.
Q. 66. Whereabouts in the house?—A. I don't know.
Q. 67. Where was it hanging up?—A. On the wall in the house.
Q. 68. Which side of the house?—A. On the east side of the house.
Q. 69. On which side is the door?—A. On the west side.
Q. 70. Well is that the time you went in; where did you go in?—A. I think I went in at the west door.
Q. 71. It was in Oct.?—A. In Nov. and Dec., I was there frequently.
Q. 72. What year?—A. '81.
Q. 73. Then you saw his coat and vest hanging up in Leroy Shelton's house?—A. Yes, sir.
Q. 74. Where did you see the mattox and grindstone?—A. At his folk's old place?
Q. 75. That is the one he used?—A. Yes sir.
Q. 86. That is why you think it was his?—A. Yes, sir.
Q. 77. Was it his grindstone?—A. Yes, sir.
Q. 78. He did not take it with him?—A. No, sir; his folks sold it after they went away, and the grub-hoe was sold after he came back,

Q. 79. Did he leave his grindstone and mattox with his father when he went away?—A. No, sir.

Q. 80. With whom did he leave them?—A. Where he was at work on Stevens' farm. The grub-hoe he left at Leroy's.

Q. 81. After he had gone his father sold them?—A. I believe so; I heard something to that effect.

Q. 82. Then it is your idea that before they moved to Mo. they sold his effects; grindstone and grub-hoe?—A. I heard that they sold the grindstone; I am not positive about that.

Q. 83. You were not at the election, were you?—A. Yes, sir; in Howard Township, but I understand it was not recorded there.

Re-direct.

Q. 84. Did this young man tell you he was going to Mo. on a visit?—A. Yes, sir.

Q. 85. He stated when he went away that he was going to go?—A. Yes, sir.

($1.55 paid as fee by contestant).

J. H. THURSTON.

STATE OF IOWA.

Tama County, ss:

JOHN S. SHELTON, being produced and sworn before O. H. Mills, notary public for Tama County, on this 5th day of May, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and W. H. Stivers on the part of contestee):

Q. 1. You are living in Indian Village Township?—A. Yes, sir.

Q. 2. How long have you lived there?—A. Ten or twelve years, maybe fifteen altogether.

Q. 3. Did you vote at the November election, 1882?—A. Yes, sir.

Q. 4. Did you know W. W. Shelton?—A. Yes, sir.

Q. 5. He is a relative of yours?—A. Yes, sir.

Q. 6. What relation?—A. He is a cousin of mine.

Q. 7. Where did you live in November, 1882?—A. I was working in Montour.

Q. 8. Well, did he live in Indian Village Township at that time?—A. Yes, sir.

Q. 9. Wasn't that his home?—A. Yes, sir.

Q. 10. How long had he been a resident of that township?—A. Well, he had most always lived there.

Q. 11. How many years?—A. Most all his life.

Q. 12. What was his age?—A. Can't say exactly; 24 or 26; somewhere along there.

Cross-examination:

Q. 13. He went to Missouri in the fall of 1882, didn't he?—A. Yes, sir; he went to Mo. last winter.

Q. 14. In the fall of '82 he went there?—A. I don't know but that he did in the fall of '81; he said that he was going there.

Q. 15. He went away?—A. Yes, sir.

Q. 16. His father lived in Indian Village previous to his moving to Mo.?—A. Yes, sir.

Q. 17. The boy made his home with his father up to the time that he went away to Mo.?—A. Yes, sir; he was there.

Q. 18. He went away, saying that he was going to Mo. in the fall of '81?—A. Yes, sir.

Q. 19. Now in the spring, in February, '82, his father moved away, as you understand it, to Mo.?—A. Yes, sir.

Q. 20. The same place that John had gone the fall before?—A. Well, I suppose so; I don't know.

Q. 21. That was the understanding here?—A. Yes, sir.

Q. 22. Then, in June, was it, John came back here and went to work around from place to place, didn't he?—A. It was along about the 30 of June, or the 1st of July, somewhere along there.

Q. 23. You mean the last of June or the 1st of July?—A. Yes, sir.

Q. 24. He came here and worked around in the fall, near election?—A. Yes, sir.

Q. 25. Worked around with Wilcox?—A. Yes, sir.

Q. 26. Sometimes worked with Potter?—A. Yes, sir; he worked shelling corn in Montour.

Q. 27. Worked around from place to place some time in the fall before election?—A. Yes, sir.

Q. 28. Then went away again?—A. Yes, sir.

Q. 29. Do you know where he went; back to Mo., wasn't it?—A. Yes, sir; I suppose so.

Q. 30. That is as far as you know?—A. Yes, sir.

Redirect:

Q. 31. Did he go in '81 visiting, or to make it his home?—A. I suppose that he went visiting; he went to see his folks.

Q. 32. When he came back, he came back to his old home where he had formerly lived?—A. Yes, sir; right in the neighborhood.

Q. 33. He staid around there and went away in the fall or winter, in Dec.?—A. Yes, sir.

Q. 34. He had been a resident all his life in the same township?—A. Yes, sir; pretty much.

Q. 35. Did he leave any property?—A. No, sir.

Q. 36. Leave any tools or clothes?—A. Yes, sir.

Recross-examination:

Q. 37. What tools did he leave?—A. He had a couple of grubbing hoes. He left them on Hogan's farm.

Q. 38. What else?—A. Myself and him had a well-auger, and he said if I had a chance to trade it off, to do so.

Q. 39. When his father went away what did you do with it?—A. I turned it on a note that he was owing.

Redirect:

Q. 40. When did he go away permanently? When did he say that he was going to move to Mo.?—A. I don't know that he said that he considered that he was going to move to Mo.

Q. 41. You don't know that he has left yet, but to visit?—A. He calculated to go back there to Mo.

Q. 42. He lived here until election last fall?—A. Yes, sir; nearly all the time he wasn't away.

Q. 43. Well, he was away visiting, wasn't he?—A. I suppose so; I don't know but he was.

Q. 44. Did he tell you that he was coming back the first time that he went away?—A. Yes, sir; he told me that he was coming back.

Recross-examination:

Q. 45. You say that he calculated to go back to Mo. last fall; how do you know that?—A. I didn't say that at all.

Q. 46. I mean that last fall.—A. I guess that he went back.

Q. 47. You say that he told you that he calculated to go back?—A. Well, I don't know but what he did.

Q. 48. What did he say to you, and when was it that he told that he calculated to go back to Mo? Was that when he came up in June, or July, that he told you that he was going back in the fall?—A. No, sir; when he first used to talk about it he said that he didn't know but that he would go back.

Q. 49. When he was going back he was husking corn?—A. He said that after he got through husking corn that he calculated to go back to Mo. I saw him and he said that he was going.

Q. 50. That is when they started to go?—A. Yes, sir.

Q. 51. They were going to stay here and husk corn, and then go back to Mo. Wasn't that the way of it?—A. I don't know but that it was.

Q. 52. You say that he told you that they were going back to Mo. When was that? When did this conversation take place?—A. Some time when they were together.

Q. 53. About what time of the year was it that this conversation took place between you and them?—A. It might have been the last of Sept.; I don't know.

Q. 54. It was some time before they went away, any way?—A. Yes, sir.

Q. 55. They told you that as soon as corn-husking was over that they were going back?—A. I don't remember just how it was; it might have been after work was done.

Q. 56. After the corn was husked did they tell you that they would go back? Was that the way of it?—A. They told me that after the work was done that they might go back.

Redirect:

Q. 57. He never claimed to have his home in Mo.?—A. I don't know that he ever did.

Q. 58. He had lived here in Iowa all the while; didn't move when his father did?—A. No, sir.

Q. 59. He moved in the fall after his father did?—A. Yes, sir; he went back, and came back in the summer, and went back in the fall.

Q. 60. He went first to make a vist and to see the country?—A. I suppose so.

Q. 61. How long did you know J. H. Smith?—A. 10 or 12 years.

Q. 62. When did he move from Indian Village Township, or does he live there yet?—A. Yes, sir; I think so.

Q. 63. He has lived there all the time, has he not?—A. Yes, sir.
Q. 64. 12 or 13 years?—A. Yes, sir; or longer. He was a little small chap when he first came here.
Q. 65. Lives there yet?—A. Yes, sir.

Recross-examination:

Q. 66. What Smith is it?—A. The one that lives up at Jack Turner's.
Q. 67. That old gentleman?—A. No, sir.
Q. 68. The one that lived at Potter's?—A. No, sir; he never lived at Potter's.

Redirect:

Q. 69. J. H. Smith; that one that is referred to as going away—there is one up there, is there?—A. That is the only one I know.
Q. 70. You are pretty well acquainted there?—A. Yes, sir.

Recross-examination:

Q. 71. You know of one J. H. Smith, there?—A. I don't know of any more there.
Q. 72. Where does this J. H. Smith live now?—A. He lives just south of Jack Turner's.
Q. 73. Married man?—A. No, sir; then there is another Jim Smith that lives away south.
Q. 74. This is James H. too?—A. Yes, sir.
Q. 75. Lives there yet?—A. No, sir.
Q. 76. You know two J. H. Smith's in that township?—A. Yes, sir; I suppose so.
Q. 77. Now, has that J. H. Smith that you testified to have been here right along for each season of the year?—A. Yes, sir.
Q. 78. There still?—A. Yes, sir.
Q. 79. Not went away at all?—A. No, sir; not that I know of.
Q. 80. You are right there close by?—A. He might have been 4 or 5 months away, and I don't know it.
Q. 81. He is not gone now?—A. No, sir.
Q. 82. Not gone for the last three months?—A. No, sir; he has been around there a long while.

JOHN H. SHELTON.

ARTHUR NELSON recalled.

For Tama County, May 5th.

Q. 1. Did you know J. H. Smith?—A. I know a Smith; I don't know his initials. I know Jim Smith who lives west of Potter, 2 miles.
Q. 2. Do you know this other J. H. Smith?—A. No, sir; I don't know him.
Q. 3. He lives in Highland Township?—A. Yes, sir; I guess so; close to Potter there.
Q. 4. Was there any J. H. Smith, that worked on the Milwaukee R'y?—A. No, sir; he might have worked some place, but not at Potter. He did not work on the Potter section.

STATE OF IOWA,
Tama County, ss:

JOHN H. SMITH, being produced and sworn before me, H. Mills, notary public for Tama County, on this 5th day of May, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and W. H. Stivers on the part of contestee):

(Objection to the witness, for the reason that his name does not appear on the notice.)

Q. 1. Did you vote in Indian Village Township?—A. Yes, sir.
Q. 2. Is your name J. H. Smith?—A. Yes, sir.
Q. 3. Are you the gentleman that Mr. Wilcox claimed that didn't live in that township?—A. I don't know whether I am or not. I must be, though.
Q. 4. Did you live and work at Potter's last summer?—A. No, sir.
Q. 5. How long have you lived there?—A. 12 years.
Q. 6. You are a resident of that township, are you?—A. Yes, sir.
(Contestee refuses to appear in the taking of this witness, for the reason that his name does not appear in the notice.)
($1.75 paid as fee by contestant.)

J. H. SMITH.

STATE OF IOWA,
Tama County, ss:

WILLIAM BLODGETT, being produced and sworn before O. H. Wells, a notary public for Tama County, on this 5th day of May, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, W. H. Stivers on part of contestee):

Q. 1. Do you know Thomas Caffery?—A. Yes, sir.
Q 2. Are you a citizen of this township?—A. Yes, sir.
Q. 3. How long have you lived in this county?—A. 31 years.
Q. 4. You may state whether Thomas Caffery ever stated to you for whom he voted.—A. He said in V. & D.'s drug store that he voted for Wilson.
Q. 5. Was that after the election?—A. I don't think that it was before the election. I think it was the next day.
Q. 6. Did he state that publicly?—A. Yes, sir. I think he was talking to some German when he made that statement.

Cross-examination:

Q. 7. To whom was he talking?—A. I don't recollect any of them that were there who heard it. I think Mr. Marshall was in there for one.
(85 cents paid as fee by contestant.)

WM. BLODGETT.

STATE OF IOWA,
Tama County, ss:

JAMES MCLAUGHLIN, being produced and sworn before O. H. Wells, notary public for Tama County, on this 5th day of May, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and W. H. Stivers on part of contestee):

(Contestee objects to the testimony of the witness for the reason that the residence of the witness is not given in the notice.)

Q. 1. Where do you live?—A. In Van Horn.
Q 2. How long have you lived in Tama City?—A. One year and six months.
Q. 3. Where do you live now?—A. In Van Horn, Benton County.
Q. 4. When did you begin to live in Van Horn?—A. Last Tuesday a year I moved there.
Q. 5. Do you know Tom Morgan?—A. Yes, sir; he is my partner.
Q. 6. Where did he live last Nov.?—A. Here in Tama City.
Q. 7. How long did he live here?—A. He has lived here as long as I have. I came a year ago in April; he was here then.
Q. 8. He was here then?—A. Yes, sir, a year ago this April when I came here; I don't know how long before that.
Q. 9. Where did he live?—A. Right up here. He lived with me from the 27th of August, when we started into business together, 27 Aug.
Q. 10. This was his home, was it?—A. He was in a barn up here owned by Mr. Brown. Myself and he went into business in a grocery store on the 27 of Aug.
Q. 11. Well, what was he doing in the barn?—A. He had the barn rented. It was kind of a stable barn.
Q. 12. His residence was here in Tama City last year?—A. Yes, sir; he was here in April when I came here; I don't know whether he had been here before that or not; I know that he was here a year ago last fall; I went away from here a year ago last fall; he was here when I left and when I came back.
Q. 13. He lived here last fall, did he?—A. Yes, sir.
(Contestee objects to the taking of the evidence of this witness for the reason that his place of residence is not given in the notice.)
Q. 14. Do you know John Holland?—A. Yes, sir.
Q. 15. Where does he live?—A. He boarded with us.
Q. 16. When did he commence to board with you?—A. Sept. 4th.
Q. 17. Where did he live previous to that time?—A. He worked for ———; up here at Furguson's.
Q. 18. How long did he live there?—A. I don't know that.
Q. 19. How long have you known him?—A. He came to board with us Sep.
Q. 20. He boarded there until after the election, did he?—A. Yes, sir.
Q. 21. Did he leave his trunk and clothes there when he boarded with you?—A. Yes, sir.
Q. 22. Do you know James Burns?—A. Yes, sir.
Q. 23. Where did he board last fall?—A. Yes, sir; I know where he boarded.
Q. 24. Where did he board?—A. He boarded with us.
Q. 25. When did he come there?—A. Last of Sep.
Q. 26. Where did he make his home?—A. His folks live up nine or ten miles from here.

Q. 27. How long did he live in this county?—A. He has lived here ever since I came here, ever since last April a year ago.

Q. 28. Here in the county, to your knowledge, a year?—A. He has lived here a year ago last April. He was here from April up to the election, because I am here in April and he was here then.

Cross-examination:

Q. 29. You say you kept a grocery?—A. Yes, sir.

Q. 30. What do you keep for sale?—A. Groceries.

Q. 31. What else?—A. Groceries.

Q. 32. What else do you keep; don't you keep a lager-beer saloon?—A. I keep some beer.

Q. 33. Answer me yes or no.—A. Yes, sir. What is the matter with you?

Q. 34. You say a lager-beer saloon is a grocery?—A. I said I sold beer.

Q. 36. Did you not keep a beer saloon?—A. Yes, sir.

Q. 37. Is a beer saloon a grocery?—A. Yes, sir; I keep a grocery store.

Q. 38. Saloon and grocery in one building together?—A. Yes, sir.

Q. 39. Was there a sign out?—A. What kind of a sign do you mean?

Q. 40. Any kind of a sign.—A. Yes, sir.

Q. 41. What was the sign?—A. It was a boarding-house sign.

Q. 42. What else?—A. Saloon sign and beer sign.

Q. 43. Was the word "saloon" on the sign?—A. It was a beer sign.

Q. 44. Was the word "saloon" on it?—A. How do I know?

Q. 45. Why don't you tell me?—A. I tell you I don't know.

Q. 46. Did you not have a sign up on your building for a saloon?—A. We had a beer sign.

Q. 47. Answer that, please. Did you not have a sign on your building, on the front of it? It said saloon.—A. I guess not.

Q. 48. You had a beer sign up?—A. Yes, sir.

Q. 49. What kind of a sign was it?—A. You go up there now and you will see it; I can't explain it.

Q. 50. You keep a boarding-house?—A. Yes, sir.

Q. 51. For the Milwaukee company?—A. I keep it for any one that comes along, if they have the money to pay for it.

Q. 52. In the same room as the saloon?—A. No, sir.

Q. 53. You say this man Morgan boarded with you?—A. No, sir; I did not say anything of the kind. He was a partner of mine.

Q. 54. In the saloon?—A. Yes, sir.

Q. 55. How long was he here as a partner?—A. From the 27th of Aug. until Tuesday last.

Q. 56. Did you vote at the election?—A. Yes, sir.

Q. 57. You keep a saloon?—A. Yes, sir.

Q. 58. How long did you expect to stay here?—A. I did not know that I should stay any length of time.

Q. 59. Had no intention of going away?—A. No, sir.

Q. 60. Did Morgan have?—A. I did not know his intentions.

Q. 61. You say Elwood boarded with you?—A. Yes, sir.

Q. 62. What was he doing?—A. Working on the Milwaukee R'y.

Q. 63. Section hand?—A. No, sir.

Q. 64. What was he doing?—A. Working on the train.

Q. 65. On what train?—A. On the rock train.

Q. 66. What do you mean by that—a gravel train?—A. No, sir; a rock train.

Q. 67. A construction train?—A. Rock train.

Q. 68. What kind of work do the hands do?—A. Shovel.

Q. 69. Shovel what?—A. Dirt.

Q. 70. Where?—A. Wherever they get it.

Q. 71. All along the lines of the R'y?—A. Yes, sir.

Q. 72. How far?—A. I don't knw how far.

Q. 73. Do you know how they did that?—A. I saw them.

Q. 74. Where were they?—A. Unloading.

Q. 75. Then it is the train that runs along the road?—A. Yes, sir.

Q. 76. He was working on that train?—A. Yes, sir.

Q. 77. Do you know about his working anywhere else?—A. Yes, sir.

Q. 78. For whom did he work?—A. For me.

Q. 79. When?—A. After he quit the train.

Q. 80. When did he quit the train, please?—A. I cannot exactly say.

Q. 82. About what time?—A. In November.

Q. 83. Up to that time you say Thomas Elwood's father lived out here?—A. Yes, sir.

Q. 84. It is in this township; is it?—A. I don't know.

Q. 85. About how far is it from here?—A. 9 or 10 miles.

Q. 86. You don't know what township it is in?—A. No, sir.
Q. 87. And whether it is in this one or not?—A. No, sir; I don't think it is in this one, unless it is a pretty long township.
Q. 88. Do you know where Tom Morgan went home during the time he was here—any part of the time?—A. No, sir; I don't think he did.
Q. 89. What makes you think so?—A. Because I think I ought to know.
Q. 90. Because he boarded with you?—A. Yes, sir.
Q. 91. Was he not visiting some of the time?—A. No, sir; not to my knowledge; and I ought to know if he was absent. He was always there at meal times.
($3.75 paid as fee by contestant.)

JAMES McLAUGHLIN.

STATE OF IOWA,
Tama County, ss:

HENRY VANDERLIP, being produced and sworn before O. H. Mills, a notary public for Tama County, on this 5th day of May, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, W. H. Stivers on the part of contestee):

Q. 1. Where do you reside?—A. Tama City.
Q. 2. What is your occupation?—A. I am a druggist.
Q. 3. Do you know Thomas Caffery?—A. Yes, sir; I do.
Q. 4. You may say if you heard him say for whom he voted in the Nov. election, '82?—A. Yes, sir; I did.
Q. 5. For whom was it?—A. James Wilson.
Q. 6. What others were present at the time?—A. I heard him say the same thing twice. Once on the day of the election, that he had already voted for Wilson. He told me that he had, that the testimony was taken down here some time ago, in the presence of J. B. Waltermult, that be had also voted for Wilson.

Cross-examination:

Q. 7. You say that he said that the testimony was taken down here?—A. Yes, sir.
Q. 8. He said on the stand that he had testified that he voted for Frederick?—A. Yes, sir.
Q. 9. Before or after that?—A. It was before that.
Q. 10. Were you asking him about it?—A. The way was this: I went to him on the day of the election——
Q. 11. Well, wait a minute please. How did this come up that day, that this testimony was taken?—A. I was in there, and I saw him come in, and I said to him, "Are you subpœnaed, Tom?" (I knew which side of the testimony was taken that day.) Said I, "Did you not tell me you voted for Wilson?" He replied, "Yes, sir; I did." "Then," said I, "they have got a hold of the wrong man."
Q. Well, plenty of them will talk one thing and swear another.

Redirect:

Q. 13. How did the conversation arise on the day of the election?—A. I went to him to electioneer. He said, "I have already voted." I said, "All right; if it is a fair question, for whom did you vote?" He said, "I have voted for Wilson."

Recross-examination:

Q. 14. You say you went to him to electioneer for Frederick?—A. Yes, sir; and he said he had already voted for Wilson.
Q. 15. You found a good many of that kind?—A. Yes, sir.
($.85 paid as fee by contestant.)

H. VANDERLIP.

STATE OF IOWA,
Tama County, ss:

I, Eldon Moran, a notary public, and commissioner agreed upon to take testimony in this cause, in pursuance of the annexed agreement attached to the testimony of J. L. Adams, whose testimony was taken Feb. 22, 1883, do truly certify that on the 5th day of May, in pursuance of the notice hereunto annexed, I took the depositions of the following witnesses: Arthur Nelson, James Davis, James L. McGee, Jason H. Thurston, John H. Shelton, A. Nelson (recalled), J. H. Smith, James McLaughlin, Wm. Blodgett, Henry Vaderlip, whose testimony is set forth in the following manner:

Each witness was by me duly sworn or caused to be sworn in my presence as provided by law, and when sworn the questions were propounded to him by the respective parties, Benj. T. Frederick, contestant, and James Wilson, contestee, by their respective att'ys, and the same by me read to the witness, who answered the same, and his answer by me, in the language of the witness, taken down under each question propounded, and reduced to writing. till the deposition was completed.

I further certify that when the testimony of each witness was taken I carefully read the same over to the witness, who corrected the same, and each correction noted, and said testimony was then signed by the witness and sworn to by him before me.

I further certify that T. Brown & Carney appeared as counsel for the contestant, Benj. T. Frederick, and W. H. Stivers appeared as counsel for the contestee, James Wilson.

In witness whereof I have set my hand and seal notarially this 5th day of May, 1883.

[SEAL.]

ELDON MORAN,
Notary Public for Johnson County, Iowa, and
Commissioner agreed upon to take testimony.

No. 4.

No. 1.

FREDERICK
v.
WILSON.

STATE OF IOWA,
Johnson County, ss:

Deposition of witnesses produced before me, Eldon Moran, a notary public and commissioner agreed upon to take testimony, and duly sworn before me, a notary public for Johnson County, Iowa, on this 2nd day of May, 1883, at Iowa City. In pursuance of the notice hereunto attached, in a proceeding pending before the House of Representatives of the United States of America in a contested election for the office of Representative in Congress, in which proceeding Benj. T. Frederick is contestant and James Wilson contestee (Brown and Carney for contestant, and Milton Remley for contestee, the following testimony was taken before me):

STATE OF IOWA,
Johnson County, ss:

L. A. ALLEN, being produced and sworn before me, Eldon Moran, notary public for Johnson County, on this 2nd day of May, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant and Milton Remley on the part of contestee):

(Contestee objects to the witness on the ground that proper notice has not been given.)

Q. 1. You may state if you were clerk of the election, north precinct of Iowa City.—A. Yes, sir.

(Wilson asks privilege of rebutting evidence of this testimony; privilege not granted.)

Q. 2. You may state if you have the ballot-box of the north precinct of Iowa City in your possession.—A. Yes, sir.

Q. 3. Does it contain the same ballots cast in the November election of 1882?—A. Yes, sir.

Q. 4. Has it been open since the election?—A. Yes, sir.

Q. 5. In whose presence was it opened?—A. It has been opened in my presence several times.

Q. 6. Have any of the ballots been changed?—A. I cannot tell.

Q. 7. Have they been changed to your knowledge?—A. No, sir.

Q. 8. Could anybody have had the opportunity to change them while it was opened, or when any of the officers of the election were there?—A. Mr. Ricord and Mr. Fyfe examined them in my presence. I opened the ballot-box for them; I was busy about the store, and left them.

Q. 9. Were they Republicans?—A. Yes, sir.

Q. 10. You may open the box.

(Contestee objects, for the reason that it is not proper to examine him before the box is open.)

(Remley asks witness a question about it.)

Q. 11. Where has the ballot-box been?

(Brown objects; "You need not answer the question." Contestant is through with the witness. No answer to the question.)

Q. 12. Do you refuse to anwer the question?

BROWN. I will ask you where the books have been kept?

(Contestee insists upon a cross-examination of the witness before the ballot-box is opened. "When I see by the witness that the ballot-box has not been in his custody all the time, that it has been kept where other parties have had access to it, and that

when I make objection we claim as a right to make a preliminary examination of the witness." To which the contestant objects, and counsels the witness not to answer. Also objection because it has already been developed that other parties have changed them, the ballots; also with the integrity of the ballot-box is not shown to have existed; for the further reason that it is not competent, immaterial, and not proper rebuttal.)

Q. 13. Where did you keep the box?—A. In my house, in the secretary.

Q. 14. Has it been locked?—A. Yes, sir.

Q. 15. You believe that it has been kept safely, and that it contains the same ballots?—A. Yes, sir.

Q. 16. Where no one but Republicans could have access to it?—A. Yes, sir; I think they have.

Q. 17. Were you present when the box has been opened?—A. Yes, sir; probably when it was open. I do not know that I stayed there all the time.

Q. 18. You may now open the box and examine the ballots in the presence of the trustees.

(Contestee objects, for the reason that it has not been shown that these are the identical ballots cast in the November election; also, that it is not shown that these are the identical ballots originally cast; that the ballot-box has been so far preserved that its integrity of the ballot-box has not been tampered with.)

(Witness proceeds, in the presence of the judges of the election, to examine the ballot-box.)

Brown:

Q. 19. You may state if any tickets are there with the name of Frederick scratched off and the name of Wilson written in.

(Objection, for the reason that a copy of the notice given says nothing about the judges of the election being examined as a witness.)

(Commissioner, by the request of the parties, makes a tally of the votes. Tally shows a number of ballots with Frederick's name crossed out and Wilson's name written in—total, 23.)

L. A. ALLEN continued:

Q. 20. Now, take off one of these scratched tickets and present it to the commissioner.

WILSON. Send all 23 along if you wish.

BROWN. Yes, sir; to see if they are all in the same handwriting.

REMLEY. As a matter of fact, it can't be done, because they are not all in the same handwriting.

Q. 21. I will ask you, Mr. Allen, if you know the handwriting of this ticket presented?—A. No, sir.

Q. 22. How many of these tickets in the same handwriting?

(Objection, immaterial and not proper, not shown that he is an expert in handwriting.)

Q. 23. You write some and see people write?—A. Yes, sir.

Q. 24. You are acquainted generally with handwriting?—A. Yes, sir, some; I don't consider myself an expert in that.

Q. 25. State how many appear to be in the same handwriting that have the name of Wilson written in.—A. I should say that they are all written in the same handwriting.

Q. 26. I will ask you if all these tickets that have James Wilson's name on were voted at the election?—A. To the best of my judgment they are all written in the same hand.

Q. 27. Well, now, do you remember whether such tickets were voted at the election?—A. Yes, sir; I do when I first saw them; I should say—well, I don't know what is best for me to state. I am township clerk of Iowa City Township; I wasn't clerk of the north township. Of course I could not swear that these tickets were put in the box; it was brought to me locked up.

(Contestee objects to the same testimony, for the reason that notice wasn't given, and for the reason that it is an improper question, since he wasn't clerk of that election and can't answer the question properly.)

Q. 28. You are the custodian of that ballot-box?—A. Yes, sir; have been ever since the election.

Q. 29. It was brought to you locked and sealed?—A. Yes, sir.

Q. 30. Who by?—A. Mr. Pisha, judge of the election.

Q. 31. Where do you live?—A. In Iowa City.

Q. 32. What part of the town?—A. On Burlington street.

Q. 33. What precinct?—A. South precinct.

Q. 34. You were not clerk of the election in north precinct?—A. No, sir.

Q. 35. When did this ballot-box first come into your hands?—A. The morning after the election.

Q. 36. Where has it been ever since?—A. It has been in my secretary at home; also under the counter at the store.
Q. 37. How long was it under the counter at the store?—A. Two months.
Q. 38. What kind of a store is it?—A. Auction store.
Q. 39. Where is that auction store?—A. On the corner of Clinton and College streets.
Q. 40. Is that where the ballots have been?—A. Yes, sir; in this box.
Q. 41. For the last two months?—A. Well, sir, a month and a half.
Q. 42. What kind of a building was it?—A. Well, wooden and frame building.
Q. 43. An old building?—A. Yes, sir.
Q. 44. How many doors has it?—A. One outside door.
Q. 45. What kind of a lock on that door?—A. A good, heavy lock.
Q. 46. Isn't there another door? How many doors inside?—A. One.
Q. 47. Isn't there a door at the stairway?—A. It is nailed up.
Q. 48. Isn't there an entrance back?—A. No, sir.
Q. 49. How many windows?—A. The back part of the building is occupied, and all boarded up 12 or 14 feet. There is a door with an entrance into that, but no communication with that from above; also, there is a window on the side of it about 25 feet back.
Q. 50. What kind of a window is it; is it one that is easy to raise?—A. Yes, sir; but it is nailed down.
Q. 51. Now, who has occupied that store with you?—A. Starkey.
Q. 52. No workmen in there?—A. No, sir.
Q. 53. Was it the ballot-box down on Washington street?—A. Yes, sir.
Q. 54. How long was it there?—A. Probably 6 weeks; may be not so long.
Q. 55. Around this store there is a great number of people all the time?—A. Yes, sir.
Q. 56. You even have auction on that street?—A. Yes, sir.
Q. 57. Then is your store left vacant?—A. Yes, sir.
Q. 58. Any one in there?—A. Yes, sir; some one is generally in there, either my brother or my daughter.
Q. 59. Was that true down on Washington street?—A. Yes, sir; we were there then.
Q. 60. You didn't have any seal over the lock?—A. No, sir.
Q. 61. What kind of a key did you have on the lock?—A. You can see it there; I don't know that I can explain; it is a common key.
(Witness produces a bunch of keys containing the one.)
I will state that in the auction room on Washington street there is a lobby building there 8 by 10, with a door, but no lock on the door.
Q. 62. Just try this key of mine and see whether it will fit the box.—A. No, sir.
Q. 63. Also you may try this other key of mine.—A. It will not go in.
Q. 64. Is there anything unusual about this ballot-box key?—A. I don't know. It would be a simple matter to get a key of that kind that would fit the lock of the box. Probably a key that would fit the lock would unlock it.
Q. 65. You say that you don't know whether these are the same cast at the election, to your knowledge?—A. I didn't see them cast.
Q. 66. You say that Mr. Fyfe and Mr. Ricord looked over the ballots?—A. Yes, sir.
Q. 67. Did any one else look over them?—A. Yes, sir; Mr. Cone looked over them several times with me.
Q. 68. Any one else?—A. Mr. Coldren looked over them.
Q. 69. What is his politics?—A. I can tell you only what I suppose.
Q. 70. Didn't you tell Ricord's and Fyfe's politics?—A. I didn't know that I did.
Q. 71. Didn't you say Republican?—A. Perhaps so.
Q. 72. Then can't you say that with the same certainty with regard to Coldren's politics?—A. I think I may say for certain he is a Democrat. He was elected on the Democratic ticket.
Q. 73. What is Mr. Hershire's politics?—A. Democratic.
Q. 74. Were you with them all the time that they were there?—A. Possibly not.
Q. 75. Did anybody else look over them?—A. Well, there was so many there that perhaps others have looked over them.
Q. 76. Who else?—A. No one.
Q. 77. Did any one come there and count them?—A. I think that they have been counted by all these men.
Q. 78. Have you ever counted them?—A. Yes, sir, I counted them with Cone.
Q. 79. Was it to ascertain how many ballots there was for Wilson?—A. I think that is what we did it for.
Q. 80. What was the result of the count?—A. It seems to me that one time we counted that we come even, and it seems that the second time that we counted we came out one behind; one or the other, I don't know which; I paid no attention to it; it seems to me that Frederick came out one behind the last time.
Q. 81. Was it one or three?—A. I am not positive; I didn't pay much attention to it; I ran the ballots over and Coldren tallied.

Q. 82. Can you tell the Commissioner how many Democrats have been there to see the ballots?—A. I don't know that I can.

Q. 83. Have you ever refused anybody access to it?—A. No, sir; not since the time for opening the box; that is 30 d y ago.

Q. 84. Were these ballots, when they came into your hands, strung on a string?—A. Yes, sir; well, no, sir; I think not strung on a string. I think tied in this manner.

Q. 85. Since they have been in your possession have they not all been loose?—A. Yes, sir; several times been loose.

Q. 86. What is your business?—A. Keep second-hand store.

Q. 87. Have you ever had any experience in comparing handwriting?—A. No, sir; not as an expert at all.

Q. 88. You don't mean to say that these 23 ballots with the name of Frederick scratched out and the name of Wilson written in by the same person?—A. Yes, sir; to the best of my knowledge.

Q. 89. Some are written in with a lead pencil and others with pen and ink, are they not?—A. All lead pencil.

Q. 90. Now, I will ask you to look at them again and see if that is true.—A. Yes, sir; here are two written with pen.

Q. 91. Now compare this pen copy with this pencil copy and see whether they were written by the same person.—A. Possibly not the same handwriting.

Q. 92. Now take next 3 copies and see whether they are the same handwriting.—A. Yes, sir; they are different.

Q. 93. You think that they are not the same?—A. Yes, sir; I think so.

Q. 94. The spelling is not the same, is it? Isn't one written with two "l's" ("Willson")?—A. Yes, sir; this one is; still I believe they are the same writing.

Q. 95. You say that they are all done by the same person, on your knowledge. What look there is like this—tell me that?—A. I go by the general drift of the whole business.

Q. 96. Now, where is the look in these two that looks alike?—A. There is a difference in them, but they have the same pitch.

Q. 97. Now look at the "W"; is that the same pitch? Also look at the "l"; is that the same?—A. Well, it looks as if all might have been written by the same person.

Q. 98. You don't swear that they are?—A. No, sir; I don't swear as an expert in writing.

Q. 99. Were not all these ballots loose on your counter at one time?—A. Yes, sir; they were.

Q. 100. All loose indiscriminately?—A. No, sir; they were loosened, taken from the string, and piled away carefully.

Q. 101. Are these all the ballots cast there?—A. I can't say whether they are or not.

Q. 102. You say that there was plenty of opportunity for people to change them if they had wanted to?—A. Yes, sir; there have been opportunities, of course. Cone and Hershire all been there to them.

Q. 103. You never examined it all to see how many names were written? Have you examined to see how many names had Frederick scratched and Wilson written in?—A. I saw Wilson's name written.

Q. 104. It wouldn't have been easy for persons to have scratched any of the ballots after they came into your hands?—A. Yes, sir; I suppose that could be done.

Q. 105. They could have taken out one and put in another. You don't say that it wasn't done?—A. No, sir.

Redirect:

Q. 106. At the first time that you counted these ballots didn't you find sometimes ballots with Frederick's name erased and Wilson's name written in?—A. Yes, sir.

Q. 107. Was that before anybody else handled them?—A. Yes, sir, it was.

Q. 108. All the ballots have the same general appearance that they then had?—A. Yes, sir.

Q. 109. Do you remember how many there were that were scratched from the first count?—A. I don't know that.

Q. 110. With Wilson's name written in, and Frederick's erased?—A. I don't know that.

Q. 111. Was there a good many?—A. Yes, sir, quite a number.

Q. 112. How does the number compare in your recollection with the number that you found?—A. I should say the same number; I counted them and kept the record.

Q. 113. Did you hear at the time that the other parties were counting them the number of ballots that were scratched?—A. Of course I heard them mention it, but I couldn't remember it.

Q. 114. Those 23 ballots have been talked about a good deal by the parties that were looking at them?

(Objection, immaterial, not proper rebuttal.)

A. Yes, sir.

Q. 115. Is that the number that you have understood that had Frederick's name erased and Wilson's written in?—A. Yes, sir, it is.

Q. 116. Who examined them first, Democrat or Republican?—A. To my best recollection, Democrats.

Q. 117. It was mentioned, this one that examined them, that there were 23?

(Objection, immaterial, not proper rebuttal.)

A. Yes, sir.

Q. 118. Now, when the Republican party mentioned them, did they mention 33?—A. Yes, sir, they did; but it seems to me that one time when Cone and I counted them that Frederick lost one vote; I would not be positive about it.

Q. 119. That was the second time?—A. Yes, sir.

Q. 120. Cone was Wilson's attorney?—A. Yes, sir.

Q. 121. None lost after Cone examined them?—A. No, sir, not that I know of.

Q. 122. You think that Frederick lost one?—A. It seems that the last time we counted them there was one behind.

Q. 123. You may take one of these ballots written with a pen and one written with a pencil and make an exhibit of your testimony.

(Objection that the whole 23 shall go.)

Cross-examination:

Q. 124. Did Cone handle the ballots?—A. Yes, sir.

Q. 125. At the meeting that you did the counting?—A. I think that Mr. Clark handled them.

Q. 126. What Clark is that?—A. I think that Mr. Clark is one of the trustees.

Q. 127. What are his politics?—A. Democrat.

Q. 128. Did Cone tally?—A. Yes, sir, and looked over them.

Q. 129. Are there any other names written in pencil and the tickets scratched?—A. Greenback ticket there.

Q. 130. I mean other names on the tickets besides Frederick and Wilson. How many tickets cast at the election?—A. I don't know.

Q. 131. Let me ask you to look at the ballots and see whether there are any names besides Frederick that are scratched?—A. Yes, sir; there are.

Q. 132. Didn't you see any in which Wilson's name is scratched, and Frederick's is written in? Also, tell me how many there are like that so as to tell the number of Republican tickets scratched with Frederick's name written in?

(Witness examines the ballot-box.)

Q. 133. Are there not many ballots in the ballot-box that have different names scratched, both Democrat and Republican, and other names written in with a pencil?—A. Yes, sir; there are.

Q. 134. In the State tickets, isn't the name of B——— scratched frequently?—A. Yes, sir; several times.

Q. 135. And the name of Cavanagh, district judge, scratched?—A. Yes, sir; frequently.

Q. 136. And the name of Mr. B——— inserted on some Democratic ticket for supreme court reporter?—A. Possibly; I didn't notice in particular.

Q. 137. At the election wasn't there an unusual number of scratches on both sides?—A. Yes, sir; considerable of scratching.

Redirect:

Q. 138. Didn't find Wilson's name erased on any tickets?—A. No, sir.

Q. 139. In the canvass for district judge, Mr. Boal was local man here?—A. Yes, sir.

Q. 140. And there would be natural scratching?—A. Yes, sir.

Q. 141. How was district attorney?—A. The same in that case.

Q. 142. You carry the key of the ballot-box with you?—A. Yes, sir; I do. I think that even when I gave him the box that I put the key back in my pocket.

Q. 143. Are these men the only men that have seen the box?—A. Yes, sir.

Q. 144. Men of honest integrity?—A. Yes, sir; I think so.

Redirect:

Q. 145. You say that you thought they were at the time?—A. Yes, sir.

Q. 146. You would not be willing to vouch much for the same?

BROWN. We are all willing to admit for the purpose of this examination that the Republicans that examined them were not honest.

A. Yes, sir; I had confidence in all of them.

Q. 147. Have you told the names of all those that have examined the box?

(Testimony of this witness objected to for the reason that it is not proper rebuttal.)

A. Possibly not.

($0.85 paid as fee by contestant.)

L. A. ALLEN.

EXHIBIT A. (Attached to the evidence of L. A. Allen.)

NATIONAL GREENBACK LABOR TICKET.

For Secretary of State,
W. J. GASTON,
of Keokuk County.
For Treasurer of State,
GEO. DERR,
of Union County.
For Auditor of State,
G. A. WYANT,
of Ringgold County.
For Attorney-General,
J. A. RICE,
of Mahaska County.
For Judge of the Supreme Court,
M. H. JONES,
of Mahaska County.
For Clerk of the Supreme Court,
E. N. CLARK,
of Allamakee County.
For Reporter of the Supreme Court,
J. H. WILLIAMSON,
of Buchannan County.

CONGRESSIONAL.

For Member of Congress, 5th District,
DAVID PLATNER (erased),
of Linn County.
(In pencil:) JAMES WILSON.

JUDICIAL.

For District Judge, 8th Judicial Dist.,
H. B. FRASER (erased),
of Linn County.
(In pencil:) GEORGE W. BALL.
For Dist. Attorney, 8th Judicial Dist.,
J. H. PRESTON (erased),
of Linn County.
(In pencil:) MILTON REMLEY.

COUNTY.

For Clerk of District and Circuit Courts,
A. C. SWAFFORD.
For County Recorder,
CHARLES ‹ ARTWRIGHT.
For County Supervisors,
CHARLES SHEPHERD.
A. C. HINMAN.

IOWA CITY TWP. TICKET.

For Justices of the Peace,
JOHN FLANNAGAN (erased).
C. P. SANFORD (erased).
(In pencil:) D. S. BARBER.
(In pencil:) A. D. MORDOFF.
For Township Trustee,
WILLIAM HAY (erased).
(In pencil:) J. NORWOOD CLARK.
For Township Clerk,
L. A. ALLEN.
For Assessor,
J. R. WRIGHT.
For Constables,
FRITZ CHINSKA.
ISAAC COOVER.
(In pencil:) For Coroner,
(In pencil:) A. B. CREE.

NATIONAL GBEENBACK LABOR TICKET.

For Secretary of State,
W. J. GASTON,
of Keokuk County.

For Treasurer of State,
GEO. DERR,
of Union County.

For Auditor of State,
G. A. WYANT,
of Ringgold County.

For Attorney-General,
J. A. RICE,
of Mahaska County.

For Judge of the Supreme Court,
M. H. JONES,
of Mahaska County.

For Clerk of the Supreme Court,
E. N. CLARK,
of Allamakee County.

For Reporter of the Supreme Court,
J. H. WILLIAMSON,
of Buchannan County.

CONGRESSIONAL,

For Member of Congress, 5th District,
DAVID PLATNER (erased),
of Linn County.
(In pencil:) JAMES WILLSON.

JUDICIAL.

For District Judge, 8th Judicial Dist.,
H. B. FRASER,
of Linn County.

For Dist. Attorney, 8th Judicial Dist.,
J. H. PRESTON,
of Linn County.

COUNTY.

For Clerk of District and Circuit Courts,
A. C. SWAFFORD.

For County Recorder,
CHARLES CARTWRIGHT.

For County Supervisors,
CHARLES SHEPHERD.
A. C. HINMAN.

IOWA CITY TWP. TICKET.

For Justices of the Peace,
JOHN FLANNAGAN.
C. P. SANFORD.

For Township Trustee,
WILLIAM HAY.

For Township Clerk,
L. A. ALLEN.

For Assessor,
J. R. WRIGHT.

For Constables,
FRITZ CHINSKA.
ISAAC COOVER.

NATIONAL GREENBACK LABOR TICKET.

For Secretary of State.
W. J. GASTON,
of Keokuk County.

For Treasurer of State,
GEO. DERR,
of Union County.

For Auditor of State.
G. A. WYANT,
of Ringgold County.

For Attorney-General.
J. A. RICE,
of Mahaska County.

For Judge of the Supreme Court.
M. H. JONES,
of Mahaska County.

For Clerk of the Supreme Court.
E. N. CLARK,
of Allamakee County.

For Reporter of the Supreme Court.
J. H. WILLIAMSON,
of Buchannan County.

CONGRESSIONAL.

For Member of Congress, 5th District.
DAVID PLATNER (erased),
of Linn County.
(In pencil:) JAMES WILSON.

JUDICIAL.

For District Judge, 8th Judicial Dist.
H. B. FRASER,
of Linn County.

For Dist. Attorney, 8th Judicial Dist.
J. H. PRESTON (erased),
of Linn County.
(In pencil:) MILTON ROMBY.

COUNTY.

For Clerk of District and Circuit Courts.
A. C. SWAFFORD,
(In pencil): M. W. DAVIS.

For County Recorder.
CHARLES CARTWRIGHT,

For County Supervisors.
CHARLES SHEPHERD.
A. C. HINMAN.

IOWA CITY TWP. TICKET.

For Justices of the Peace.
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For Township Clerk.
L. A. ALLEN.

For Assessor.
J. R. WRIGHT.

For Constables.
FRITZ CHINSKA.
ISAAC COOVER.

DEMOCRATIC TICKET.

For Representative in Congress, 5th District.
BEN. T. FREDERICK (erased).
(In pencil:) JAMES WILSON.

STATE TICKET.

For Secretary of State.
T. O. WALKER.

For Treasurer of State.
JOHN FOLEY.

For Auditor of State.
WILLIAM THOMPSON.

For Attorney-General.
S. H. BREMERMANN.

For Judge of the Supreme Court.
CHARLES E. BRONSON.

For Clerk of the Supreme Court.
H. F. BONORDEN.

For Reporter of the Supreme Court.
L. A. PALMER.

JUDICIAL TICKET.

For District Judge, 8th District.
GEORGE BALL.

For District Attorney, 8th District.
J. H. PRESTON.

JOHNSON COUNTY TICKET.

For Clerk of the District and Circuit Courts.
STEPH. BRADLEY.

For Recorder of Deeds.
J. J. HOTZ (erased).
(In pencil:) J. W. GRAHAM.

For Members of the Board of Supervisors.
FRANK TANNER.
JOHN DOERRES.

For Coroner (to fill vacancy).
WILL. P. HOHENSCHUH.

IOWA CITY TOWNSHIP TICKET.

For Justices of the Peace.
D. S. BARBER.

G. W. DODDER (erased).
(In pencil:) —— MORDOFF.

For Township Trustee.
J. NORWOOD CLARK.

For Township Clerk.
L. A. ALLEN.

For Constables.
W. W. PATTERSON.
JAMES HAVLIK.

DEMOCRATIC TICKET.

For Representative in Congress, 5th District,
BEN. T. FREDERICK. (erased.)
(In pencil:) JAMES WILSON.

STATE TICKET.

For Secretary of State,
T. O. WALKER.

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For Auditor of State,
WILLIAM THOMPSON.

For Attorney-General,
J. H. BREMERMANN.

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For Clerk of the Supreme Court,
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J. H. PRESTON.

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JOHN DOERRES.

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WILL. P. HOHENSCHUH.

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For Clerk,
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J. HAVELICK.

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JOHN FOLEY.

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WILLIAM THOMPSON.

For Attorney-General,
J. H. BREMERMANN.

For Judge of the Supreme Court,
CHARLES E. BRONSON.

For Clerk of the Supreme Court,
H. F. BONORDEN. (erased.)
(In pencil:) GILBERT B. PRAY.

For Reporter of the Supreme Court,
L. A. PALMER.

JUDICIAL TICKET.

For District Judge, 8th District,
GEORGE W. BALL.

For District Attorney, 8th District,
J. H. PRESTON.

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JOHN DOERRES.

For Coroner, (to fill vacancy)
WILL. P. HOHENSCHUH.

IOWA CITY TOWNSHIP TICKET.

For Justices of the Peace,
D. S. BARBER,
G. W. DODDER. (erased.)
(In pencil:) WALTER STEBBINS.

For Township Trustee,
J. NORWOOD CLARK. (erased.)
(In pencil:) GEO. M. KEYNON.

For Township Clerk,
L. A. ALLEN.

For Constables,
W. W. PATTERSON, (erased.)
(In pencil:) FRED. CHANSKY,
JAMES HAVLIK.

DEMOCRATIC TICKET.

For Representative in Congress, 5th District,
BEN. T. FREDERICK. (erased.)
(In ink:) JAMES WILSON.

STATE TICKET.

For Secretary of State,
T. O. WALKER.

For Treasurer of State,
JOHN FOLEY.

For Auditor of State,
WILLIAM THOMPSON.

For Attorney General,
J. H. BREMERMANN.

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For District Attorney, 8th District,
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JOHN DOERRES.

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WILL. P. HOHENSCHUH.

IOWA CITY TOWNSHIP TICKET.

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D. S. BARBER,
G. W. DODDER.

For Clerk,
L. A. ALLEN.

For trustee,
J. NORWOOD CLARK.

For Constables,
W. W. PATTERSON,
J. HAVELICK.

DEMOCRATIC TICKET.

For Representative in Congress, 5th District
BEN. T. FREDERICK. (erased.)
(In pencil:) JAMES WILSON.

STATE TICKET.

For Secretary of State,
T. O. WALKER.

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JOHN FOLEY.

For Auditor of State,
WILLIAM THOMPSON.

For Attorney General,
J. H. BREMERMANN.

For Judge of the Supreme Court,
CHARLES E. BRONSON.

For Clerk of the Supreme Court,
H. F. BONORDEN. (erased.)
(In pencil:) W. H. SEWELS.

For Reporter of the Supreme Court,
L. A. PALMER.

JUDICIAL TICKET.

For District Judge, 8th District,
GEORGE W. BALL.

For District Attorney, 8th District,
MILTON REMLEY.

JOHNSON COUNTY TICKET.

For Clerk of the District and Circuit Courts,
STEPH. BRADLEY.

For Recorder of Deeds,
J. J. HOTZ.

For Members of the Board of Supervisors,
FRANK TANNER, (erased.)
JOHN DORRES.
(In pencil:) J. LYDEL.

For Coroner, (to fill vacancy)
WILL. P. HOHENSCHUH.

IOWA CITY TOWNSHIP TICKET.

For Justices of the Peace,
D. S. BARBER,
G. W. DODDER. (erased.)
(In pencil:) GEO. M. KENYON.

For Township Trustee,
J. NORWOOD CLARK.

For Township Clerk,
L. A. ALLEN.

For Constables,
W. W. PATTERSON,
JAMES HAVLIK. (erased.)
(In pencil:) F. CHANSKY.

DEMOCRATIC TICKET.

For Representative in Congress, 5th District,
BEN. T. FREDERICK. (erased.)
(In pencil:) JAS. WILSON.

STATE TICKET.

For Secretary of State,
T. O. WALKER.

For Treasurer of State,
JOHN FOLEY.

For Auditor of State,
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GEORGE W. BALL.

For District Attorney, 8th District,
J. H. PRESTON.

JOHNSON COUNTY TICKET.

For Clerk of the District and Circuit Courts,
STEPH. BRADLEY. (erased.)
(In pencil:) STEPH. BRADLEY.

For Recorder of Deeds,
J. J. HOTZ.

For Members of the Board of Supervisors,
FRANK TANNER, (erased.)
(In pencil:) JOHN SEYDELL,
JOHN DOERRES.

For Coroner, (to fill vacancy)
WILL. P. HOHENSCHUH.

IOWA CITY TOWNSHIP TICKET.

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For Constables,
W. W. PATTERSON.
JAMES HAVLIK. (erased.)
(In pencil:) P. H. DUFFY.

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BEN. T. FREDERICK. (erased.)
(In pencil:) JAMES WILSON.

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DEMOCRATIC TICKET.

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For District Judge, 8th District,
GEORGE W. BALL.

For District Attorney, 8th District,
J. H. PRESTON.

JOHNSON COUNTY TICKET.

For Clerk of the District and Circuit Courts,
STEPH. BRADLEY. (erased)
(In pencil:) W. M. PAVY

For Recorder of Deeds,
J. J. HOTZ.

For Members of the Board of Supervisors,
FRANK TANNER.
JOHN DOERRES.

For Coroner (to fill vacancy),
WILL. P. HOHENSCHUH.

IOWA CITY TOWNSHIP TICKET.

For Justices of the Peace,
D. S. BARBER.
G. W. DODDER.

For Township Trustee,
J. NORWOOD CLARK. (erased)
(In pencil:) JONES.

For Township Clerk,
L. A. ALLEN.

For Constables,
W. W. PATTERSON.
JAMES HAVLIK.

DEMOCRATIC TICKET.

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JOHN DOERRES (erased).
(In pencil:) JOHN SEYDEL.

For Coroner (to fill vacancy),
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WILLIAM THOMPSON.

For Attorney General,
J. H. BREMERMANN.

For Judge of the Supreme Court,
CHARLES E. BRONSON.

For Clerk of the Supreme Court,
H. F. BONORDEN (erased).
(In pencil:) W. H. SEEVERS.

For Reporter of the Supreme Court,
L. A. PALMER.

JUDICIAL TICKET.

For District Judge, 8th District,
GEORGE W. BALL.

For District Attorney, 8th District,
J. H. PRESTON (erased.)
(In pencil:) MILTON REMLEY.

JOHNSON COUNTY TICKET.

For Clerk of the District and Circuit Courts,
STEPH. BRADLEY.

For Recorder of Deeds,
J. J. HOTZ.

For Members of the Board of Supervisors,
FRANK TANNER (erased).
(In pencil:) JOHN SEYDEL.
JOHN DOERRES.

For Coroner (to fill vacancy),
WILL. P. HOHENSCHUH.

IOWA CITY TOWNSHIP TICKET.

For Justices of the Peace,
D. S. BARBER.
G. W. DODDER (erased).
(In pencil:) GEO. M. KENYON.

For Township Trustee,
J. NORWOOD CLARK.

For Township Clerk,
L. A. ALLEN.

For Constables,
W. W. PATTERSON.
JAMES HAVLIK (erased).
(In pencil:) FRED CHANSKY.

DEMOCRATIC TICKET.

For Representative in Congress, 5th District,
BEN. T. FREDERICK (erased).
(In pencil:) JAMES WILSON.

STATE TICKET.

For Secretary of State,
T. O. WALKER.

For Treasurer of State,
JOHN FOLEY.

For Auditor of State,
WILLIAM THOMPSON.

For Attorney-General,
J. H. BREMERMANN.

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WILL. P. HOHENSCHUH.

IOWA CITY TOWNSHIP TICKET.

For Justices of the Peace,
D. S. BARBER.
G. W. DODDER (erased).
(In pencil:) GEO. M. KENYON.

For Clerk,
L. A. ALLEN.

For Trustee,
J. NORWOOD CLARK.

For Constables,
W. W. PATTERSON (erased.)
J. HAVELICK (erased).
(In pencil:) PAT DUFFEY.

DEMOCRATIC TICKET.

For Representative in Congress, 5th District,
BEN. T. FREDERICK (erased).
(In pencil:) JAMES WILSON.

STATE TICKET.

For Secretary of State,
T. O. WALKER.

For Treasurer of State,
JOHN FOLEY.

For Auditor of State,
WILLIAM THOMPSON.

For Attorney-General,
J. H. BREMERMANN.

For Judge of the Supreme Court,
CHARLES E. BRONSON.

For Clerk of the Supreme Court.
H. F. BONORDEN.

For Reporter of the Supreme Court,
L. A. PALMER.

JUDICIAL TICKET.

For District Judge, 8th District,
GEORGE W. BALL.

For District Attorney, 8th District,
J. H. PRESTON.

JOHNSON COUNTY TICKET.

For Clerk of the District and Circuit Courts,
STEPH. BRADLEY.

For Recorder of Deeds,
J. J. HOTZ.

For Members of the Board of Supervisors,
FRANK TANNER.
JOHN DOERRES.

For Coroner (to fill vacancy),
WILL. P. HOHENSCHUH.

IOWA CITY TOWNSHIP TICKET.

For Justices of the Peace,
D. S. BARBER.
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J. NORWOOD CLARK.

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(In pencil:) P. H. DUFFEY.

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(In pencil:) JAMES WILLSON.

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For District Judge, 8th District,
GEORGE W. BALL.
For District Attorney, 8th District,
J. H. PRESTON (erased).
(In pencil:) MILTON REINLY.

JOHNSON COUNTY TICKET.

For Clerk of the District and Circuit Courts,
STEPH. BRADLEY.
For Recorder of Deeds,
J. J. HOTZ.
For Members of the Board of Supervisors,
FRANK TANNER (erased).
(In pencil:) JOHN SEYDEL.
JOHN DOERRES.
For Coroner, (to fill vacancy)
WILL P. HOHENSCHUH (erased).
(In pencil:) CAP CRULL.

IOWA CITY TOWNSHIP TICKET.

For Justices of the Peace,
D. S. BARBER.
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For Township Trustee,
J. NORWOOD CLARK.
For Township Clerk,
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For Constables,
W. W. PATTERSON.
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(In pencil:) CHANSKY.

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JOHNSON COUNTY TICKET.

For Clerk of the District and Circuit Courts,
STEPH. BRADLEY (erased).
(In pencil:) M. W. DAVIS.
For Recorder of Deeds,
J. J. HOTZ (erased).
(In pencil:) J. W. GRAHAM.
For Members of the Board of Supervisors,
FRANK TANNER.
JOHN DOERRES.
For Coroner (to fill vacancy),
WILL P. HOHENSCHUH.

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(In pencil:) A. D. MORDOFF.
For Township Trustee,
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For Township Clerk,
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For Constables,
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JAMES HAVLIK.

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(In ink:) JAMES WILLSON.

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J. HAVELICK (erased).
(In ink:) P. H. DUFFEY.

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For Justices of the Peace.
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For Constables.
W. W. PATTERSON.
J. HAVELICK (erased).
(In ink:) P. H. DUFFEY.

STATE of IOWA.
Johnson County, ss:

JOSEPH PISHA being produced and sworn before Eldon Moran, a notary public for Johnson County, on this 2d day of May, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Milton Remley on the part of contestee):

(Contestee objects to the evidince of this witness, for the reason that there is no notice whatever.)

Q. 1. Where do you live?—A. In Iowa City.
Q. 2. Did you vote at the election?—A. Yes, sir; I was judge of the North precinct.
Q. 3. I will ask you if you returned the ballots to the clerk, Mr. Allen?—A. Yes, sir; the next morning.
Q. 4. Did you change any of the votes?—A. No, sir; I had the box, the trustee had the key to it.
Q. 5. You may state whether you have examined the ballots since the election.—A. No, sir; I have not.
Q. 6. I will ask you if there were a good many tickets that you recollect had Frederick's name and Frederick's name erased at the election?—A. I recollect a good number, but just how many I don't know.
(Contestee declines to cross-examine the witness, and protests to his testimony being taken for the reason that no notice has been given whatever he will be examined on rebuttal.
(No fee.)

J. P. PISHA.

STATE OF IOWA:
Johnson County, ss:

JOHN L. BERRY, being produced and sworn before Eldon Moran, notary public for Johnson County, on this 2nd day of May, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Milton Remley on the part of contestee):

Q. 1. Where do you live?—A. In Iowa City.
Q. 2. Were you born in this country?—A. No, sir.
Q. 3. By whom and where did you get your papers?—A At Iowa City.
Q. 4. Before what judge?
(Contestee objects; original testimony not rebuttal.)
Q. 5. Have you your papers with you?—A. No, sir.
Q. 6. And what judge did you get them before?—A. I don't know.
Q. 7. Was it a county judge?—A. I can't tell you, sir; my recollection don't carry me through; I was a young man then.
Q. 8. Have you your papers at home? Where do you live in Tama City?—A. Yes, sir.
Q. 9. Have you your naturalization papers at home?—No ans.
Q. 10. I will ask you if you will answer the question?—A. No, sir
Q. 11. Were you subpœnaed to bring them?—A. No, sir.
Q. 12. You have got a copy of subpœna with you?—A. Yes, sir.
Q. 13. Please let me see it.
(Witness produces papers.)
Q. 14. Yes, sir; it says naturalization papers to be brought. You will bring them in after dinner.—A. I don't think that I can find them.
Q. 15. Find them if you can.—A. I was taken away from my business; appointed deputy; I could not get here by that time and find my papers.
Q. 15. You may take time.—A. I presume I can tell within a year or two and it can be looked up.
Q. 17. We simply want the papers themselves.
(Excused for the present.)

STATE OF IOWA,
Johnson County, ss:

JOSEPH ZAITHAMEL, being produced and sworn before Eldon Moran, notary public for Johnson County, on this 2nd day of May, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Milton Remley on the part of contestee):

James Dvorskey sworn as interpreter.
(Contestee objects to the evidence being interpreted by this man for the reason that he is interested in this case, and has served subpœnas, and has been employed in hunting up evidence for contestant.)

Q. 1. Where do you live?—A. In Iowa City.

(Contestee objects to the examination of this witness, for the reason that his name does not appear in the notice served on contestee nor his place of residence given.)

(Interpreter not employed just now.)

INTERPRETER. There are various ways of spelling his name in English.

Q. 2. Please interpret this man's name in English as it should be spelled in English.—A. If I should go to give the pronunciation of his name I should write it Zaith amel.

Q. 3. Did you vote here last fall?—A. Yes, sir.

Q. 4. Did you peddle tickets here?—A. I don't understand.

BROWN. I don't think it is right for you to bring any interpreter here.

(Contestee objects.)

A. Yes, sir; I peddle tickets.

Q. 5. What tickets did you peddle, Democratic or Republican?—A. Both of them, Democratic and Republican and Greenback.

Q. 6. Did you peddle tickets with Wilson's name written on?—A. Yes, sir.

Q. 7. In what ward?—A. 3rd ward.

Q. 8. Was Frederick's name scratched off and Wilson's name written on?

(Objected to as leading and incompetent. Witness says he couldn't look into other people's hands to see what ticket they voted. You ask the question of the witness whether he had any Democratic tickets with Frederick's name scratched and Wilson's written in. He swears that he can't look into people's hands to see what they had.)

Q. 9. Now, did you have any tickets with Wilson's name written in and Frederick's name scratched?—A. He says he can't say. It has been so long ago that he can't remember whether he had or not.

Q. 10. Did you have Democratic tickets with the top name scratched off and Wilson's name written in?—A. He says some men scratch one thing and some another, and that when he is paid to hold and peddle tickets he will peddle them just as they are.

Q. 11. Were you employed to peddle tickets?—A. He was paid, but he didn't know which side he was paid by.

Q. 12. Was he paid to peddle Wilson tickets—that is, Republican tickets?—A. He said that it depended upon which side he was paid for his day's work.

Q. 13. What tickets did he peddle, Democratic or Republicau?—A. Without.—Both of them.

Q. 14. Were the tickets that you peddled Wilson tickets?—A. Both kinds.

Q. 15. Who employed you?—A. He says that he don't know the men that hired him. They promised to pay him, but didn't do it,

Q. 16. Ask him if there was any name written on the ticket?—A. He says that his name was written on the ticket.

Q. 17. Was it written or printed?—A. He says that he can't tell by the writing.

Q. 18. You would know the tickets that you peddled if you saw them?—A. He says that the paper was just like any other kind, and that he couldn't tell it.

Q. 19. Did you peddle any tickets like this one [referring to Exhibit A on evidence of Allen]?—A. He says that he had tickets like this and some of the other, and some would come and look at them and take that kind, and others would take that other kind.

Q. 20. Did you peddle some like this kind?—A. Yes, sir; lots of them.

Q. 21. How many that had Wilson's name written on?—A. Maybe one and maybe two, I can't tell.

Q. 22. Did you have a good many—50 or 100?—A. No, sir; not one-third that many.

Q. 23. I will ask you if you have peddled 50 or more of this kind of tickets? How many did he have like this that day?—A. Maybe two, maybe one; I don't know.

Q. 24. He never looked at them?—A. Maybe not one; maybe not two. I didn't look at them at all. Everybody can tend to his own business.

Q. 25. I will ask you if you might have had 15 or 20 of them?—A. He says that he don't remember how many he had very well; he had other things to attend to, a family to keep, and other things on his mind; he can't remember just how many he had.

Q. 26. Didn't you have a whole handfull of these tickets with the name written on?

(Objection as incompetent.)

Q. 27. Didn't you have Democratic tickets with the name of Wilson written on?

(Objection as improper.)

A. No, sir; I say that a dozen times.

Q. 28. Show me the ticket. [Passing tickets to him; Exhibit A on Allen.]

Q. 29. Did you for a fact look at that one with Wilson's name written on?—A. No, sir.

Q. 30. You swear to that, do you?—A. Yes, sir.

Q. 31. Didn't you peddle tickets with Wilson's name on?—A. No, sir.

Q. 32. Never peddled one with Wilson's name on?—A. I may never have seen that particular ticket.

Q. 33. Never peddled tickets with Wilson's name on?—A. He says that he noticed that some were written on pencil, but didn't notice just what it was.

Q. 34. Was the top of the ticket just like this one?—A. He says it was about like this one, referring to one of the tickets.

Q. 35. You had a good many of this kind of tickets?—A. No, sir.

Q. 36. How many of them?—A. I didn't count them.

Q. 37. 20 or 30 of them?—A. No, sir.

Q. 38. 15 or 20 of them?—A. No, sir.

Q. 39. Five?—A. Well, I don't know, maybe two or three, maybe 5, maybe 50 or 100; I don't know.

Q. 40. Didn't you vote the Republican ticket last fall?—A. I went to the polls to vote the Republican ticket.

Q. 41. Ask him it he can read English?—A. He can read Bohemian.

Q. 42. Can you read writing?—A. Yes, sir; but I suppose that I will understand if different.

Q. 43. I will ask you if the ticket that had the writing next to the top was Democratic or Republican?—A. He says that he don't know.

(Paid as fee by contestant, $1.65.)

JOSEPH XAITHAMEL.

STATE OF IOWA,
Johnson County, ss:

GIL. F. FLETCHER, being produced and sworn before me, Eldon Moran, notary public for Johnson County, on this 2nd day of May, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant and Milton Remley appearing on the part of contestee):

Q. 1. Where do you reside?—A. Iowa City.

Q. 2. Are you a public officer here?—A. Deputy sheriff.

Q. 3. How long have you been deputy sheriff?—A. Something over 5 years.

Q. 4. You have had some experience in serving papers?—A. I think so.

Q. 5. I will ask you if you served subpœna to-day on Mr. Haddock?.—A. No, sir; I did not serve that.

Q. 6. I will ask you if you have ever had any difficulty in serving papers on Bohemians?—A. I have always found a great deal of difficuly in finding Bohemians by their names as they were spelt in the notice.

Q. 7. Is the pronunciation of these names different from the spelling?—A. Yes, sir; very often it is.

Q. 8. Are they spelt in different ways?—A. Yes, sir.

Q. 9. What incongruity did you find in the spelling?—A. I found going by a name in the community in which they lived, and it is spelt different from the pronunciation; I can give an example or two.

Q. 10. Give some.—A. One of John ———, of Newport Township, who answers to the name of ——— ———; he has been sued in court in this county under either name, and he has answered to either name in court.

(Contestee objects to this testimony as incompetent and immaterial.)

Q. 11. State how long you have lived in this county?—A. For 32 years.

Q. 12. Did you know Frank ———?—A. I don't believe I do by that name.

Q. 13. John Kozak?—A. I don't believe I do.

Q. 14. Are you acquainted with Joseph ———?—A. Yes, sir; I am.

Q. 15. What name does he go by also?—A. I know him by that same name, I think.

Q. 16. What is he generally called?—A. If it is the man I think it is, I know him by the name of Haddock.

Q. 17. I will ask you if you know W. J. Haddock?—A. Yes, sir.

Q. 18. Has he acted as district judge?

(Contestee objects; incompetent, immaterial; not proper rebuttal.)

Q. 19. Has he acted as circuit judge in this county?—A. I am not positive; I think so; wouldn't say so of my own knowledge.

Q. 20. You don't remember of him acting as such? What are his politics?

(Objection by contestee, not proper rebutting evidence.)

A. Republican.

Q. 21. I will ask you if the one you refer to was Mr. Wilson's attorney in this case at any time?—A. Yes, sir; I think so.

Q. 22. You saw him in the court before the commissioner acting as attorney, examining witnesses at the early part of the term, both before the commissioner and Mr. Swisher, notary. You think you didn't see him there?—A. No, sir; I don't remember whether I saw him there when he was there.

Q. 23. You may state if you heard the contestee refer to him as attorney, or if you ever served papers on him in this case as attorney.—A. I didn't myself; the sheriff served them. I haven't heard Mr. Wilson refer to him as attorney.

Q. 24. You have had records in your hands issued by circuit court while Haddock was judge?—A. No, sir; I never had. I think if he was circuit judge in this county it was before I was deputy sheriff, five years ago.

($.85 paid as fee by contestant.)

GIL. F. FLETCHER.

STATE OF IOWA,
Johnson County, ss:

STEPHEN BRADLEY, being produced and sworn before me, Eldon Moran, a notary public in and for Johnson County, on this 2nd day of May, A. D. 1883, testifies as follows (Milton Remley appearing on the part of contestee, and T. Brown on the part of contestant):

Q. 1. Are you clerk of the district court?—A. Yes, sir; for Johnson County.
Q. 2. How long have you acted as such?—A. A little over two years.
Q. 3. How long have you lived in the county?—A. Over 36 years.
Q. 4. Are you acquainted with W. J. Haddock?—A. Yes, sir.
Q. 5. I will ask you if you know of his acting as attorney for Jas. Wilson in this proceeding?

(Objection; incompetent, immaterial.)

A. No, sir; only by hearsay.
Q. 6. I will ask you if the man you refer to is Judge Haddock?—A. Yes, sir.
Q. 7. How was he judge in this district?—A. I don't know anything about the time he was judge, personally.
Q. 8. Were you never here when he was on the bench?—A. No, sir; it was a good many years ago.
Q. 9. Do the records in your office show that W. J. Haddock was judge of the district court?

(Objection; not the best evidence.)

A. Well, all I know about the judgeship is from hearsay.
Q. 10. You don't know whether his name appears on the record?—A. No, sir; I have never met it. It may be possible that it is there, for all I know.
Q. 11. You may state if you have the records of naturalization of this court in your possession.—A. Yes, sir.
Q. 12. You may state if you have any difficulty in tracing names of parties naturalized from your papers.—A. Yes, sir.
Q. 13. How does the difficulty exist?—A. Well, mostly with Bohemians' names.
Q. 14. What difficulty arises from Bohemian names?—A. It is difficult to find them beforehand, and the way they spell their names in their own language. Sometimes they are recorded as we would spell them in the English language.
Q. 15. Are there a good many that appear to be naturalized on the record of the county in the county court the names of whom have no person answering to them in the county?—A. Yes, sir.
Q. 16. Does the name appear frequently on the county and district courts?—A. Well, I never looked. I have seen the same appear twice on the same record, on the same index.
Q. 17. When Mr. Wilson was taking testimony did they give you the name of Mr. Shondel, and inquire if he was naturalized?—A. Yes, sir.
Q. 18. Did you find the name?—A. No, sir; not then.
Q. 19. Have you since found found it?—A. Yes, sir; I have found what I think is the name.
Q. 20. Will you turn to the court which contains a record of it?—[Witness turns to the book.] A. I find here the name of Albert Zandle, issued in the circuit court, Johnson County, and it is generally pronounced Shondel.
Q. 21. Did they give him the name of King?—A. No, sir; I believe not.
Q. 22. Did you keep the records of the names they gave you?—A. No, sir.
Q. 23. Now, is Zendel the correct spelling of that name?—A. No, sir; I don't think that is the proper way to spell that name.
Q. 24. Don't Bohemian names begin with almost any letter of the alphabet?—A. Yes, sir; almost any.
Q. 25. Irrespective of pronunciation?—A. Yes, sir.
Q. 26. Are they spelled in different ways in English?—A. Yes, sir.
Q. 27. How is the name of Flach spelled?—A. John Wlach; that is the only way of spelling the name of Wlach.
Q. 28. How is the name of Schich spelt?—A. Schich.
Q. 29. Have you the code of '51 in your office?—A. No, sir; the earliest one we have is the revision of '60. There are some in town, though.
Q. 30. You may state who recorded these naturalization papers that appear to be issued in the county court.—A. I find some of them to be recorded by S. Bacheler, clerk in the court at that time.

Q. 31. For what period of time was the record made up by him?—A. The first period of his recording the records of naturalization, 2d of June, '59; that is in the county court. The last one in the county court was the 25th of Nov., '59. The books are badly mixed. Here is the book that appears to be a continuation of the first book. Here is one recorded 27th of Oct., '60.

Q. 32. Don't the records commence way back in '51?—A. Well, '59 is the first I found there.

Q. 33. You say up to '60 the records were made by Mr. Bacheler, clerk of the court?—A. Yes, sir.

Q. 34. Some of the records were made up by the county judge himself?—A. Yes, sir.

Q. 35. I will ask you if you are acquainted in this county?—A. Yes, sir; I have been here a good while.

Q. 36. Do you know a good many parties that were Republicans that were naturalized in the county court?—A. Yes, sir.

(Contestee objects to it.)

Q. 37. There are a good many persons who are leading Republicans who were naturalized in the county court, whose names appear on the naturalization record?—A. Yes, sir.

Q. 38. What are the politics of Judge Haddock?—A. Generally considered Republican.

Q. 39. Can you tell of the naturalization in the county court?—A. Yes, sir.

Q. 40. Please do so.

(Witness refers to a book.)

(Contestee objects; not proper rebuttal.)

A. Yes, sir; I have found it here. I have found the naturalization papers of Wm. J. Haddock, a native of Ireland.

Q. 41. Please read that record to the reporter.

(Objection; not competent, immaterial; not proper rebutting evidence.)

Copy of page 33, *naturalization record* 32.

RECORD OF NATURALIZATION.

UNITED STATES OF AMERICA.

State of Iowa, Johnson County, ss:

Be it remembered at the term of court holden in and for said county, State of Iowa, on the 5th of November, A. D., 1860, was presented the Hon. Geo. W. McClary, sole presiding judge, S. Bacheler, clerk of said court, when the following, among other proceedings, was had, to wit: Wm. J. Haddock, a native of Ireland, at present residing in said city, appears to be admitted to the satisfaction of the court that he had declared on oath before that he had immigrated to and arrived at the United States under the age of 18 years, and that he continued to reside therein until the present term of the court of record, having common law jurisdiction, and using a seal, two years at least before his application, and that it was *bona fide* his intention to become a citizen of the U. S., and to renounce for all and forever all allegiance to any foreign power, potentate, State, or sovereignty whatsoever, and particularly to Victoria, Queen of Ireland, to whom he was a subject. The court being satisfied by the testimony of John Haddock that the said applicant had resided within the U. S., and for a term of years, 5, next preceding his admission, without being at any time during the said time, 5 years, out of the U. S., and within his State for one year at least; and it further appearing to the satisfaction of this court that during that time he has behaved himself like a man of good moral character, attached to the principles of the Constitution of the U. S., and well disposed to the good order and happiness of the same. Thereupon, the court admitted the said applicant to become a citizen of the U. S., and further, by the proceedings aforesaid, to be entered by record, and it was done accordingly by the clerk of the court.

Q. 41. What record is that?—A. Naturalization record No. 2.

Q. 43. Of the Johnson County circuit court?—A. No, sir; of the Johnson County court.

STEPHEN BRADLEY.

Cross-examination of Bradley by Brown:

Q. 1. Are there books of naturalization outside of those you have referred to on direct examination?—A. Yes, sir; there are books of naturalization, not numbered, called naturalization papers.

Q. 2. Don't you frequently find several of the same name naturalized?—A. Yes, sir.

Q. 3. How many Jerry Malones are there naturalized in your records?—A. I have only found one; I know of two, but one is dead.

Q. 4. One is deceased, is he?—A. Yes, sir.

Q. 5. What Jerry Malony did this book have reference to that you have examined?—A. I think it is the one that is dead.

Q. 6. How many Thomas Berrys do you know?—A. Two living and one dead.

Q. 7. What Thomas Berry; of whom you examined record of naturalization?—A. I have reason to believe that it is the Thomas Berry that is dead, from the fact that it was his brother-in-law who was his witness.

(Contestee objects to the answer for the reason that it is simply an opinion.)

Q. 8. Do you know Patrick Slovan?—A. Yes, sir; I know two of them.

Q. 9. How many Pat Slovans have taken out papers?—A. Only one.

Q. 10. Do you know that these men whose records you have searched to-day are the same ones whose names that were given you by the parties?—A. I don't positively know that they are the same.

Q. 11. Do you know that they are also men of the same name naturalized in these books?—A. Yes, sir; I know men of the same name in these books.

Q. 12. How can you tell that they are the same men we have been inquiring for?—A. I can't tell positively, I suppose.

Q. 13. Now, have you not their record in an index?—A. We have naturalization papers. I can see that they are indexed. Their index is to be found in the old index of the old court papers.

Q. 14. There are a good many men naturalized in the old court records that haven't been present here at all?—A. No, sir, not present here.

Q. 15. They string over a good many books, don't they?—A. Yes, sir; quite a number.

Q. 16. It would take a good while to go over these records?—A. Yes, sir; quite a while.

Q. 17. You find all the names that these present have asked you in these books?—A. No, sir; not all of them.

Q. 18. They may appear on other books than those you have examined, may they not?

(Contestee objects: Leading.)

Q. 19. Do they appear on other books in this county besides what you have produced here?—A. Yes, sir.

Re-direct:

Will you examine the records that you find numbered here and find out whether or not the names of Chas. Tomask, Joseph Hurdluchka, and Joseph Prusha appear on these records? Please go to your office and examine them and report the result of the examination.

(Contestee admits that a certain W. H. Haddock, who has been referred to here, was one of the attorneys for Jas. Wilson, the contestee in Johnson County, in these proceedings.

It is agreed between the parties that the commissioner shall here answer the report of Bradley in regard to the other names given him at any time when he might be able to make a report of the same.)

P. S.—Mr. Stephen Bradley, a witness, on the 4th day of July, 1883, makes the following report to the commissioner:

Having examined through the records in my office referred to in the question, I make answer that no record whatever of the naturalization of the parties named in the question are to be found in any of these records.

STATE OF IOWA,
Johnson County, ss:

J. C. COCHRAN, being produced and sworn before Eldon Moran, a notary public in and for Johnson County, on this 2nd day of May, A. D. 1883, testifies as follows, being examined before me, T. Brown appearing on the part of contestant, and Milton Remley on the part of contestee.

Q. 1. Where do you reside?—A. In Iowa City.

Q. 2. How long have you lived here?—A. Twenty-nine years; about that length of time.

Q. 3. Were you naturalized here in the county court?

(Contestee objects: Incompetent; not proper rebuttal.)

A. Yes, sir.

Q. 4. Have you no papers?—A. Yes, sir.

Q. 5. Will you show them, please?

(Contestee objects to all this testimony of this witness on the ground that the time for direct testimony had expired, and protests against the introduction of original testimony during the ten days of rebuttal. There is no law for it; no authority for it.)

Q. 6. You may please present your papers, Mr. Cochran.

(Witness produces the same in court.)

A. Here is the article.

Q. 7. You are a Republican, are you not, in politics?—A. Well, yes, sir.
Q. 8. You voted the Republican ticket many years?—A. Remley says I need not answer unless I wish.
Q. 9. You need not.—A. Then I won't tell.
Q. 10. It is a previously privileged question. Wilson has asked the same question.—A. I have voted for Democrats sometimes when I thought they were better men than the Republicans.
Q. 11. Did you vote for Jas. Wilson last fall?—A. I won't answer that; it is unnecessary.
Q. 12. You have lived here as a citizen a good many years and voted since you have been naturalized?—A. Yes, sir.
Q. 13. You took ordinary oath before the county court?—A. Well, really I cannot tell you whether I took the oath. I took the papers.
Q. 14. You have never had a doubt as to your right to vote since you obtained those papers?—A. Well, that is unnecessary, so I will not answer it.
Q. 15. You have voted right along?—A. Yes, sir.
Q. 16. Exercised the right of franchise?—Yes, sir.
Q. 17. Your vote has never been challenged, has it?—A. Yes, sir.
Q. 18. As soon as you had those papers?—A. Yes, sir; I think so. Unless I understood it was going to be; it was challenged before I got that paper, I think. It was once since then, but I am not at all clear about it.
Q. 19. You put in your vote, did you not?—Oh, yes, sir.
Q. 20. You swore it in, did you not?—A. No, sir; I pulled out that paper.
Q. 21. They admitted it?—A. Yes, sir; they did.
Q. 22. Same paper introduced in evidence by contestant. Have you ever served on juries?—A. Yes, sir; when I could not help it.
Q. 23. Have you held any office?—A. No, sir; none in the gift of the American people.
Q. 24. You have served on juries?—A. Yes, sir; I think so.
Q. 25. You have considered yourself an American citizen since you got those papers?—A. Yes, sir; I think so.
Q. 26. Well, I think so.

STATE OF IOWA,
Johnson County, ss:

I. S. Bacheller, clerk county court in and for the county of Johnson, in said State, do hereby certify that J. C. Cochran appeared before George W. McClary, county judge for said county, and it appears that said Cochran is entitled to become a citizen of the United States; and the court, after hearing the testimony and having filed advice in the premises, order by said court that said J. C. Cochran be entitled to become a citizen of the United States of America.

In testimony whereunto I have hereto set my hand and seal of the said court in Iowa City, this second day of April, A. D. 1860.

I. S. BACHELLER, *Clerk.*

[Seal of Johnson County attached.]

(Contestee objects to the above; not the best evidence in proper rebuttal.)
Q. 27. You are not ashamed of your politics, are you?—No, sir.
Q. 28. Have you any hesitation to state how you voted?—No, sir; I usually vote Republican.

BROWN. I simply introduce this testimony for the purpose of showing that Republicans in this county have the same kind of papers you introduced. Have papers and have voted regularly and considered themselves citizens. I believe that Cochran is just as good a citizen as Remley.

(Contestee says that he refuses to appear in the taking of the evidence of this witness.)

J. C. COCHRAN.

STATE OF IOWA,
Johnson County, ss:

I, Eldon Moran, a notary public and commissioner, agreed upon by the parties to take testimony in this cause, in pursuance of the annexed agreement attached to the testimony of J. L. Adams, whose testimony was taken Feb. 22, do truly certify that on the 2nd day of May, 1883, in pursuance of the notice hereunto annexed, I took the depositions of the following witnesses: Chas. Holfka, L. A. Allen, Joseph Pisha, John L. Berry, Joseph Zaithamel, Gil Fletcher, Stephen Bradley, J. C. Cochran, Stephen Bradley (recalled), whose testimony is set forth in the following manner: Each witness was first by me duly sworn, or caused to be sworn in my presence, as provided by law, and when sworn the

questions were propounded to him by the respective parties, Benj. T. Frederick, contestant, and James Wilson, contestee, by their respective attorneys, and the question by me read to the witness, who answered the same, and his answer in the language of the witness by me taken down under each question propounded, until the whole was reduced to writing and the deposition completed.

I further certify, that when the testimony of each witness was taken, I carefully read the same over to the witness, who corrected the same, and each correction noted, and said testimony was then signed by the witness and sworn to by him before me.

I further certify, that T. Brown and Carney appeared as counsel for the contestant, Benj. T. Frederick and Milton Remley as counsel for the contestee.

In witness whereof I have hereunto set my hand and seal notorially, this 2nd day of May, 1883.

[SEAL.]

ELDON MORAN,
Notary Public for Johnson County, Iowa,
and Commissioner agreed upon to take testimony.

No. 2.

STATE OF IOWA,
Johnson County, ss:

Deposition of JOHN DEVAULT, produced and sworn before A. D. Swisher, a notary public in and for Johnson County, on this 22nd day of Feb., A. D. 1883, and examined before me, testifies as follows:

Q. 1. What is your name, age, place of residence, and occupation?—A. Name, John N. Devault; age, 34 years; Big Grove Township, Johnson County, Iowa; occupation, farming.

Q. 2. Were you clerk of the Nov. election, 1882; and, if so, in what township in Johnson County, and who were the other officers of the election?—A. I was clerk of said election in Big Grove Township, in Johnson County; assistant clerk, F. J. Wistner; judges M. M. Carrigan, A. W. Benter, and Jacob Kessler were the judges.

Q. 3. Have you in your possession the ballot-box and votes and poll-books of the Nov. election containing the ballots cast for the office of Rep. in Congress in favor of the several candidates then running for said office?—A. I have the ballot-box and poll-books in my possession.

Q. 4. In whose custody has the ballot-box been since the said election; and how has it been kept as to being sealed, locked, or otherwise safely kept?—A. It has been in my possession until Dec. 28, 1882. Since that time it has been in the possession of M. S. Shircliff, of Solon. While it was in my possession it was sealed and locked, and I found it locked and sealed this morning.

(The first part of the answer, as follows: I found it locked and sealed this morning, objected to by contestee as incompetent, not being the way of proving the manner in which the ballot-box has been kept since the 28th of Dec. 1882.)

Q. 5. Have you at any time examined the ballots in said box since closing the same after the election?—A. We did examine them once.

Q. 6. Who was present at the time of such examination; and when was that?—A. Before it went out of my possession in Dec. There were present myself, assistant clerk, and the judge of election.

Q. 7. Why did you make such examination?

(Question objected to by contestee as immaterial.)

A. We were ordered to by some one. I do not remember who.

Q. 8. Had the ballot-box been opened before, after the election, up to that time?—A. No; I think not.

Q. 9. You may now open the ballot-box in the presence of the judges of the election and notary and count the ballots, and state how many of the ballots were cast at the Nov. election, 1882, for the office of Representative in Congress, and how many votes each person or candidate received for such office.

(Objected to by the contestee for the reason that the ballots and poll-book are shown not to have been in the proper custody, for the reason that the witness does not show that the ballot-box containing the ballots was not open while in his custody, and that it is not fully shown that the ballots and poll-books are in the same condition as when sealed up after the count on the day of election. Objects to certain parties other than the witness taking part in the effort to recount.)

A. I have counted the ballots. There were 246 ballots cast at the said election for the office of Representative in Congress, of which B. T. Frederick secured 174, Jas. Wilson 52, and David Platner 16.

Q. 10. Does this count correspond with the count made by you after the election in Dec., 1882?—A. Yes, sir.

Q. 11. How many ballots were returned, as shown by the poll-book, as cast for the office of Representative in Congress to the board of county commissioners for the November election, 1882, and present the poll-book so that the notary may copy the entry therein for the office aforesaid.

(Objected to by the contestee for the reason that the evidence sought to be elicited is secondary, and for further reason that the poll-book sought to be introduced is not the same as used by the county canvassers.)

A. There were 238 votes cast for the office of Representative as shown by the poll-book, of which Benjamin T. Frederick received 172, Jas. Wilson 51, David Platner 15, at an election held at Solon, in Big Grove Township, in Johnson County, State of Iowa, on the 27th day of Nov., A. D. 1882; there were 243 ballots cast for the office of Rep. in Congress, 5th district, of which Benj. T. Frederick had 172 votes, James Wilson 51 votes (the word one has been written over some other word which appears to be seven), David Platner had 15 votes. (And in the vote for Benj. T. Frederick it appears that over the word two has been written.)

Q. 12. Is the poll-book which you have presented to the notary the poll-book for Big Grove Township, in which the vote was recorded at the Nov. election, 1882?

(Objected to by the contestee because the poll-book has been out of his custody.)

A. Yes, sir; it is.

Q. 13. Is the vote recorded as taken down by the notary from said poll-book, and now appearing on the poll-book, the same as was written at the time of the canvass of the votes of the election for the office of rep. in Congress, and has the entry been changed or altered since that time?

(Objected to because the poll-book has been out of his custody and he has had no means of knowing as to matters asked for, and he did not write the book now before him.)

A. It has not been altered or changed that I know of; it appears the same.

Q. 14. Did you examine the poll-book at the time and compare it with the one you made?—A. Yes, sir, I did; we examined both of them and compared the two books.

Q. 15. Where has this poll-book been kept since that time?—A. It has been kept in the ballot-box, as far as I know, while in my possession.

Q. 16. At the time you counted the ballots, in the presence of the judges after the election, in Dec., 1882, where had this poll-book been kept up to that time, and in whose possession?—A. In the ballot-box, and in my possession.

Q. 17. Did you then examine the entry in the poll-book for the office of rep. in Congress, and was such entry as it now is, and state how much the entry was at that time?

(Objected to as leading, except the last clause.)

A. I examined this book and found the entry the same as it now is, and the book the same.

Q. 18. When you counted the ballots in Dec., 1882, were these ballots in the same condition they were when put in the box after the canvass of the Nov. election, 1882?

(Objected to for the reason that there is no showlng as to the result of that surreptitious canvass and leading.)

A. Yes, sir; they were.

Q. 19. How did such canvass correspond with the canvass made to-day, and what was the result of each canvass?

(Objected to because it is an incompetent mode of proving the matter sought.)

A. The canvass compared with that.

Q. 20. State if you are satisfied there was any error or mistake at the original canvass of the votes cast for the office of Rep. in Congress, and the returns made to the board of county canvassers, and, if so, what was the mistake?

(Objected to by the contestee for the reason that the question is not for facts, but mode of mind of the witness, and that it is leading.)

A. There was a mistake made in the canvass, I think, and in fact I am positive there was a mistake in the first canvass of the votes. There were more votes counted than were cast, but it may have been in the tally.

Q. 21. How many votes should have been returned for Benj. T. Frederick, and how many for James Wilson, for said office, as shown by the ballots?

(Objected to, as it is simply the opinion of the witness asked for; that he does not designate which count is referred to.)

A. There should have been returned for Benj. T. Frederick 174, and for James Wilson 52.

Met pursuant to adjournment.

Cross-examination:

Q. 1. Where did you keep this ballot-box before it was turned over to Shercliff, and where was the key to the same?—A. I kept the ballot-box in my house and the key in my pocket.

Q. 2. Did any one have access to said key of said ballot-box before the additional count in December?—A. No, sir; they did not.

Q. 3. From the time the ballot-box was closed after the count at the day of the election until the time you and the assistant clerk and the judges of the election met on Dec. 18th, 1882, to make additional count did you or any one else open the ballot-box?—A. No one else opened it, and I don't think I did.

Q. 4. Are you sure you did not open it?—A. I am not sure I did not, and I am not sure I did; I think it was not open.

Q. 5. Was not Gill Fletcher up there, and opened that box and examined the ballots?—A. I think not; if he did, I knew nothing of it.

Q. 6. On the day of the election were the ballots not carefully counted, and did you not make proper entry on the tally-list?—A. We thought we were doing the vote right, but by the recount it shows that we were not right; we intended to do it right.

Q. 7. In your count on the day of election did you not correct errors that you believed you had found that had been made on the tally-list?—A. We did.

Q. 8. By this correction, was not your attention especially called to the votes for Congressman in the 5th district?—A. I am not positive, but I think it was.

Q. 9. Will you now present to me the tally-list of said election as exhibit in the poll-book to-day?—A. I will (poll-book and tally-list presented).

Q. 10. Does not this tally-list show that had been recorded for Wilson; that had been subsequently erased?—A. Yes, sir.

Q. 11. Does not the same tally-list show in the total tallied votes column a blotted and erased condition as to the number of votes for Wilson?—A. Yes, there is a blot there; there is a blot as to the whole. What has been blotted is impossible to say.

Q. 12. Is not the total vote for Congressman in the same blotted condition, and changed from what was originally written?—A. Yes, sir; it looks as though it had been changed.

Q. 13. What is the total number of votes set down for Congressman on the tally-list?—A. I could not say positively; I suppose it was 243.

Q. 14. Does the last figure look like a 3?—A. I would not say positive. It looks like a 3 with 1 written on top of it.

Q. 15. How many votes were cast for Benj. T. Frederick as shown by the tally-list, and how many for James Wilson, and how many for David Platner, and what would the total amount to as appears by the tally-list?—A. By the figures it seems 172 for Benjamin T. Frederick; as to Wilson the figures are blotted bad; it may be 50 or 51 or 56; as to Platner it looks like 15 now, and the total would be 243. I can't read the number as written.

Q. 16. Now, you make Frederick's total 172, Platner's 15, and the aggregate total 243; now what number does that leave for Wilson?—A. I have not said positive that Wilson has 56; if you figure it that way it would leave for Wilson 56.

Q. 17. Please count the tallies on the tally-list for Wilson that still remain there after all erasures, and state what number of votes is that are tallied for Wilson.—A. 54 is the number.

Q. 18. If from all these changes and erasures your attention and the attention of the canvassers was called to this Congressional vote, why was it not absolutely right as you returned it?—A. The reason is that we made a mistake either in counting or tallying.

Redirect examination:

Q. 1. What poll-book is this?—A. This is the poll-book of the Nov. election, '82, Big Grove Township, Johnson County, Iowa.

Q. 2. Who wrote this poll-book?—A. I did; J. M. De Vault.

Q. 3. Is that the poll-book you returned to the auditor's office for the canvassers of the Nov. election, '82?—A. It is.

Q. 4. You may state if you wrote the poll-book that has been presented by you here to-day, a part of which has been copied.—A. No, sir; I did not.

Q. 5. Are you satisfied that you made a mistake in the count of the ballots at the official count?

(Objected to as asking for opinion.)

A. I am satisfied that there was a mistake made either in the count or in the tally.

Q. 6. Are you satisfied that the original ballots cast at the Nov. election, 1882, were in the box at the time of your second canvass, and to-day?

(Objected to as asking for the opinion of the witness.)

A. I am satisfied that they were.

Q. 7. Was there any opportunity for the ballots being changed between the time of the first canvass and the second count; and, if so, what?

(Objected to as asking for the conclusion, not fact.)

A. There was not any chance of their being changed.

Recross-examination:

Q. 1. State who ordered the second count, made in Dec., 1882, as near as you can tell.—A. The judges of the election spoke to me about it. That is the first I knew anything about it.

Q. 2. What did they tell you?

(Objected to as hearsay.)

A. They said it was surmised that there was a mistake, and some one wanted a count.

Q. 3. Does this book written by yourself, sent to the auditor's office, show any signs of erasures and changes in the tally column and total-vote column for Wilson?—A. It shows signs of erasures and changes.

Q. 4. What does the total for Wilson now show?—A. 51.

Q. 5. From what has it been changed?—A. I cannot say positively from what it has been changed. It might have been six or a cipher.

Q. 6. How many votes does the tally column now show?—A. 51.

Q. 7. From what has it probably been changed?—A. I cannot say positively; it may have been either a mark or a blot.

Q. 8. What does the written return now show for Wilson?—A. It might have been 6; I cannot say positively.

J. N. DE VAULT.

Subscribed in my presence and sworn to before me, by J. M. De Vault, this 22nd day of Feb., 1883.

A. E. SWISHER, *Notary Public.*

Fees of J. N. De Vault: Mileage, $1.70; attendance, 75—$2.45.
Commissioner's, $15.

In the House of Representatives of the United States of America.

BENJAMIN T. FREDERICK, *contestant*,
v.
JAMES WILSON, *contestee*.
} Stipulation for commissioner.

It is hereby stipulated and agreed that Eldon Moran, a notary public of Johnson County, Iowa, and short-hand reporter, shall be, and he is hereby, appointed to take testimony at all points in the fifth Congressional district for and in behalf of the contestant and contestee. That said testimony shall be taken down in short-hand writing and transcribed by him; that one transcribed copy of all testimony taken shall be furnished contestant, one transcribed copy shall be furnished contestee, and one transcribed copy shall be transmitted to the Clerk of the House of Representatives, within thirty days from the time of completing the testimony, also accompanied by the original testimony in short-hand, signed by the witnesses. That the transcribed copies certified to by the short-hand reporter shall be read in evidence, and with equal credibility, as though taken in long hand, and in the mode usually adopted in the trial of this class of causes. All objections to this mode of taking the said testimony before said Eldon Moran is waived in all counties of this Congressional district. It is agreed that in case any witness disobeys or fails to obey a subpœna any notary public may issue such subpœna, and we agree to waive time and notice for such witness, and such notary may take such testimony in place of said Moran in other counties than Johnson. Testimony out of the district shall be taken as provided by law. The testimony, both contestant and contestee, shall be taken before said Eldon Moran when taken within the district, except as above stated. In case of sickness or disability or failure of said Moran to meet appointment any notary may be selected to take his place by either party during the continuance of such disability other than said Eldon Moran, who is agreed upon as a commissioner for the purpose of taking the testimony in this case. That all witnesses whose testimony is taken shall be sworn before some notary public or other officer authorized to administer oaths in such cases.

In witness whereof we have hereunto set our hands this the 22d day of Feb. A. D. 1883.

BENJAMIN T. FREDERICK,
By T. BROWN, *Att'y.*
JAMES WILSON.

STATE OF IOWA,
Johnson County, ss:

Deposition of witness is produced and sworn before me, Eldon Moran, a notary public and commissioner agreed upon to take testimony, on this 22d day of Feb., A. D. 1883, in a proceeding pending before the House of Representatives of the United States of America, in a contested election for the office of Representative in Congress, in which proceedings Benjamin T. Frederick is contestant, and James Wilson is contestee; Brown & Carney appearing as attorneys for Benjamin T. Frederick, and W. J. Haddock and J. W. Cone appearing as attorneys for James Wilson, contestee.

JOHN L. ADAMS, of lawful age, being produced and sworn in due form of law, testifies as follows:

Ques. 1. What is your name, age, place of residence, and occupation?—Ans. John L. Adams; am 52 years old; am a farmer, of Solon, Johnson County, Iowa.

Ques. 2. In what township?—Ans. Cedar Township. I live in Cedar Township. Solon is my post-office.

Ques. 3. Were you one of the clerks of Cedar Township in the year 1882?—Ans. Yes, sir.

Ques. 4. And do you hold that office now?—Ans. No, sir.

Ques. 5. You may state if you were one of the clerks of the election at the Nov. election, 1882, in which the electors voted for the office of Representative in Congress in your township.—Ans. Yes, sir.

Ques. 6. Where has the ballot-box been kept since the Nov. election, 1882?—Ans. It has been in my possession ever since.

Ques. 7. How has it been kept?—Ans. It has been kept just as you see it now [pointing to the box present]. It has been locked, but not sealed.

Ques. 8. How was the ballots left in the box, loose or strung?—Ans. They are strung.

Ques. 9. Has any one had access to that box since the election?—Ans. Yes, sir.

Ques. 10. Who?—Ans. The trustees of the township. They were the first.

Ques. 11. What do you mean by that—that the box has been opened and examined?—Ans. It was opened and examined by the trustees; yes, sir.

Ques. 12. When was that done? State as near as you can in what month.—Ans. Well, it was in Dec.

Ques. 13. You may state if any other persons other than the trustees have had access to the box.—Ans. Yes, sir.

Ques. 14. Who?—Ans. Shall I name the persons that I saw?

Ques. 15. Yes, sir.—Ans. Mr. Ricord and Mr. Cone, the attorney here.

Ques. 16. Whenever the box has been opened have you been present?—Ans. Yes, sir.

Ques. 17. Has any ballot been changed or tampered with since the Nov. election, 1882?—Ans. Not to my knowledge.

Ques. 18. Would you know if they had been?—Ans. Well, I don't know but what I may have; I don't know whether I could say. I have been present always, each time that the box was opened, and never saw any one do anything with the tickets or change them in any way.

Ques. 19. When was that box first opened after the election?—Ans. Well, it was more than a month after the election.

Ques. 20. Had anybody had access to that box before that time?—Ans. No, sir.

Ques. 21. Where was the key kept?—Ans. It was kept in my possession.

Ques. 22. Who was present when it was first opened?—Ans. The trustees of our township.

Ques. 23. Were you present?—Ans. Yes, sir.

Ques. 24. Did you see any one change any ticket or do anything other than look over the tickets in the box?—Ans. No, sir.

Ques. 25. For what purpose was the box then opened?—Ans. Well, it was by request of—well, believe a party here in Iowa City, that the box be opened.

Ques. 26. And the ballots examined?—Ans. Yes, sir; the ballots examined to see whether there was any mistake.

Ques. 27. Will you open the ballot-box and count the ballots in the presence of the notary and trustees and compare them with the poll-book and see how many ballots were cast for the office of Representative in Congress for the candidate?

(Mr. Haddock objects to the question; objects to the opening of the ballot-box or the comparison of ballots with the poll-books for the reason that it is shown that others have had access to the box. It is not shown that the box has been absolutely kept inviolate since the time of the election up to the time of the opening referred to.)

Ans. Yes, sir; I will do so. (Witness produces box, etc.)

Also objection for the further reason it has not been shown that the poll-book has all the time been in his possession.

(Witness examines and counts.)

Ques. 28. Now you may state.—Ans. I will first state the number of votes cast; shall I?

Ques. 29. Yes, sir.—Ans. 128 ballots cast, of which Mr. Wilson had 36 and Mr. Frederick 63 and Mr. Platner 29.

Ques. 30. Where has the poll-book been kept since the election?—Ans. Well, I have had it in my possession most of the time.

Ques. 31. Did you make out the poll-book?—Ans. I didn't make this one.

Ques. 32. Did you compare the poll-book you had in your possession with the one you made out the time of the election?—Ans. Yes, sir.

Ques. 33. Were they correct and alike?—Ans. They were correct.

Ques. 34. Was there any error in the counting of the votes at the time of the election; and, if so, what was it?

(Judge Haddock objects as asking for the opinion.)

Ans. Well, sir, not any to our knowledge. There was no mistake that we knew of.

Ques. 35. I asked if there was any error?—Ans. No, sir.

Ques. 36. What, did you say there was no error?—Ans. We didn't know of any error at the time.

Ques. 37. Do you find any error by the recount? What is that error?—Ans. Yes, sir; it is 10 votes in favor of Frederick.

Ques. 38. How many does the poll-book show were cast for Frederick at that election; how many for Wilson, and how many for Platner? Please look at the poll-book.—Ans. (Witness examines poll-book.) Mr. Wilson had 37 votes, Mr. Frederick had 53, and Mr. Platner 28, according to the poll-book.

Ques. 39. Then upon comparing the ballots you find that 1 too many was counted for Wilson, 10 too little counted for Frederick, did you?

(Judge Haddock objects to the question as leading.)

Ans. Yes, sir.

Ques. 40. Had any one been to the ballot-box examining or changing the ballots before the time in Dec. when you opened it and recounted the ballots in the presence of the trustees?

(Same objection by Mr. Haddock as above.)

Ans. No, sir.

Ques. 41. Did that count compare with the count made to-day? If not, what was the difference?

(Mr. Haddock objects to the question as leading.)

Ans. I think we did not discover that Wilson received one more; we find a mistake in the 10 votes.

Ques. 42. Did you compare the Wilson vote at that time; did you look at the ballots for the purpose of seeing whether any mistake was made in the count of the Wilson votes at that time?—Ans. No, sir; only in the Frederick vote. The tickets were all looked over; that is, the Democratic tickets, and were just looking for a mistake in the count of the Frederick vote.

Ques. 43. At the time you opened the ballot box for the count in December, were the votes then strung on the string in the box?—Ans. Yes, sir; I think that they were.

Ques. 44. Were the 10 extra votes you found for Frederick found strung on that string?—Ans. Strung at the time of the election?

Ques. 45. Yes, sir.—Ans. Yes, sir.

Ques. 46. You may state how the ballots were counted at the time of the election, whether separately or in tens, describing the manner.—Ans. They were counted in fives, taking 5 straight tickets as far as they went straight, then afterwards taking them separate, when not straight; all that were straight through the State we took out in fives, five at a time.

Ques. 47. I will ask you if you made this paper or assisted in the making of it. (Showing the witness the paper which the witness examines.)—Ans. Yes, sir; that is my writing.

Ques. 48. When was that made?—Ans. That was made the day that the trustees made it my place to count the tickets.

Ques. 49. That is, for the recount?—Ans. Yes, sir.

Ques. 50. You say you didn't examine the Wilson votes to see how many he did have, if you remember?—Ans. Well they were all counted before there was any mistake found.

Ques. 51. Any error discovered?—Ans. None in the Wilson count.

Ques. 52. Have these tickets in this box been changed or any new ones put in since the time of the counting on the 23d of Dec?—Ans. There has been no new ones put in to my knowledge. They were taken off the string and not put back again the second time that the box was opened.

Ques. 53. I will ask you if you made this paper for the purpose of correcting that re-

turn after the count on the 13th of Dec. ? (referring to the same paper the witness just now examined; F. vs. W.—A.)—Ans. Yes sir.

[Mr. Brown introduces the same in evidence.]

(Judge Haddock, on the part of contestee, objects to Exhibit A being introduced on the ground that it is incompetent to contradict the returns unauthorized by law.)

Ques. 54. Does the given number of ballots given to-day compare with the number of ballots given at that election?—Ans. Yes, sir.

Ques. 55. Could any ballot have been taken out of that box since the election without your knowledge of it?—Ans. I think not.

Ques. 56. Have you changed any ballots in that box either by taking out ballots cast for Wilson or putting any ballots in for Frederick?—Ans. No, sir.

Ques. 57. What did you say as to ballots, that they have been counted to-day, being the actual ballots cast at the Nov. election, 1882? What do you say as to their being the same?—Ans. I think that they are the actual ballots.

Ques. 58. Who has assisted you in the count to-day?—Ans. You mean in keeping tally?

Ques. 59. I mean in the counting to-day.—Ans. The three trustees have assisted me.

Ques. 60. Name them.—Ans. John E. Adams, Dennis Maloney, and J. W. Douglass.

Ques. 61. Who assisted you in counting on the 13th of Dec. ?—Ans. A. H. Browning.

Ques. 62. Who else assisted in counting, also in looking over the ballots?—Ans. John E. Adams, Dennis Maloney, and J. W. Douglass.

Ques. 63. The same parties who assisted you to-day, except the other clerk?—Ans. No, sir; the other clerk was not present when we counted them in Dec.

Ques. 64. Who else was present then beside the trustees?—Ans. No, sir; only myself and trustees.

Ques. 65. You say that the ballots were examined after the 13th of Dec. by the same parties?—Ans. Yes, sir.

Ques. 66. Who was present then ?—Ans. Mr. Ricord, Mr. Cone, and myself.

Ques. 67. Who is Mr. Cone, the attorney for Mr. Wilson, here to-day?—Ans. Well, I could not say; that is the gentleman sitting right there.

Ques. 68. That is the attorney for Wilson; who was Mr. Ricord; what office does he hold; what party does he belong to?—Ans. He is a Republican; I believe he is post-master at Iowa City.

Ques. 69. Were all the parties that examined the ballots since the Nov. election for the purpose of seeing whether there was any error in the count the parties that you have mentioned; were there any others?—Ans. No, sir.

Ques. 70. Have you any reason to believe that either of those gentlemen changed any of the ballots cast at that election?—Ans. No, sir.

Ques. 71. You don't think Mr. Cone or Mr. Ricord changed any of them?—Ans. No, sir.

Ques. 72. The other parties were officers of the election, were they?—Ans. Yes, sir.

Cross-examination by Judge Haddock:

Ques. 73. What office are you holding now ?—Ans. I am assessor.

Ques. 74. Are you no longer township clerk of Cedar Township?—Ans. No, sir; not since the first of Jan.

Ques. 75. Where has this box been brought from to-day?—Ans. It is in my possession; it has never been delivered to the other clerk.

Ques. 76. You have had the custody since Jan. alone?—Ans. Yes, sir.

Ques. 77. Without being an officer?—Ans. Yes, sir.

Ques. 78. Where did you keep the box?—Ans. I kept it in my place of residence.

Ques. 79. In the kitchen?—Ans. No, sir; it has been in a small unoccupied room.

Ques. 80. Any fire there?—Ans. No, sir.

Ques. 81. Tables?—Ans. No, sir.

Ques. 82. Any chairs?—Ans. No, sir; no chairs.

Ques. 83. When you went to count where did you take it to?—Ans. We took it to our sitting-room.

Ques. 84. Where the family was?—Ans. Yes, sir; where they sat. I don't think that they were in the room at the time.

Ques. 85. Where was the key of it all the time?—Ans. I kept it in my secretary in my place.

Ques. 86. The hole in the box was never sealed any of the time?—Ans. No, sir; never sealed or covered.

Ques. 87. Tickets could have been dropped in there?—Ans. Well, I suppose they could have been.

Ques. 88. What kind of a key was it ?—Ans. Just a common key, I suppose.

Ques. 89. Cheap like ?—Ans. Yes, sir.

Ques. 90. Was this empty room you kept the box in locked ?—Ans. No, sir.

Ques. 91. Any out door to it?—Ans. No, sir.
Ques. 92. What door does open to it?—Ans. Kitchen.
Ques. 93. Your kitchen locked at any time?—Ans. Part of the time, part of the time not.
Ques. 94. Who is the proper custodian of that box now?—Ans. I suppose the clerk or the township.
Ques. 95. Who is he?—Ans. S. W. Bowman.
Ques. 96. When you first counted the ballots on the day of the election, you counted them accurately, of course?—Ans. Yes, sir.
Ques. 97. You believe they were correct now? Have you any reason to lead you to believe that you had made any mistake that day?—Ans. No, sir; I think that we had counted them correctly.
Ques. 98. What lead you to believe you had not before any count was made again?—Ans. We did not think that we had made a mistake; we did not think so when we met to count them.
Ques. 99. What was suggested to you by any one as a reason to think you had made a mistake?—Ans. Well, in examining the poll-books the total did not correspond with the number of votes that were cast. In counting out the number that were cast it didn't correspond with the tally of the other officers.
Ques. 100. You mean other officers and Representatives?—Ans. Yes, sir; all three together.
Ques. 101. You mean to say that the total vote cast for Representative in Congress did not correspond with the total vote cast for the same three officers?—Ans. No, sir; it didn't; but that is not what I meant. The tally didn't count up the same as the total vote cast.
Ques. 102. The total vote cast for what?—Ans. The total vote cast at the election; I mean the ballots cast.
Ques. 103 You mean the total ballot cast in the township. The total vote cast in your township for State officers was how many?—Ans. 128.
Ques. 104. The total vote you had reported on your first count on the day of the election was how many?—Ans. It was written out 128; by examination with the tally, 118.
Ques. 105. Your tally-list, as reported on the first count, was in effect 118 for the total votes on Representative?—Ans. Yes, sir.
Ques. 106. That is correct now? Does your tally-list now, as made on that day, show 118 votes cast?—Ans. No, sir.
Ques. 107. How much does it show?—Ans. 128.
Ques. 108. I mean as made on that day.—Ans. It shows 118.
Ques. 109. You now mean to say that the tally-list you made on the day of the election shows 118 votes is the correct number cast for Representative in Congress in Cedar Township?—Ans. Yes, sir; according to the tally-list.
Ques. 110. Made on the day of the election?—Ans. Yes, sir.
Ques. 111. Then it was read to you as the understanding that because there was not 128 votes cast that there must be a mistake?—Ans. Yes, sir.
Ques. 112. Now I have it correct?—Ans. Yes, sir.
Ques. 113. Wasn't there other offices where the total vote of the township was not cast?—Ans. There was not any of the list, but in the county and our township there was scratching done.
Ques. 114. Now look at the office of coroner in that poll-book before you.
(Witness does so.)
Ans. I have it.
Ques. 115. What is the total vote cast for coroner of Cedar Township at that election?—Ans. I guess I had better give the tally-list.
Ques. 116. What is the total vote cast for coroner, as shown by tally-list made on the day of the election in Cedar Township, Johnson County?—Ans. 100.
Ques. 117. Now look at the office of district attorney and see what was the total vote cast as shown by tally-list.—Ans. 122.
Ques. 118. The clerk of the district court for the county of Johnson; total vote cast in Cedar Township as shown by tally-list?—Ans. There were 29 votes cast for Remley, 93 for Preston; making 122.
Ques. 119. Now the clerk of the district court; take him next.—Ans. 126.
Ques. 120. Now the office of coroner, district attorney, clerk of the district court. Have you been impressed with the idea that you had made any mistake because the total vote did not come up to the total vote of the State officers?—Ans. No, sir.
Ques. 121. In investigation made upon these points?—Ans. No, sir.
Ques. 122. You did not believe because they did not read total vote for State officers in that township, that there was a mistake?—Ans. No, sir; we didn't.
Ques. 123. Did you find any Democratic tickets in the list without Frederick's name on them?—Ans. No, sir.

Ques. 124. Now, after the close of the count on the day of the election did you compare the poll-books, one with the other?—Ans. Yes, sir.

Ques. 125. What then did you do with the ballots on the poll-books?—Ans. The ballots were left in the ballot-box, and one of the poll-books were delivered to the trustees and then to the county auditor, and the other remained in my office.

Ques. 126. Was it put in the poll-book then?—Ans. Yes, sir; at the time of the election.

Ques. 127. Was the box then locked?—Ans. Yes, sir.

Ques. 128. Where was it put?—Ans. It was taken to my place of residence.

Ques. 129. Who took it there?—Ans. I did.

Ques. 130. Who was with you?—Ans. No one.

Ques. 131. You took it to your home?—Ans. Yes, sir.

Ques. 132. It was then locked and the key put in your pocket?—Ans. Yes, sir.

Ques. 133. It was not sealed?—Ans. Yes, sir.

Ques. 134. You then deposited it when you reached home; poll-book in the box when you got home? It was in the box, was it?—Ans. I am not positive whether I took the poll-book out when I got home or not. I know it was put in in order to take home.

Ques. 135. On the day of the election who helped you to canvass the vote?—Ans. These three did.

Ques. 136. You mean three trustees?—Ans. Yes, sir.

Ques. 137. Who else as clerk?—Ans. Attorney Browning, as assistant.

Ques. 138. Who called for the votes?—Ans. I think they took it by turns. I think this gentleman here, Mr. J. W. Douglass, did most of the reading, didn't you? (Yes, sir; I think so.)

Ques. 139. You recorded accurately and compared as he called?—Ans. Yes, sir.

Ques. 140. He handled all the tickets as far as you know?—Ans. He didn't read off all; no, sir.

Ques. 141. These trustees handled all the votes; took them out of the box carefully?—Ans. Yes, sir.

Ques. 142. In the usual mode of doing that work?—Ans. Yes, sir.

Ques. 143. Now, after you got home how long was it after their election did you begin to hear rumors of probable mistakes?—Ans. Well, I believe the board of supervisors met the first Monday after the election; it was about the middle of the week that I heard such rumors.

Ques. 144. Whom did you hear it from?—Ans. A gentleman by the name of W. A. Palmer came to where I lived. Shall I tell the story right through?

Ques. 145. What did he tell you?—Ans. He had received a telegram.

Ques. 146. From whom?—Ans. Mr. A. J. Hershire.

Ques. 147. What are his politics?—Ans. Democratic.

Ques. 148. He is the editor of the Democratic newspaper here?—Ans. Yes, sir.

Ques. 149. Who is Palmer?—Ans. Democrat, to.

Ques. 150. What does he do?—Ans. I don't know what he does do; I suppose considerable of his time riding over the county.

Ques. 151. Where does he live?—Ans. In Solon.

Ques. 152. He is a Democrat?—Ans. Yes, sir.

Ques. 153. He came to you and told you what?—Ans. That he had received a telegram from Hershire asking him to come to me and get the ballot-box.

Ques. 154. Had you returned the poll-book at this time to the board of supervisors?—Ans. Yes, sir.

Ques. 155. He asked you for it?—Ans. Yes, sir; I didn't know what he meant. I supposed that poll-book had been returned. I could not understand by the telegram what he did mean, but I understood by that that the book hadn't been returned.

Ques. 156. You got the impression from Palmer and his telegram that the book hadn't been returned?—Ans. Yes, sir.

Ques. 157. What did he tell further?—Ans. He wanted the books; he said he had been requested to get it and to take it to the city.

Ques. 158. By Andrew Jackson Hershire, of the political newspaper?—Ans. Yes, sir; I hesitated about giving it to him at the time; I thought there could be no harm in it, so I gave it up to him.

Ques. 159. How long was it out of your possession?—Ans. Well, I don't think more than two weeks.

Ques. 160. Who returned it to you?—Ans. My father, A. Adams, brought it from Iowa City.

Ques. 161. Where did he get it, do you know?—Ans. Well, think that he got it from the auditor.

Ques. 162. Of the county?—Ans. Yes, sir.

Ques. 163. What was the next thing chronologically of this thing?—Ans. Mr. Hershire came out to see me personally the next thing.

Ques. 164. What did you do then?—Ans. Nothing.

Ques. 165. What did he tell you to do?—Ans. He wanted me to look at the ticket. I told him I would not do it without having the trustees present; I had no business to.

Ques. 166. What did you do then?—Ans. Well, before he left he asked me if I would notify the trustees and look over the tickets. At last I consented to do so. That was along in the afternoon. I studied the matter over and sat down and wrote a letter that I would not do it.

Ques. 167. What next did you do?—Ans. I didn't do anything more until the trustees——

Ques. 168. Who was next—who did you hear from next after that?—Ans. The trustees, when they came to my place.

Ques. 169. Didn't you know they were coming until they came into your house?—Ans. Well, I think not; I am not positive.

Ques. 170. When the trustees arrived what did you and they do with them?—Ans. Proceeded to open the ballot-box and examine the tickets.

Ques. 171. Name them.—Ans. Adams, Maloney, and Douglass.

Ques. 172. What are the politics of those gentlemen?—Ans. Maloney and Douglass Democrats; Adams is Republican.

Ques. 173. You then made another investigation of all the ballots?—Ans. Yes, sir.

Ques. 174. You were present during the whole time those trustees were counting the ballots?—Ans. Yes, sir.

Ques. 175. Who else were present besides those trustees?—Ans. My daughter, about five years old.

Ques. 176. Anybody besides your child?—Ans. No, sir.

Ques. 177. Any politician of anywhere?—Ans. No, sir.

Ques. 178. Or elector or voter?—Ans. No, sir.

Ques. 179. After this count was made you put them in the form of a letter or circular?—Ans. I don't know what we did; nothing in the regular order.

Ques. 180. What did you do with that paper?—Ans. It was given to the trustees to mail, I believe.

Ques. 181. What did he expect to do with it, mail it to where?—Ans. As a notice to the supervisors that there had been a mistake made.

Ques. 182. Had you heard of the rumor of the close call between Frederick and Wilson?—Ans. Yes sir.

Ques. 183. Before this rumored error?—Ans. Yes, sir.

Ques. 184. And that Frederick would probably be elected if those ten votes should be carried through?—Ans. Yes, sir.

Ques. 185. If it had not been for that rumor and the absolute necessity you would not have counted them again?—Ans. Yes, sir; I think that they would. We had been requested to.

Ques. 186. Without that you don't think that you would ever have gone to the trouble of another count?—Ans. Well, if it had not been so close I don't think that these things would have been brought up; don't think it would have been noticed.

Ques. 187. Now, after this count what did you do with the ballots?—Ans. They were strung and put back in the box.

Ques. 188. That is, after the second count made on the 13th of Dec. they were counted, strung, and put back into the box?—Ans. Yes, sir.

Ques. 189. The poll-book, too, with them?—Ans. No, sir; I think not.

Ques. 190. When was the box again opened to your knowledge?—Ans. Well, it was opened by myself at the request of Mr. Ricord and Mr. Cone, well, it must have been in Jan.; I don't know just what time, but in the forepart of Jan.

Ques. 191. Who was present when they were tampering with it?

BROWN. Don't say tampering in the presence of Cone.

Ques. 192. Who were present at the time these gentlemen were looking them over?—Ans. These two gentlemen and myself.

Ques. 193. Were the tickets then on the string?—Ans. Yes, sir; when we opened the box.

Ques. 194. When you opened the box?—Ans. Yes, sir.

Ques. 195. If the tickets had been off the string, if they had not been on the string, what would you say about that—that they had been opened by somebody else before you opened it?—Ans. It would look so.

Ques. 196. Are you positive that they were on the string at the time you got Mr. Cone and Ricord to examine them?—Ans. Yes, sir; I think so, to the best of my knowledge.

Ques. 197. You put them on the string on the 13th of Dec.—I mean that you put

them back on the string? I think that they were on the string when Mr. Cone and Ricord examined them.—Ans. Yes, sir; to the best of my knowledge.

Ques. 198. I will ask you another question. Were not the tickets the time you opened the box in the presence of Ricord and Cone, were they not strung, Democratic tickets in one file, Greenback tickets in one file, and Republican in another?—Ans. I cannot be sure about that; I think that they were all on the string. I cannot swear to it.

Ques. 199. You are certain that on the 13th of Dec. they were unstrung and left in the box?—Ans. My impression is that they were; I cannot swear to it.

Ques. 200. Didn't you state positive a while ago that you strung them and put them back into the box?—Ans. Yes, sir; that is my belief that they were; I don't know that I stated more positive then than I do now; also, I think that when we counted them they separated them. I know that they were not strung after that.

Ques. 201. The question was what condition they found them in before they unstrung any tickets in your presence?—Ans. I could not say.

Ques. 202. Did you stay with them all the time? Now, I mean on the 13th of Dec. you counted them carefully?—Ans. That is what we thought.

Ques. 203. Well, on that day you found no error as you believe, or you found no error at all, except that there were 10 votes you think should have been counted for Frederick which were not counted for him before?—Ans. That is the only mistake we could discover.

Ques. 204. You did not find 36 votes instead of 37 for Wilson on that occasion?—Ans. No, sir.

Ques 205. This is the third count to-day?—Ans. Yes, sir.

Ques. 206. Still there is another tally and different result from the first, is there not?—Ans. Yes, sir; we found that there is a mistake in the Wilson count; that we discovered when Mr. Cone and Ricord examined them.

Ques. 207. On the first count Frederick had 55; Wilson 37?—Ans. Yes, sir.

Ques. 208. On the second count, Dec. 13, you made them: Frederick 63, Wilson 37?—Ans. Yes, sir.

Ques. 209. On this last count you varied it, making Wilson 36?—Ans. Yes, sir.

Ques. 210. Then this counting seems to be a very variable quantity, won't stick anywhere; the more you count the worse it goes. Now, after Ricord and Cone canvassed the tickets, who else handled them?—Ans. No one.

Ques. 211. Who else has looked at them? Have they been out of the box since that time, to your knowledge?—Ans. No, sir.

Ques. 212. Has the box been kept locked?—Ans. Yes, sir.

Ques. 213. From the character of your building, the kitchen door being left unlocked part of the time, and either the door of this or another room not being locked, and from the fact that this is a very common key, could not the box have been opened?—Ans. Well, sir, I suppose it could; yes, sir.

Ques. 214. Could not changes have been made in these tickets if it was opened by persons interested in that matter?—Ans. No, sir; I think not; there has been no scratching done at all.

Ques. 215. Could they not have substituted tickets and put in more?—Ans. No, sir; I think that they could not.

Redirect examination:

Ques. 216. How many straight Democratic votes were polled in your precinct at the Nov. election, as shown by the tie tickets?

(Mr. Haddock objects to the question for the reason that it does not specify the office, and for the reason it is improper to count a vote only as for some person.)

Ans. 63.

Ques. 217. Do you remember at the time you counted the votes at the Nov. election, 1882, that Frederick's name for Representative was on all the straight Democratic tickets that were polled; also, what is your recollection about that?

(Mr. Haddock objects to the question, on the ground that it is incompetent to introduce remarks on election day.)

Ans. I don't remember of any remarks being made.

Ques. 218. Turn to page 18 of the poll-book of the Nov. election, 1882, held in Cedar Township, Johnson County, Iowa, and read the entry that was then made, that the notary may take it down, concerning the office of Representative in Congress.—Ans. Shall I read all the headings?

Ques. 219. Yes, sir; all the entries made, anything beginning with the words, "At an election held."

(Witness reads it.)

Ans. At an election held at Antioch, Cedar Township, Johnson County, Iowa, on the 7th of Nov., 1882, there were 128 ballots cast for the office of Representative in Congress,

5th district, of which James Wilson had 37 votes, Benjamin T. Frederick had 53 votes, David Platner had 28 votes.

Ques. 220. Look upon that poll-book I now present you and state who made the same.—Ans. I did.

Ques. 221. Is that the poll-book that was returned to the auditor of that township as a return of the votes cast at the Nov. election for the different candidates that were running for offices you have your township?—Ans. Yes, sir.

Ques. 222. Read the return you made for office of Representative in Congress from that township.

(Reads it.)

Ans. At an election held at Antioch, Cedar Township, Johnson County, Iowa, on the 7th day of Nov., 1882, there were 138 ballots cast for the office of Representative in Congress, of which James Wilson had 37 votes, Benjamin T. Frederick 53, David Platner 28.

Ques. 223. Then does your returns show that there were 128 ballots cast for that office? Does it show that number were cast?—Ans. No, sir.

Ques. 224. Didn't you just read it?—Ans. It says that that many votes were cast, but it don't foot up so.

Ques. 225. Now, does the number of ballots cast for the different candidates for that office foot up 128?—Ans. No, sir.

Ques. 226. Then don't the tally-books show an evident mistake of ten votes on its face?—Ans. Yes, sir; it shows a mistake. They don't correspond. That is, the total vote as it is written out. They don't foot up to the account.

Ques. 227. The number of ballots cast for the respective candidates then only foots up to 118?—Ans. Yes, sir; that is all.

Cross-examination by Mr. Haddock.

Ques. 228. What does the tally-list on the book show to have been cast as to the number of votes for Frederick, Wilson, and Platner in the box?—Ans. Wilson 37, Frederick 58, Platner 28.

Ques. 229. It foots up to how many?—Ans. 118.

Ques. 230. Now, wasn't the intention in the case to write the total number of votes cast taken from the tally-list?—Ans. For the office, you mean?

Ques. 331. Yes, sir.—Ans. Yes, sir; that was the intention.

Ques. 332. The intention in this case would be to write 118; it should have been, according to the tally-list, 118?—Ans. Yes, sir.

Ques. 333. Then the mistake was in writing 128 instead of 118?—Ans. Yes, sir; according to the tally-list.

Witness' fee, $1.75, paid by contestant.

JOHN L. ADAMS.

STATE OF IOWA,
Johnson County, ss:

Deposition of witness produced and sworn before me, Elden Moran, a notary public and commissioner agreed upon to take testimony on this 23d day of Feb., A. D. 1883, in a proceeding pending before the House of Representatives of the United States of America, in a contested election for the office of Representative in Congress, in which proceedings Benjamin T. Frederick is contestant and James Wilson is contestee. Brown & Carney appearing as attorneys for Benjamin T. Frederick, and W. J. Haddock and J. W. Cone appearing as attorneys for James Wilson, contestee.

JOHN E. ADAMS, of lawful age, being produced and sworn in due form of law, testifies as follows:

Ques. 1. What is your name, age, place of residence, and occupation?—Ans. John E. Adams; 45 years of age on the 15th of Sept.; residence, Cedar Township, Johnson County, Iowa.

Ques. 2. Were you one of the judges of election for Cedar Township in the Nov. election, 1882, in which the electors voted for the office of Representative in Congress?—Ans. Yes, sir; I was.

Ques. 3. What is your politics?—Ans. I am a Republican. Occasionally there is a man I don't have any politics on.

Ques. 4. You may state if you have discovered if there is any mistake in the returns of the election made to the county auditor of your township for that election?—Ans. Not until the books were reopened on the 13th of Dec. I had heard nothing of it, and in fact knew nothing of it until Mr. Maloney came here and told me. I thought that it was impossible, and told him that I thought so.

Ques. 5. On the 13th day of Dec. were you present when the ballot-box was reopened and the ballots again counted?—Ans. Yes, sir.

Ques. 6. Did you find you had made an error in your former return of votes for that precinct?—A. Yes, sir.

Ques. 7. What was that error?—Ans. Ten votes in favor of Benjamin T. Frederick.

Ques. 8. Do you remember how many ballots known as straight Democratic ballots were cast at the Nov. election of 1882 from your count then made?—Ans. 53.

Ques. 9. How many straight tickets were there, irrespective of Frederick?—Ans. Democratic tickets were all straight on the Representative part of the ticket, no scratches.

Ques. 10. How many Democratic tickets were there cast at the election as you remember from your count made at the time of the election?—Ans. As we counted them, 53; that is as they were polled that night.

Ques. 11. Now, how many Democratic tickets?—Ans. 63 Democratic tickets.

Ques. 12. Do you remember any of the Democratic tickets being scratched?—Ans. No, sir; there was none.

Ques. 13. Are you satisfied, then, that Mr. Frederick received 63 ballots for the office of Representative in Congress at the Nov. election of 1882?

(Mr. Cone, attorney for contestee, objects to the question, on the ground that it calls for the conclusion of the witness and not for the fact.)

Ans. I am satisfied that there were 63 Democratic votes cast for Mr. Frederick.

Ques. 14. On the 13th of Dec., when you re-examined the ballot-box, did its appearance indicate that it was in the same condition as when left after the canvass at the election?—Ans. Yes, sir; it did.

Ques. 15. You may state if at that canvass you looked over the number of ballots that were cast for Wilson.—Ans. You mean the time we opened the box?

Ques. 16. Yes, sir.—Ans. We didn't look over the ballots for Wilson. We merely separated the Democratic tickets and counted Frederick's vote; is all we done at that time.

Ques. 17. Were you present that day, and did you assist in the recanvass of the ballots then in the box?—Ans. Yes, sir.

Ques. 18. Did you find by this recanvass any error in your former canvass as to the number of ballots cast for James Wilson?—Ans. Yes, sir.

Ques. 19. What was that error?—Ans. It was one too many for Mr. Wilson at the former count—that is, the night of the election.

Ques. 20. How many ballots did you return as the total number of ballots cast for the office of Representative in Congress at the Nov. election?—Ans. 128.

Ques. 21. Who counted up or ascertained that number of ballots? Who was the clerk that evening?—Ans. I don't think of it; take the Representative's name. We took a single one, got done counting, added them up to see whether they tallied the same number of votes cast. They came out even, so we didn't run over any more of them, knowing that the tickets were all straight. We took one we knew was straight all through.

Cross-examination by Mr. Cone:

Ques. 22. How many Republican tickets did you find in the ballot-box at your first canvass of votes on the evening of the election?—Ans. I suppose we found 38. We made it out that night.

By Lawyer Brown:

Ques. 23. Was it not 37?—Ans. I don't know but it was.

Ques. 24. How many Greenback or National tickets did you find in the box on the evening of your first canvass?—Ans. I could not just exactly recollect only from the count here to-day we made of it. I could not have told if I had not have counted it over to-day.

Ques. 25. What did you say?—Ans. We found 28 to-day. The books show we found 29 that night. We kept track of the Greenback vote. They only counted three or four in the last four years. They generally tally about 27 votes.

Ques. 26. Who called off to the clerk the number of votes each person's names on the Democratic ticket received?—Ans. Mr. Douglass and myself.

Ques. 27. Who for the Republican?—Ans. It was mixed up. We would separate out five straight tickets, that is, Democratic tickets, perhaps, and commence at the head reading the name. The clerks tallied them. Next lot, perhaps, five Republican tickets the same way. When we sorted and separated out five straight tickets they would tally them as we read them over. The same way with the Greenback tickets, until we came where they were scattered, then one ticket at a time.

Ques. 28. After the canvass of votes that evening was there any adjournment? Did you sign the returns?—Ans. No, sir.

Ques. 29. In whose possession were the ballots during the time the clerks were making up their returns or filling out there certificates?—Ans. In the possession of the judges.

Ques. 30. Where were the tickets kept?—Ans. I think that they sat on the bench right on the clerks' stand between two of us.

Ques. 31. On the table or in the ballot-box?—Ans. In the ballot-box set on the bench in front of us.

Ques. 32. Who all were present at the canvass other than the clerks and judges?—Ans. Quite a number were present; I don't know who all; some young fellows, I won't need to tell all of them.

Ques. 33. How many?—Ans. Perhaps a dozen or more.

Ques. 34. Were they close to the table?—Ans. No, sir, not very close; they were looking on.

Ques. 35. Were they taking an interest in the canvass?—Ans. Yes, sir; some of them were.

Ques. 36. I believe that you testified on the direct examination that you only counted votes for Mr. Frederick.—Ans. Yes, sir; that is all at the time we opened the box.

Ques. 37. Did you examine the tickets that were headed Republican tickets to see whether Mr. Frederick's name was on any of them?—Ans. No, sir, we did not.

Ques. 38. Did you examine the Greenback tickets at that time to see whether Frederick's name was on any of them?—Ans. No, sir.

Ques. 39. Did you examine the Greenback tickets on the second count to see whether any of Wilson's names were on them?—Ans. No, sir. We merely separated the tickets. Saw that Frederick had ten more cast for him than we credited him for. Then we stopped and went no further.

Ques. 40. On the night of your recanvass did you see any Democratic tickets with Frederick's name erased?—Ans. No, sir.

Ques. 41. Or any with Wilson's name written instead?—Ans. No, sir; I am pretty sure of that. I am satisfied there were no Democratic tickets, only those that were straight so far as Representative was concerned; that is, no tickets of any party were scratched as to the office of Representative.

JOHN E. ADAMS.

$1.85 fee, paid by contestant.

STATE OF IOWA,
——— *County. ss*:

I, Eldon Moran, a notary public and commissioner agreed upon by the parties to take testimony in this cause in pursuance of the annexed agreement attached to the testimony of M. M. Corrigan, whose testimony was taken February 22, 1883, do truly certify that on the 23d day of February, A. D. 1883, in pursuance of the notice hereto annexed, I took the deposition of the following-named witness, whose testimony is set forth herein in the following manner: Each witness was first by me duly sworn, or caused to be sworn in my presence, as provided by law; and, when sworn, the questions were propounded to him by the respective parties, Benjamin T. Frederick, contestant, and James Wilson, contestee, by their respective attorneys, and the question by me read to the witness, who answered the same, and his answer, in the language of the witness, was by me taken down under each question propounded, and reduced to writing until the deposition was completed. I further certify that when the testimony of each witness was taken I carefully read the same over to the witness, who corrected the same and each correction noted, and said testimony was then signed by the witness and sworn to by him before me. I further certify that T. Brown, esq., appeared as counsel for the contestant, Benjamin T. Frederick, and W. J. Haddock and J. W. Cone appeared as counsels for James Wilson, contestee.

In witness whereof I have set my hand and seal notarial this 23d day of Feb., A. D. 1883.

[SEAL.]

ELDON MORAN,
Notary Public of Johnson Co., Iowa, and
Commissioner agreed upon to take testimony.

STATE OF IOWA,
Johnson County, ss:

Deposition of witness produced and sworn before me, Eldon Moran, a notary public and commissioner agreed upon to take testimony, on this 22d day of Feb., A. D. 1883, in a proceeding pending before the House of Representatives of the United States of America in a contested election for the office of Representative in Congress, in which proceedings Benjamin T. Frederick is contestant and James Wilson is contestee; Brown & Carney appearing as attorneys for Benjamin T. Frederick, and W. J. Haddock and J. W. Cone appearing as attorneys for James Wilson, contestee.

A. W. BEUTER, of lawful age, being produced and sworn in due form of law, testifies as follows:

Ques. 1. What is your name, age, place of residence, and occupation?—Ans. I live in Big Grove Township; am a farmer; 46 years old.

Ques. 2. Were you one of the trustees for Big Grove Township for the year 1882? Were you one of the judges of the Nov. election, 1882?—Ans. Yes, sir.

Ques. 3. When the electors of your township voted for the office of Representative in Congress?—Ans. Yes, sir.

Ques. 4. You may state if you were present at the original canvass of the votes of that township for that office.—Ans. Yes, sir.

Ques. 5. You may state if at that time or at any time you re-examined the ballots for that office; if so, state when.—Ans. Well, I got there just as they got there. They had just finished. One of the trustees came to me in the forenoon and said that he wanted the votes counted; wanted we should count the votes over. I told them that I could not come; had just commenced butchering. I went right after dinner. I told them I would be there; then when I got there they had just got through.

Ques. 6. Did you look over the ballots?—Ans. No, sir.

(Witness fee, $2.15, paid by contestant.)

A. W. BEUTER.

STATE OF IOWA,
Johnson County, ss:

Deposition of witness is produced and sworn before me, Eldon Moran, a notary public and commissioner agreed upon to take testimony on this 22d day of Feb., A. D. 1883, in a proceeding pending before the House of Representatives of the United States of America in a contested election for the office of Representative in Congress, in which proceedings Benjamin T. Frederick is contestant and James Wilson is contestee; Brown & Carney appearing as attorneys for Benjamin T. Frederick, and W. J. Haddock & J. W. Cone appearing as attorneys for James Wilson, contestee.

M. M. CORRIGAN, of lawful age, being produced and sworn in due form of law, testifies as follows:

Ques. 1. What is your name, age, place of residence, and occupation?—Ans. I am 31 years old; am a farmer by occupation; residence Big Grove Township, Johnson Co., Iowa. Yes, sir.

Ques. 2. Were you one of the judges at the Nov. election A. D. 1882, held in Big Grove Township?—Ans. Yes, sir.

Ques. 3. Have you since the returns were made by the board of township canvassers of the Nov. election, 1882, discovered any error that was made in copying the ballots for the office of Representative in Congress for the 5th Congressional district? And, if so, state when you discovered it, and what the error was, and how many votes each candidate received.—Ans. It was on the 18th of Dec. We examined them and found that there was a mistake of two votes on Benjamin T. Frederick and one on James Wilson.

Ques. 4. How many ought Benjamin T. Frederick to have received, and how many ought James Wilson to have received credit for in that vote?—Ans. Benjamin T. Frederick ought to have received 174 votes, and James Wilson 52.

Ques. 5. Who assisted you in making the 2d canvass of the count?—Ans. The judge and both clerks, Mr. Beuter and Mr. Kessler; also two clerks.

Ques. 6. How were the ballots put up and placed in the box at the time of the election?—Ans. You mean while they were voting?

Ques. 7. No, sir; afterwards, at the time of the canvass.—Ans. They were taken out and counted and strung the same as they are on the string.

Ques. 8. At the time you counted on the 18th of Dec. did the ballots appear in any way disturbed or changed from what they were when you concluded your count on the 7th of Nov., 1882?—Ans. No, sir, they did not; they were just the way we had left them.

Cross-examined by Mr. HADDOCK:

Ques. 9. What is your official position now in that township?—Ans. Out of office now; I was township trustee.

Ques. 10. When trustee?—Ans. In the year 1881 and '82.

Ques. 11. What is your politics?—Ans. I am a Democrat as a rule.

Ques. 12. What is the politics of the clerk, De Vault?—Ans. I don't know; I could not say exactly; I guess Democrat.

Ques. 13. What the politics of the assistant clerk?—Ans. Greenbacker.

Ques. 14. What was the politics of the other two trustees?—Ans. I believe they were Democrats; of course I am not positive as to that.

Ques. 15. Is that Greenbacker here to-day?—Ans. No, sir; I have not seen him.

Ques. 16. You have not called on him?—Ans. No, sir; I asked a man who came to subpœna me whether he subpœned him, he said, "No, sir."

Ques. 17. Did not want the Greenbacker?—Ans. I asked because he thought judges and clerk were sufficient; that is the way he dated it. I asked him why he did not.

Ques. 18. Didn't you say anything about the Greenback party?—Ans. No, sir; we did not.

Ques. 19. Were you conscious of making any mistake on the day of election when you counted these votes?—Ans. No, sir; we were not.

Ques. 20. You thought you had them right?—Ans. Yes, sir.

Ques. 21. How did you count them?—Ans. They counted them.

Ques. 22. You handled them until you understood the manner of managing it?—Ans. They counted ten at a time, the quickest way possible, for they could not count them straight without counting one at a time.

Ques 23. Did you count them correctly?—Ans. Yes, sir.

Ques. 24. Wasn't there some scratching and erasing on the books at the time?—Ans. Possibly by clerks, but not by us.

Ques. 25. You did not write in the books?--Ans. No, sir.

Ques. 26. Only your names to the affidavits?—Ans. Yes, sir; that is all.

Ques. 27. You knew clerks may make erasures in reference to this matter of Congressmen?—Ans. Yes, sir; I knew that scratching had been done, but did not know that scratching was done in one party more than in another. I knew that they had tallied too fast, at least they said so.

Ques. 28. They scratched?—Ans. Yes, sir.

Ques. 29. That scratching was to make it correct?—Ans. Yes, sir; to bring it up.

Ques. 30. You believed that it was correct?—Ans. Yes, sir; I supposed so.

Ques. 31. At the time you went back, in Dec. in 1882, you and the other clerks, you found the ballots in the same condition?—Ans. Yes, sir; in the same condition as we left them.

Ques. 32. How did you know that?—Ans. Well, sir, from the way we had left them.

Ques. 33. You know in the same condition?—Ans. I had examined them minutely when I had counted them in the first place.

Ques. 34. Did you put them in the box?—Ans. I saw them put in.

Ques. 35. They were on the string?—Ans. Yes, sir.

Ques. 36. Were they on the string when put back?—Ans. Yes, sir.

Ques. 37. Could you tell by looking at the string in the ballot whether it had ever been off the string or not?—Ans. No, sir; not to be positive as to that.

Ques. 38. Could you tell whether one ballot had been added to the list or one abstracted or not, looking at the box of ballots?—Ans. No, sir; only by counting them.

Ques. 39. Did they not count the same as they did on the day of election, on the 18th of Dec.? Did they count much the same as on the day of election?—Ans. No, sir; not according to the tally-list.

Ques. 40. If not, could you state of your own knowledge whether a ballot had been taken out and another put in or not?—Ans. No, sir; of course not.

Ques. 41. Who first called your attention to the matter? What first called your attention to this matter?—Ans. I was requested to come.

Ques. 42. Who requested you?—Ans. In the first place I thought that they were all right, that there was no mistake in them.

Ques. 43. Who requested you to think differently?—Ans. There was a man came to me, also to the others, and asked if we would not look the matter over. I told him I did not think that there was any mistakes or that there could be any; I was quite positive as to that. I did not think so till after we had counted the votes.

Ques. 44. Who was that man?

(Mr. Brown objects to the question; immaterial.)

Ans. He was a man by the name of Palmer.

Ques. 45. Where does he live?—Ans. In Solon.

Ques. 46. Did Palmer tell you that there was a mistake?—Ans. No, sir; he only requested that we should examine them.

Ques. 47. What did he say?—Ans. To examine them to see whether there was a mistake.

Ques. 48. What else did he say?—Ans. Nothing.

Ques. 49. What did he say about Frederick wanting a vote or two?—Ans. No, sir; nothing of the kind to me.

Ques. 50. Which way did he say the mistake might be?—Ans. He did not say.

Ques. 51. Which way did he say the mistake was?—Ans. He did not say there was any mistake in the matter before that time. I did not gather anything as to it. I didn't think of a mistake.

Ques. 52. You were hunting for a mistake when you thought there was none?—Ans. Yes.

Ques. 53. For the benefit of Frederick?—Ans. No, sir; not any more than for any other man.

Ques. 54. Did you go to the tally-list to examine as to any mistake for any other candidate except Congressman?—Ans. No, sir; I don't think we did.

Ques. 55. This investigation on behalf of the trustees and two clerks, Greenbacker and all, was in reference to vote for Congressman?—Ans. Yes, sir; I guess it was that part of it.

Ques. 56. Had you heard at that time that there was a very close call between Wilson and Frederick?—Ans. Yes, sir; through the papers.

Ques. 57. Was that Palmer that suggested that you might possibly find a mistake?—Ans. He suggested that may be there was a mistake.

Ques. 58. After this rumor through the papers you went in on it?—Ans. No, sir; not for some time afterwards.

Ques. 59. Was it before or after the rumor reached you that Taylor Township, Marshall County, was in dispute?—Ans. Taylor Township had been in dispute a month before that, to my knowledge.

Ques. 60. It was after that?—Ans. Yes, sir; some time after that.

Ques. 61. What reason have you to believe that you are more accurate upon your second call than upon the first one of the same ballots?—Ans. Because in footing up the account we may have made it out correctly, for the first time I did not examine the books very closely; but when we went to examine them the second time I examined them myself, and saw that they did not come out right.

Ques. 62. Was there anybody with you?—Ans. Yes, sir; there were three men with me; Mr. Gessler——

Ques. 63. Was anybody present at the second examination except three trustees and two clerks?—Ans. Yes, sir; one or two others.

Ques. 64. Give names.—Ans. Mr. Walker was one man; I don't know but two or three others.

Ques. 65. Can you give names of any other but Walker?—Ans. I think Mr. Conlay, marshal of Solon.

Ques. 66. What is Mr. Conlay's politics?—Ans. I could not say.

Ques. 67. Have you any impression about it?—Ans. I don't know; the father is a Democrat—I don't know what the boy is. I have a boy that took a notion for voting Republican tickets.

Ques. 68. What is Palmer's politics?—Ans. Votes the Republican ticket, and catches thunder for it; we just give it to them.

Ques. 69. (WILSON.) That is right?—Ans. Yes, sir; it is.

Witness fee, 95c; paid by contestant.

M. M. CORRIGAN.

STATE OF IOWA,
Johnson County, ss:

Deposition of witness is produced and sworn before me, Eldon Moran, a notary public and commissioner, agreed upon to take testimony, on this 23rd day of Feb., A. D. 1883, in a proceeding pending before the House of Representatives of the United States of America, in a contested election for the office of Representative in Congress, in which proceedings Benjamin T. Frederick is contestant and James Wilson is contestee; Brown & Carney appearing as attorneys for Benjamin T. Frederick, and W. J. Haddock and J. W. Cone appearing as attorneys for James Wilson, contesteee.

JAMES M. DOUGLAS, of lawful age, being produced and sworn in due form of law, testifies as follows:

Ques. 1. You may state your name, age, place of residence, and occupation.—Ans. James M. Douglas; I live in Cedar Township, Johnson County, Iowa; I am a farmer and stock-dealer, and am 38 years old.

Ques. 2. Were you one of the judges of the election at Cedar Township at the Nov. election, 1882, in which the electors voted for the office of Representative in Congress?—Ans. Yes, sir.

Ques. 3. You may state if since the return of that election was made you have discovered any error you made in the return to the county auditor of the number of votes cast for the office of Representative in Congress, and if so, what that mistake was, if any?

(Lawyer Cone objects, that the witness does not show that he has any knowledge that the votes canvassed at the recount were the same canvassed at the time of the election.)

Ans. After being called upon to count the votes over again we found a mistake of 10 votes in favor of Frederick.

Ques. 4. You may state if you were present at the canvass of the votes at the Nov. election and assisted in that canvass.—Ans. Yes, sir; I was there.

Ques. 5. Have you discovered by the recanvass to-day that too many votes were counted for the office of Representative in favor of either of the candidates, and if so, which one?—Ans. That too many were counted?

Ques. 6.—Yes, sir.—Ans. No, sir. We found that the votes for Frederick ran the same way that they were the day we made the second count at the clerk's office.

Ques. 7. How many ballots did you find were cast in favor of James Wilson for the office of Representative in Congress by your count to-day.—Ans. Thirty-six, I believe; yes, sir.

Ques. 8. How many did you return as being cast for him at your return of the election to the county auditor?—Ans. We returned—well, there was a mistake of one vote. Either we returned one vote less for him according to our count here to-day—I mean one more for him. We didn't know anything about that until to-day; at least I didn't know about it. It was counted by some of the outsiders.

Ques. 9. Are you satisfied you made a mistake in your original return of votes cast for the office of Representative in Congress of Cedar Township?

(Mr. Cone objects to the question on the ground that it calls for the conclusion of the witness and not for the fact.)

Ans. I could not help being satisfied there was a mistake. After numbering the second count we found 10 votes in favor of Frederick. After numbering the second count, of course, we could not think otherwise than that there had been a mistake. We were satisfied that there was a mistake in our count, or at least that there were 10 more votes in the box than we had counted at the time we counted the votes.

Ques. 10. Do you remember, from your examination of the ballots at the time you counted the votes for the office of Representative in Congress in the November election, 1882, in Cedar Township, whether Frederick's name was scratched off from any of the straight Democratic tickets?—Ans. It was.

Ques. 11. How many straight Democratic votes were there cast at the November election, 1882, according to your recollection—I mean for all officers?

(Mr. Haddock objects to the question, that he is asking for that which only pertains to party interest and has no relation to the issue.)

Ans. There were 63.

Ques. 12. Is it your recollection now that Mr. Frederick's name for the office of Representative in Congress appeared upon all the straight Democratic tickets that were cast at the November election in Cedar Township?

(Mr. Haddock objects to the witness' recollection as being a matter we cannot contravene the record, also as not calling for a question of fact.)

Ans. At the time of the count we counted the votes out the night of the election. I didn't pay particular attention who was scratched, only we separated the main votes as they were. I think this man, Frederick, may have been scratched that night.

Ques. 13. You may not have reported him?—Ans. We might have reported him scratched. I paid no attention, not knowing how many scratches each man got. We were requested to come to count the ballots the second time, and in coming to count them, we found——

Ques. 14. I asked you whether you remembered that Frederick's name was crossed off from any of the straight Democratic tickets at the Nov. election at the time you made the original count?—Ans. I said I didn't know he was scratched.

Ques. 15. You have no recollection of his being scratched?—Ans. No, sir.

Ques. 16. Did the tickets when you opened the ballot-box the second time have the same appearance as they did when they were strung and placed in the box on the evening of the election?—Ans. Yes, sir. I believe they were all strung; any way, I did not see any new scratches.

Ques. 17. If at the time you had counted the votes at the election in your township the same Frederick's name had been scratched from 10 tickets, would you not be likely now to remember it?

(Mr. Haddock objects to the question as villainously leading.)

Ans. I think I would have recollected it and noticed it if there had been that number scratched.

Ques. 18. What is your recollection now as to the tickets being unscratched for the office of Representative in Congress, both Democratic, Republican, and Greenback?

(Mr. Haddock objects to the question for the reason that it is a repetition of the question asked before, and not right to be gone over so often).

Ques. 19. What is your recollection now of their not being scratched?—Ans. I could not answer that, whether any scratches or not.

Cross-examination by Mr. Cone:

Ques. 20. Who filled out the returns in the poll-books?—Ans. Adams, the clerk.

Ques. 21. Was your attention called that evening to the fact that Mr. Frederick had but 53 votes?—Ans. Well, now I think not any more than at the time they were filling out. I believe I read off as he filled out such and such a man had so many votes. If he had

so many of course we supposed it to be correct and did'nt go to work to count up exactly ourselves. Of course the clerks done the adding up; we supposed it at that time to be correct.

Ques. 22. Was your attention called at that time to the fact that the Democratic State candidates, auditor, secretary of the treasury, attorney-general of the State, had 93 votes? Was not your attention called to it that night?—Ans. Well, perhaps.

Ques. 23. Was any mention made that evening of the fact that Benjamin T. Frederick had received 10 votes less than the remainder of his ticket, or that he had run behind his ticket in his township?—Ans. No, sir, I didn't notice any such remark, but think he was mentioned.

Ques. 24. What part did you take in the canvass of the votes?—Ans. Well, I read the tickets, perhaps one-half of them. Mr. Adams took a turn, and then I a turn, and then he a turn.

Ques. 25. What kind of tickets did you read, Democratic, Republican or National?—Ans. Well I think the first tickets I read were Democratic tickets, but I won't be positive.

Ques. 26. Did you canvass all the Democratic tickets before you canvassed the Republican tickets?—Ans. I cannot answer that, whether or not; I cannot say which tickets it was we called first. I don't know about that.

Ques. 27. Did you file any class of tickets before canvassing another class of tickets?—Ans. I believe we did. Yes, sir; all of the Democratic or Republican or Greenback first, then the others, I am pretty sure, but which one we took first I don't remember.

Ques. 28. Did you call all of any single class of tickets?—Ans. Myself?

Ques. 29, Yes, sir?—Ans. Well, I could not answer that whether or not I called until I began to get tired; wanted water or something; then he took my place.

Ques. 30. In what mode did you canvass the vote for Representative in Congress?—Ans. Well, I believe there were secleted out of the box 5 straight tickets by Adams or Maloney; one or the other passed them to the other and then to me; I read until I changed with them or I took place.

Ques. 31. And counted them in five?—Ans. Yes, sir.

Ques. 32. Showing Mr. Frederick had received 5 votes?—Ans. Yes, sir; also then called the names of all the ticket.

Ques. 33. Did you say you called at that time all the names that appeared on the Democratic ticket for candidate for Congress? Did you say you did?—Ans. That is what our books say.

Ques. 34. Did you say that you called all the names that appeared on the Republican tickets?—Ans. Yes, sir; that is what we were getting at.

Ques. 35. The same on the Greenback tickets?—Ans. Yes, sir.

Ques. 36. When you filed your canvass of the votes did you suppose you were signing a true return of the votes canvassed at that time?—Ans. Yes, sir; I supposed so.

Ques. 37. I would ask you who all were present at the canvass of the votes; the evening before the election, how many were present?—Ans. There were boys in there and some men; 10 or 15 men and boys; I could get the names of some, perhaps a dozen more or less.

Ques. 38. After the opening of the ballot-box in the evening or before the close of the canvass and signing of the returns, was there any adjournment from the room where the ballot-box was opened until you got through?—Ans. No, sir; I think not.

Ques. 39. After the ballots were counted, and before the returns were signed, and the ballots returned to the box and delivered to the clerk, was there any adjournment; I mean after the ballots were all tallied and before your official adjournment, and before the returns were signed; was there any adjournment?—Ans. No, sir.

Ques. 40. Were all the judges present all the time during the canvass?—Ans. Well, they may have stepped out of the door for a minute, nothing more than one at a time; I think probably two were present all the time.

Ques. 41. Did the judges of the election seal the ballot-box at the close of the election when the ballots were returned to the box?—Ans. No, sir.

Ques. 42. Was the box locked?—Ans. Yes, sir; I think it was locked after the poll-book was put into the envelope and sealed, and then put into the box and the box locked.

Ques. 43. To whom was the key of the ballot-box given?—Ans. Well, the clerk had the key and locked it, and it remained with him secure.

Ques. 44. What means of knowledge have you in saying that the ballots which you canvassed here to-day were the same ballots which you canvassed on the 13th of Dec.?—Ans. I did'nt say that they were the same.

Ques. 45. Have you any means of knowledge?—Ans. No, sir; I have not.

Ques. 46. Is there any way in which you can identify these ballots as being the same

ballots that were cast at the Nov. election?—Ans. No, sir; I have no means of identifying them.

Ques. 48. In case a Republican had been taken from the box and a Greenback substituted, could you, at this date, tell as a matter of fact that such had been done?—Ans. No, sir; not from the appearance of the tickets; I could not.

Ques. 49. Would you say that the error had been made in giving Mr. Wilson one vote too many and Mr. Platner one vote too few, merely because you found a discrepancy to-day from the count made on the 7th of Nov.?—Ans. All I can say is they count out differently now from what they did then, giving one more now counted out than a month after we had the election.

Ques. 50. Had you discovered that there was an error in the vote for Mr. Wilson prior to canvassing the vote to-day?—Ans. No, sir; I had not.

Ques. 51. Had your attention at any time been called to the fact that an error might exist in the vote for Mr. Wilson?—Ans. No, sir; I had never heard it until to-day or known anything of it.

Redirect examination by Mr. Brown:

Ques. 52. You took part in the count to-day, did you?—Ans. Yes, sir.

Ques. 53. The count to-day was correct, was it?—Ans. Yes, sir; we counted it correct.

Recross-examination by Mr. Cone:

Ques. 54. You counted the ballots correct to-day, did you; that is, as you found them in the box?—Ans. Yes, sir.

Ques. 55. You don't wish to be understood as saying that the count you made to-day is correct or is to be the correct count for the 7th of Nov.?—Ans. No, sir.

Ques. 56. At the time you made your recount on the 13th of Nov. did you restring the ballots?—Ans. No, sir.

Same question was asked Mr. Adams and Maloney.

No, sir; we did not (both answered).

Ques. 57. (To James M. Douglass.) The clerk had an idea to-day that the ballots were strung.—Ans. Well, when we counted the ballots one of the judges spoke of stringing again. We didn't have a needle to string them with. They proposed to put them in without stringing them.

Witness fee, $2.15. Paid by contestant.

JAMES M. DOUGLAS.

STATE OF IOWA,
Johnson County, ss:

I, Eldon Moran, a notary public and commissioner agreed upon by the parties to take testimony in this cause, in pursuance of the annexed agreement attached to the testimony of M. M. Corrigan, whose testimony was taken Feb. 22d, 1883, do truly certify that on the 23d day of Feb., A. D. 1883, in pursuance of the notice hereto annexed, I took the deposition of the following named witness whose testimony is set forth herein in the following manner: Each witness was first by me duly sworn, in my presence, as provided by law: and, when sworn, the questions were propounded to him by the respective parties, Benjamin T. Frederick, contestant, and James Wilson, contestee, by their respective attorneys, and the question by me read to the witness, who answered the same, and his answer in the language of the witness was by me taken down under each question propounded, and reduced to writing, until the deposition was completed. I further certify that when the testimony of each witness was taken I carefully read the same over to the witness, who corrected the same, and each correction noted, and said testimony was then signed by the witness and sworn to by him before me. I further certify that T. Brown, esq., appeared as counsel for the contestant, Benjamin T. Frederick, and W. J. Haddock and J. W. Cone appeared as counsels for James Wilson, contestee.

In witness whereof I have set my hand and seal notarial this 23d day of Feb., A. D. 1883.

ELDON MORAN,
Notary Public of Johnson County, Iowa,
and Commissioner agreed upon to take testimony.

STATE OF IOWA,
Johnson County, ss:

Deposition of witness is produced and sworn before me, Eldon Moran, a notary public and commissioner agreed upon to take testimony, on this 22d day of Feb., A. D. 1883, in a proceeding pending before the House of Representatives of the United States of America, in a contested election for the office of Representative in Congress, in which proceeding Benjamin T. Frederick is contestant, and James Wilson is contestee; Brown & Carney appearing as attorneys for Benjamin T. Frederick, and W. J. Haddock and J. W. Cone appearing as attorneys for James Wilson, contestee.

JACOB KESSLER, of lawful age, being produced and sworn in due form of law, testifies as follows:

Ques. 1. What is your name, age, place of residence, and occupation?—Ans. Jacob Kessler; Big Grove Township; farmer; 44, will be 45 in May.

Ques. 2. State if you were an officer of that township during the year 1882; if so, what office did you hold?—Ans. Yes, sir; I was trustee; I held that office during that time.

Ques. 3. You refer to Big Grove Township, in Johnson County?—Ans. Yes, sir.

Ques. 4. Were you present at the November election, A. D. 1882, where the electors voted for the office of Representative in Congress?—Ans. Yes, sir.

Ques. 5. State if you have made the recount of the ballots of that election since you made your official count that was returned to the auditor of this county.—Ans. Yes, sir; we made the recount.

Ques. 6. Did you see the ballots in the box when you made the recount?—Ans. Yes, sir; I seen the ballots in the box.

Ques. 7. How did their appearance in the box compare with the manner in which you left them at the time of the election?—Ans. That I couldn't say, that there was or wasn't, because they looked just the same to me. They looked to me just the same as we had left them.

Ques. 8. You may state if you found that you made any mistake in your official canvass before the estimate of the second count; state also when that second count was made.—Ans. We found a mistake of—well, it had been 2 for Frederick and 1 for Wilson more than we returned.

Ques. 9. Also state when it was.—Ans. I guess it was the same time. I think that it was the 18th; some time after the election.

Ques. 10. It was in December?—Ans. Yes, sir.

Ques. 11. By the recount how many votes did James Wilson receive for the office of Representative in Congress, and how many did Benjamin T. Frederick receive?—Ans. Mr. Wilson received 52 votes; that left him 52. Frederick's was 174.

Ques. 12. Was that the same as the recount you made to-day?—Ans. Yes, sir; that is the same as we made to-day. We went over each that day several times. We could not make it any more or any less.

Ques. 13. Did the ballots have the same appearance to-day as they did at the time you made the recount after the election?—Ans. I couldn't see any difference in the ballots.

Mr. Cone:

Ques. 14. Did you say the ballots which you recounted on the 18th of December were the same ballots cast at the November election for Congressman?—Ans. Yes, sir; they looked to me to be just the same. I had no right to dispute it.

Ques. 15. Do you know of your own personal knowledge that they were the same ballots?—Ans. I do not think that they had ever been disturbed, because the men did not know anything about it until we told them of it.

Ques. 16. When were you first requested to make the recount, and by whom?—Ans. That is a few days before we had done this work on Saturday; Friday or Saturday; but I forget.

Ques. 17. Who requested you to make the recount?—Ans. Mr. Palmer.

Ques. 18. What reasons did he assign for wishing a recount of votes?—Ans. The way I understood him it was Fletcher ordered Big Grove Township counted over.

Ques. 19. Who is Fletcher?—Ans. I guess he is deputy sheriff, is he not? I think so.

Ques. 20. How soon after the request to recount these ballots was made did you recount them?—Ans. I think it was the third day afterwards.

Ques. 22. What officer, if any, did so?—Ans. He is a constable, that Mr. Devault; yes, sir.

Ques. 23. Did either of the other judges of the election request you to join them in the recount of the votes at that time—either Mr. Beuter or Mr. Corrigan request you to be present?—Ans. I think that they were all three there together that day when Walker came up. I think Mr. Beuter was; I am pretty sure he was.

Ques. 24. Where was this recount made?—Ans. In Solon, at the mayor's office.

Ques. 25. In whose custody had the ballots been at the time of the election to the time of the recount?—Ans. In Mr. Devault's; he took them with him; there's where we found them.

Ques. 26. Is he the clerk?—Ans. Yes, sir.

WILSON:

Ques. 27. He kept both ballot-box and key?—Ans. Yes, sir; he has a box and also a key.

Ques. 28. Neither of you trustees had it?—Ans. No, sir.

Ques. 29. Does Mr. Devault live in Solon?—Ans. I should judge 5 or 6 miles northwest of Solon.

Ques. 30. Did he bring the box from his home at the day of the recount?—Ans. Yes, sir, I suppose so; he came with his team.

Ques. 31. Did you take them all off the string?—Ans. Yes, sir; we had them off just the same as we have them off to-day.

Ques. 32. Who were present besides trustees and clerks?—Ans. It was this Mr. Walker; he was part of the time; also this young Conlay was there part of the time; others came in and went out.

Ques. 33. Were you in the room all the time during the recount?—Ans. Yes, sir, I was there until the thing was through.

Witness fee, $2.05.

Paid by contestant.

JACOB KESSLER.

STATE OF IOWA
Johnson County, ss:

I, Eldon Moran, a notary public and commissioner agreed upon by the parties to take testimony in this cause, in pursuance of the annexed agreement attached to the testimony of M. M. Corrigan, whose testimony was taken Feb. 22d, 1883, do truly certify that on the 22d day of Feb., A. D. 1883, in pursuance of the notice hereto annexed, I took the deposition of the following-named witness, whose testimony is set forth herein in the following manner: Each witness was first by me duly sworn, or caused to be sworn, in my presence, as provided by law, and, when sworn, the questions were propounded to him by the respective parties, Benjamin T. Frederick, contestant, and James Wilson, contestee, by their respective attorneys, and the question by me read to the witness who answered the same, and his answer in the language of the witness was by me taken down under each question propounded, and reduced to writing until the deposition was completed. I further certify that when the testimony of each witness was taken, I carefully reread the same over to the witness, who corrected the same, and each correction noted, and said testimony was then signed by the witness, and sworn to by him before me. I further certify that T. Brown, esq., appeared as counsel for the contestant; Benjamin T. Frederick, and W. J. Haddock and J. W. Cone appeared as counsels for James Wilson, contestee. In witness whereof I have set my hand and seal notarial this 22d day of Feb., A. D. 1883.

ELDON MORAN,
Notary public of Johnson County, Iowa,
and Commissioner agreed upon to take testimony.

STATE OF IOWA,
Johnson County, ss:

Deposition of witness produced and sworn before me, Eldon Moran, a notary public and commissioner agreed upon to take testimony, on this 23d day of Feb., A. D. 1883, in a proceeding pending before the House of Representatives of the United States of America in a contested election for the office of Representative in Congress, in which proceedings Benjamin T. Frederick is contestant and James Wilson is contestee; Brown & Carney appearing as attorneys for Benjamin T. Frederick, and W. J. Haddock and J. W. Cone appearing as attorneys for James Wilson, contestee.

DENNIS MALONEY, of lawful age, being produced and sworn in due form of law, testifies as follows:

Ques. 1. Give your name, age, residence, and occupation.—Ans. Place of residence, Cedar Township, Johnson County; occupation, farmer, sir.

Ques. 2. Were you one of the trustees of Cedar Township for the year 1882?—Ans. Yes, sir.

Ques. 3. Were you one of the judges for the Nov. election, 1882, in which electors voted for the office of Representative in Congress?—Ans. Yes, sir.

Ques. 4. State if you assisted in the canvass of the ballots at that time cast at that election.—Ans. Yes, sir, I did.

Ques. 5. State if you afterwards made a recanvass and discovered any mistake in your original canvass; and, if so, what.

(Mr. Haddock objects to the question that he asks for the conclusion of the witness, and not for the facts.)

Ans. We did, sir; making a second canvass, and to the best of my knowledge the trustees came to the conclusion that we had got ten votes cast for Mr. Frederick by mistake. That is the conclusion that we came to.

Ques. 6. You say that you had counted ten votes less for Mr. Frederick than you ought?—Ans. I stated that he got——

Ques. 7. I asked you whether you discovered a mistake that you counted ten votes for Frederick more than he was entitled to.—Ans. We counted ten votes more for him than the tally-book gave him credit for. That is the way I understand it.

Ques. 8. How many ballots were cast at the Nov. election, 1882, for Benjamin T. Frederick for the office of Representative in Congress, as shown by ballot?—Ans. I understand 2,163.

Ques. 9. How many ballots returned as cast for him by the return you made to the county auditor?—Ans. I understand that it was 53—that is, for Mr. Frederick.

Ques. 10. How many ballots were cast for James Wilson at the Nov. election, 1882, for the office in Congress, as shown by the ballot cast?—Ans. To the best of my knowledge it was 36 or 37.

Ques. 11. Well, which will you have it?—Ans. I could not say in fact; I could not swear. To the best of my knowledge it was either of the two—36 or 37 votes.

Ques. 12. Did you assist in recounting the ballots here to-day?—Ans. Yes, sir.

Ques. 13. How many were there for Wilson?—Ans. 36, if I understand it.

Ques. 14. You may state, if you remember, whether there were any split tickets in which Frederick's name was erased from the Democratic, at the Nov. election, 1882, when you counted the votes?—Ans. To my knowledge I think there was no split ticket or any scratches on the Democratic ticket for Frederick.

Ques. 15. How many straight Democratic tickets were cast at that election?

(Mr. Haddock objects to the question materially as asking for a conclusion of the count that refers to no particular candidate.)

Ques. 16. How many straight Democratic tickets were cast at that election? You may answer it now.—Ans. That I could hardly say how many.

Ques. 17. Was Frederick's name erased from any straight Democratic tickets?—Ans. Not to my knowledge, sir.

Ques. 18. Did you remember in counting Mr. Frederick's name was erased from any of the tickets that were cast at that election?—Ans. Not to my knowledge I do not.

Ques. 19. By the count to-day did you find—— (Objection: Leading.) By the count to-day how many ballots did you find with Mr. Frederick's name put upon that were straight Democratic tickets?—Ans. By the count to-day we found 63.

Ques. 20. When did you first count after the election the second time?—Ans. Well, I have no date of the day, but some time in the fore part of Dec. last.

Ques. 21. Did you make the paper I now hand you?

(Ex. "A" attached to Mr. James Adams's deposition.)

Ans. I did not sign it; it was the time though.

Ques. 22. What was the date?—Ans. The 13th day of Dec.

Ques. 23. Do the tickets appear to-day as they did then?—Ans. Yes, sir; to the best of my knowledge, they do sir.

Ques. 24. Were you at the time you made the second canvass of the votes, the 13th day of Dec., satisfied that you had made an error in the canvass of votes made on the day of election; and if so, what was that error?

(Mr. Haddock objects to the question because it is leading, asking for a conclusion and not for the facts.)

Ans. To the best of my knowledge, I don't think there was an error; that is, at the election.

(Question read by commissioner.)

Ans. No, sir; I don't think that there was an error on the day of election.

Ques. 25. After you counted the votes again were you satisfied that you had made an error upon making the recanvass?—Ans. Yes, sir; I was.

Ques. 26. When you canvassed the votes the first time on the day of the election, for the Nov. election, 1882, were the ballots strung on a string?—Ans. Yes, sir; I am the man that strung them myself.

Ques. 27. When the ballot-box was opened on the 13th of Dec. were they before making the recanvass; did you find them strung as you had left them?—Yes, sir.

Ques. 28. Did they appear as you had left them ?—Ans. To the best of my knowledge they did.

Cross-examined by Mr. Haddock:

Ques. 29. From the looks of the number of ballots taken out of the box on the string could you state of your own knowledge whether they had been taken out prior to that time, or not, or handled by other persons or not, sir ?—Ans. I could not say, sir.

Ques. 30. Could you state whether the ballots had been disturbed, and others put on, if it had been done carefully?—Ans. No, sir; I could not.

Ques. 31. Well, you mean by saying that they had the general appearance of the string of ballots?—Ans. Yes, sir; I am the man that strung these ballots, put on the knot, and delivered over to the trustees.

Ques. 32. You saw the knot cut off?—Ans. It was a running knot; on the 13th of Dec. I was the very man who took off the running knot.

Ques. 33. Anything peculiar about the running knot to-day?—Ans. Yes, sir; others can make a running knot as well as I can.

Ques. 34. Who asked you to go there on the 13th of Dec. and look over the matter?—Ans. Well, I got a card from a brother that resides in Iowa City.

Ques. 35. What name?—Ans. James Maloney. After I got the card from him I remember I started to Iowa City the second day after getting the card.

Ques. 36. What was James Maloney's business?—Ans. He is an expressman.

Ques. 37. Running in Iowa City ?—Ans. Yes, sir; in Iowa City for the last 25 years.

Ques. 38. As an express or dray ?—Ans. Yes, express wagon.

Ques. 39. What is his politics?—Ans. I guess he don't deny his politics. He is a Democrat, sir, and his brother is not ashamed to tell you of it, sir. In fact, you know now about who gave me information of this mistake. I met my brother. I consulted him as to the time of day. Says I, "I have got a card from you day before yesterday that you wanted me on some particular business." Says he, "I don't want to see you, but Mr. Hershire does."

Ques. 40. Editor of the Democratic newspaper?—Ans. I don't know whether editor or proprietor, but I guess that he is running it. Says he, "You had better go over and see Mr. Hershire." Afterwards in the day he said, "Mr. Maloney, are you aware that there was a mistake of the count as to the election?" Says I, "No, sir; I am not." Says he, "There is. For according to the number of votes polled the returns do not correspond with the number of votes polled in Cedar." He told me to see Douglass or Adams or other trustees; go to work and count the ballots over again. I seen Mr. Douglass before I see Mr. Adams; and Mr. Douglass and I we came to the conclusion that if there was a mistake it was our duty to rectify it. We came to the conclusion that we should go and count those ballots over again. I says to Mr. Douglass, "Being that you and I are Democrats, never flinching from the flag, fear that they might throw dirty water at you and I." I called to his house; Mr. Adams came right along.

Ques. 41. Why did they seem to think that there was a mistake?—Ans. Well, I don't know.

Ques. 42. Were you aware then that the total number of votes cast for other officers was less than 118?—Ans. Yes, sir; there was less for other officers, of course. I don't know anything about the suspicion at all.

Ques. 43. Did you not act on a suspicion?—Ans. We acted on a error as much as anything else.

Ques. 44. Did you not act on a suspicion of error?—Ans. Yes, sir; in the first instance.

Ques. 45. Did you not suppose or believe that there was any error until you had the second count?—Ans. No, sir; not to my knowledge.

Ques. 46. Did you believe that the trustees and clerks had faithfully recorded and counted the vote on the day of election?—Ans. Yes, sir; we thought we had done so.

Ques. 47. Did you know before about it?—Ans. No, sir; not at the time of the election.

Ques. 48. You didn't afterwards until compelled by those Democrats to do this thing?—Ans. No, sir; not until I found out that there was a mistake.

Ques. 49. You didn't find out that there was a mistake until you went to the ballot-box?—Yes, sir; when we went to the ballot-box we found a mistake; also found one to-day.

Ques. 50. Your second count on the 13th of Dec. didn't exhibit the mistake you pretended to find to-day with the exception of one ballot?—Ans. We didn't pay any attention to any office; that is the only one; that was Mr. Frederick. We paid no attention on the 13th of Dec. to any other officer that ran for office except this man Frederick. That is to the best of my knowledge.

Ques. 51. You were only instructed to go and dig for votes for Frederick in that ballot-box?—Ans. I don't understand what dig means.

Ques. 52. It means to hunt for.—Ans. Yes, sir; and found them.

Ques. 53. And dug them out?—Ans. Yes, sir; we dug them out; anyway we came to a knowledge of it.

Ques. 54. Was the count in the first place not made carefully and honestly?—Ans. I could not say anything about that.

Ques. 55. In the first count made on the day of election didn't you make your count and record of the vote carefully and honestly?—Ans. That was our notion that it was done so.

Ques. 56. You did not see anything of the ballot-box from the day of election until the 13th day of Dec.?—Ans. No, sir.

Ques. 57. Were you aware or had you been informed from the 13th day of Dec. that the ballot-box had been opened?—Ans. No, sir; I knew nothing about its being opened.

Ques. 58. Were you aware that the poll-book and tally-list had been disturbed from the ballot-box and sent to the Iowa City Democratic headquarters, Hershire's office?—Ans. I only can say I heard something to-day of it; I don't know that it has been done.

Ques. 59. Have you heard that there was a close contest between Wilson and Frederick?—Ans. Yes, sir; I heard that it was counted pretty close.

Ques. 60. Had you not been informed that ten votes might save Freedrick if they could be found?—Ans. No, sir.

Ques. 61. Had you not been informed that ten votes would be a big thing for him?—Ans. No, sir.

Ques. 62. Did you not get the impression that ten votes would be quite an acquisition?—Ans. Yes, sir; of course; even two votes would be quite an acquisition.

Ques. 63. On the first count of the vote on the day of election who called off the name of Frederick?—Ans. You mean who is the first man that commenced calling off names?

Ques. 64. Yes, sir.—Ans. Mr. James Douglass was the first man that proceeded to call names.

Ques. 65. Did he call carefully?—Ans. To the best of my knowledge he did.

Ques. 66. Who called the names in the afternoon?—Ans. Mr. Adams.

Ques. 67. Did he call them carefully?—Ans. Yes, sir; I think so.

Ques. 68. How did the tally-clerks do? Did they put them down each time?—Ans. I don't know anything about that.

Ques. 69. Did ypu hear them call the talley as they went along?—Ans. Yes, sir; several times.

Ques. 70. Didn't you hear them call tally every five votes?—Ans. Yes, sir; I heard them several times calling tally.

Ques. 71. Do you know of your own knowledge how the tally-list is kept?—Ans. I have an idea of it, sir.

Ques. 72. Explain your idea of it.—Ans. The tally-list—supposing that there are two clerks here, suppose one of the trustees calling out names, so we answer on hearing one, two, three, etc., then when it comes to five they mark them across and call tally.

Ques. 73. Don't they call each time?—Ans. Yes, sir; sometimes one, two, three, etc.

Ques. 74. Don't they do that all the time?—Ans. Not to my knowledge; perhaps for a while they call one, two, three, etc.

Ques. 75. In this canvass of the vote you did not go faster than the clerks could keep up?—Ans. No, sir; I guess we gave them pretty good time.

Ques. 76. No crowd around?—Ans. Yes, sir; there was a crowd around.

Ques. 77. How many were there?—Ans. I did not keep count of the number there.

Ques. 78. Did they interrupt you at all?—Ans. They might have done so.

Ques. 79. How did you count votes?—Ans. We counted five straight tickets at a time, sir.

Ques. 80. Then you called names; that is, for instance, Frederick 5 votes, and so with each other candidate?—Ans. Five straight tickets we commenced on first.

Ques. 81. How many straight Democratic tickets did you have altogether; can you state?—Ans. I could not state how many straight Democratic tickets.

Ques. 82. How many did you have altogether counted to-day?—Ans. We counted to-day 65.

Ques. 83. How many votes altogether were there in the box to-day, Democratic, Republican, and all?—Ans. 128.

Ques. 84. If you found 128 to-day, how do you explain that you didn't count them all before, when you counted carefully and well?—Ans. It is not the duty of us trustees to take our pencil, pen, and ink, and take the number of Greenback tickets, Republican tickets, and number of Democratic tickets; I think that is not our duty; therefore, for my part, I did not pay attention in taking the number of votes down.

Ques. 85. Did you pay attention to-day?—Ans. I think that I did, sir.

Ques. 86. Did you take the number down to-day?—Ans. No, sir; I didn't, unless the name was read. We don't generally do that at the day of election; we take the number of different votes.

Ques. 87. Now, upon the matter of Wilson, you don't know whether he had 36 or 37?—Ans. I am not positive, sir; as I said before, and to the best of my knowledge, he had either 36 or 37.

Ques. 88. Could you tell by looking at the book how many votes he had on the day of election? [Examines the poll-book.] Now, here is Wilson, now count the strokes.—Ans. It is right here, 37.

Ques. 89. You see now, from looking at the book, that Wilson had 37 votes?—Ans. I say to the best of my knowledge he had 36 or 37; I see according to the book he had 37.

Witness fee, $2.25, paid by contestant.

DENNIS MALONEY.

STATE OF IOWA,
Johnson County, ss:

Deposition of witness is produced and sworn before me, Eldon Moran, a notary public and commissioner agreed upon to take testimony, on this 22d day of Feb., A. D., 1883, in a proceeding pending before the House of Representatives of the United States of America in a contested election for the office of Representative in Congress, in which proceedings Benjamin T. Frederick is contestant, and James Wilson is contestee; Brown & Carney appearing as attorneys for Benjamin T. Frederick, and W. J. Haddock and J. W. Cone appearing as attorneys for James Wilson, contestee.

ARTHUR MEDOWELL, of lawful age, being produced and sworn in due form of law, testifies as follows:

Ques. 1. You may state your name, age, place of residence, and occupation.—Ans. Arthur Medowell; my place of residence is Iowa City; I am county auditor; my age is 40.

Ques. 2. Are you the custodian of the poll-books made of the Nov. election, A. D. 1882, for the office of Representative in Congress for the 5th Congressional district of Iowa—that is, the poll-books for Johnson County?—Ans. Yes, sir.

Ques. 3. How many votes does the poll-books show were returned from Big Grove Township to the board of State canvasser; show many for James Wilson and how many for Benjamin T. Frederick?

(Judge Haddock, on behalf of contestee, objects to the question on the ground that the books are the best evidence.)

Please present the books to the notary for that purpose.

(Witness produces a certain book which purports to be a poll-book of Big Grove Township.)

Ques. 4. Please read the return.—Ans. Shall I give the total or the recapitulation?

Ques 5. You may read the recapitulation.—Ans. At the election held at Solon, Big Grove Township, Johnson County, State of Iowa, on the 7th day of Nov., 1882, there were 243 ballots cast for the office of Representative in Congress for the 5th Congressional district; the number is left out, it is —— district, of which Benjamin T. Frederick had 172 votes, and James Wilson had 51, and David Platner 15. That is all. There was a change made in that, but I don't know anything about it. I am reading it as the board of supervisors counted it; that is all I am reading.

Cross-examination by Mr. JAMES WILSON, contestee:

Ques. 6. Does the book show changes or erasures?—Ans. Yes, sir; it does.

Ques. 7. What is the change in the case of the Wilson vote?—Ans. The change in the Wilson vote—you mean on the recapitulation?

Ques. 8. Yes, sir, that is what I mean.—Ans. It is hard to state, but there has been a change made there.

(Witness examines the book with a magnifying glass. To the best of my knowledge the word six has been changed to the word one. It looks plainer with the glass than with the naked eye.)

Ques. 9. Does the official recapitulation correspond with the tally-list?—Ans. I think not.

Ques. 10. Tell us what the tally-list shows.—Ans. Do you mean total or tally list? What is the total, or what is the tally-list?

Ques. 11. Now tell what it shows in totals, also tally-list.—Ans. As changed it shows 172 votes—51 votes for James Wilson; 51 for David Platner.

Ques. 12. Can you tell what it has been changed from in each case?—Ans. Yes, sir; I can give my opinion; that is all that I can give. In my opinion James Wilson's has been changed from 56 to 51.

Ques. 13. What do you call that?—Ans. A magnifying glass.

Ques. 14. Do you use a magnifying glass to determine?—Ans. Yes, sir; I can't determine satisfactorily with the naked eye.

Ques. 15. Can you tell what the change has been in Frederick's?—Ans. It looks very

much as though it originally had been 4, but still it is not so plain as in the case of Wilson's.

Ques. 16. How about Platner's?—Ans. From 17 to 15; it now stands 15 as accepted by the board of supervisors.

Ques. 17. What do you make the change in the tally-list on the Wilson tally?—Ans. As it now stands they have erased it until it stands 51.

Mr. HADDOCK:

Ques. 18. What was it, Arthur, as near as you can estimate?—Ans. Pretty hard to estimate.

Ques. 19. (WILSON.) Give us your opinion about it.—(Examines it with glass.) Ans. There is a change of 4 or 5 votes, I could not tell which; whether any more I could not say.

Mr. HADDOCK:

Ques. 20. Was that change made by blotting or by scratching on the paper?—Ans. In this particular case here that has been done by erasing; that is on the tally-list with some instrument, I don't know what.

Ques. 21. How about on the totals?—Ans. That has also been erased by some instrument or eraser perhaps. The Frederick change has been made by eraser, for they have covered it up with ink. It looks like it was done by blotting, for ink covers up everything else as far as I can determine.

Subscribed and sworn to before me this 22 day of Feb., 1883.

ELDON MORAN.

85 cts. fees, paid by contestant.

ARTHUR MEDOWELL.

STATE OF IOWA,
Johnson County, ss:

Deposition of witness produced and sworn before me, Eldon Moran, a notary public and commissioner agreed upon to take testimony, on this 23d day of Feb., A. D. 1883, in a proceeding pending before the House of Representatives of the United States of America, in a contested election for the office of Representative in Congress, in which proceedings Benjamin T. Frederick is contestant and James Wilson is contestee. Brown & Carney appearing as attorneys for Benjamin T. Frederick, and W. J. Haddock & J. W. Cone appearing as attorneys for James Wilson, contestee.

ARTHUR MEDOWELL, of lawful age, being produced and sworn in due form of law, testifies as follows:

Ques. 1. What is your name, age, place of residence, and occupation?—Ans. I am 40 years of age; county auditor; residence, Iowa City.

Ques. 2. Have you the poll-book in your possession of the returns of Cedar Township, Johnson County, to the board of supervisors?—Ans. Yes, sir.

Ques. 3. For the Nov. election, 1882, for the office of Representative in Congress?—Ans. Yes, sir.

Ques. 4. How many ballots are returned for the office of Representative in Congress for each of the candidates for that office? Give it as it appears on said book.—Ans. James Wilson, 37; Benjamin T. Frederick, 53; David Platner, 28.

Ques. 4. State if such was the vote that was abstracted and forwarded to the board of State canvassers of Iowa?

(Mr. Cone objects that secondary evidence and abstract of the votes forwarded to the auditor and secretary of state would be the best evidence.)

Ans. As canvassed by the board of supervisors, is all I can testify to.

BROWN. If you are not satisfied with the poll-book, we will send and get the other.

Ques. 5. You may state it.—Ans. My opinion is that that was the number so canvassed and returned by the supervisors in this county—returned to the secretary of state.

Ques. 6. Are you the custodian of that record?—Ans. Yes, sir.

Ques. 7. Give a transcript of the return of that section of the return of Cedar Township to the clerk to be attached as a report to the secretary of state to each of the candidates.—Ans. Yes, sir; I will do so. (Presents paper Exhibit A.)

(Witness fee, $.85, paid by contestant.)

ARTHUR MEDOWELL.

EXHIBIT A.

CEDAR TOWNSHIP, *Dec.* 13*th*, 1881.

To the hoard of Supervisors of Johnson Co., Iowa:

We, the trustees of Cedar Township, have been requested to look over the ballots cast at the election held on the 7th of November, 1882, and find there is a mistake of ten votes cast in favor of Frederick. The trustees, in presence of clerk, at the clerk's office, certify that the above is a true return.

J. E. ADAMS,
J. W. DOUGLASS,
DENIS MOLONEY,
Trustees.

Attest:

JOHN L. ADAMS,
Clerk.

Frederick	53
Wilson	37
Platner	28

As canvassed by B. of S. for Nov. elect., 1882.
Nov. 13, '82.

A. MEDOWELL,
Auditor.

STATE OF IOWA,
Johnson County, ss:

I, Eldon Moran, a notary public for Johnson County and commissioner agreed upon to take testimony in this cause, in pursuance of the annexed agreement, attached to the testimony of Jno. L. Adams, whose testimony was taken the 22nd day of Feb., 1883, do truly certify that on the 22nd day of Feb., 1883, in pursuance of the notice hereunto annexed, I took the depositions of the following witnesses: Jno. L. Adams, J. E. Adams, A. W. Benter, M. M. Corrigan, Jas. W. Douglas, Dennis Maloney, Arthur Medowell, whose testimony is set forth in the following manner: Each witness was first by me duly sworn, or caused to be sworn in my presence, as provided by law; and when sworn the questions were propounded to him by the respective parties: Benj. T. Frederick, contestant, and James Wilson, contestee, by their respective att'ys, and the question by me read to the witness, who answered the same, and his answer in the language of the witness by me taken down under each question propounded, and reduced to writing till the deposition was completed.

I further certify that when the testimony of each witness was taken, I carefully read the same over to the witness, who corrected the same, and each correction noted, and said testimony was then signed by the witness and sworn to by him before me.

I further certify that T. Brown & Carney appeared as counsel for the contestant, Benj. T. Frederick; W. J. Haddock and J. W. Cone appeared as counsel for the contestee, James Wilson.

In witness whereof I have set my hand and seal hereunto notarially, this 22nd day of Feb., 1883.

ELDON MORAN,
Notary Public for Johnson County, Iowa,
and Commissioner agreed upon to take testimony.

No. 5.

No. 1.

Deposition of witnesses produced, sworn and examined in pursuance of the annexed notice at Mt. Vernon, in the county of Linn, and State of Iowa, at my office, before me, C. W. Kepler, a notary public in and for Linn County, Iowa, in a certain action now pending in the House of Representatives of the United States, wherein Benjamin T. Fredrick is contestant and James Wilson is contestee, on behalf of contestant.

W. G. POWER, of lawful age, being produced, sworn and examined on the part of the contestee, deposed as follows:

Int. 1. State your name, age, occupation, and place of residence.—Ans. W. G. Power, aged 38 years. Am a merchant, and reside in Mt. Vernon, Iowa.

Int. 2. Were you clerk of the election held in Mt. Vernon precinct, Franklin Township, Linn County, Iowa, held in Nov. 7th, A. D. 1882?—Ans. I was.

Int. 3. State if you have the ballot-box of that election for the precinct named in your possession.—Ans. I have.

Int. 4. State how the ballot-box has been kept since election and where?—Ans. It has been kept locked and setting on a shelf in my state, and in my possession.

Int. 5. State where the key has been kept.—Ans. In my pocket.

Int. 6. Does the ballot-box contain the same ballots that were cast at said election, and were they left strung in the box, or were they left loose?—Ans. It does. They are strung.

Int. 7. You may now, in presence of the notary and judges of election, open the box and count the ballots for Representatives in Congress, and state the number of ballots cast for each candiate for said office at said election.—Ans. The total number of votes cast was two hundred and sixty-five; of which James Wilson received one hundred and forty-five (145); Ben. T. Frederick, forty-three (43); and David Platner, seventy-six (76), and Ben. Frederick, one (1).

Int. 8. State who assisted you in making this count, and if you are satisfied the count you make this day is correct.—Ans. S. J. W. Carley, George Johns, two of the judges of said election, and M. K. Neff, the other clerk. I am satisfied the count made this day is correct.

Int. 9. Has the ballot-box been opened before to-day since you closed the same after canvassing the vote the 7th of Nov., A. D. 1882; and if so, when, and in whose presence?—Ans. It has not been opened.

Int. 10. You may now give the duplicate poll-book of said election to the notary, so he can copy the return made by the judges and clerks of said election to the board of county canvassers for the office of Representative in Congress.

(Clerk reads from said duplicate poll-book as follows:)

"There were two hundred and sixty-four ballots cast for the office of Representative in Congress, 5th Dist., for which James Wilson had one hundred and forty-six votes, B. T. Frederick had forty-two votes, and David Platner had seventy-five votes. The tally sheet shows Ben. T. Frederick had forty-three votes, David Platner had seventy-five votes, and James Wilson had one hundred and forty-six votes. And the return made to the county board of canvassers shows same as tally-list.

"I certify that I have carefully examined the poll-book and tally-list, and find that the answers made by the clerk in relation to the returns made to the county board of canvassers are correct and true.

"C. W. KEPLER,
"*Notary Public.*"

Int. 11. What are the errors you find by the recount of ballots to-day in the return made as shown by the poll-book; and are you satisfied you did make an error or errors in the return and counting of the votes at said November election as a member of the board of canvassers for the office aforesaid?—Ans. There were one too many votes counted for James Wilson, and one too little for both Frederick and Platner. I am satisfied that error was made in the return of the election.

W. G. POWER.

Sworn to before me and subscribed in my presence by the said W. G. Power this 26th day of February, A. D. 1883.

[SEAL.]

C. W. KEPLER,
Notary Public in and for Linn County, Iowa.

S. J. W. CARLEY, of lawful age, being produced, sworn, and examined on the part of the contestant, deposed as follows:

Int. 1. State your name, age, occupation, and place of residence.—Ans. My name is S. J. W. Carley; age, 55; occupation, a merchant; and reside in Mt. Vernon, Iowa.

Int. 2. Were you one of the judges of election held at Mt. Vernon, Iowa, Nov. 7th, 1882, at which election the electors voted for member of Congress 5th district of Iowa?—Ans. I was.

Int. 3. State whether you have, since you made a return of the canvass of said ballots of said election, again made a count of the ballots cast at said election, and whether you found there was any error in said return made for the office of Representative in Congress; and, if so, what the error is, and how many votes each candidate as a matter of fact received for said office.—Ans. I assisted in the recanvass of the ballots for said office. I did not count the votes.

Int. 4. State if the appearance of the ballots found in the box to-day is in accordance with their condition in which they were left at the election after the canvass of the votes, and state if you left them strung and fastened at the time of the election canvass, and

how they were strung to-day when the box was opened.—Ans. To all appearances in the same condition as when placed in the box after election; they were strung on a cord, the bottom end of the cord was fastened with a knot, the other end was looped around a piece of paper.

S. J. W. CARLEY.

Subscribed and sworn to before me, C. W. Kepler, a notary public in and for Linn County, Iowa, by the said S. J. W. Carley this 26th day of February, A. D. 1883.

[SEAL.] C. W. KEPLER,
Notary Public.

STATE OF IOWA,
Linn County, ss:

I, C. W. Kepler, a notary public in and for Linn County, Iowa, do hereby certify that in pursuance of the annexed notice I caused to come before me at my office in Mt. Vernon, Linn County, Iowa, on the 26th day of February, A. D. 1883, between the hours of nine and eleven o'clock of the same day, in the forenoon, E. Dudley, W. G. Power, M. K. Neff, S. J. W. Carley, and George Johns, witnesses named in said notice hereto annexed. W. G. Power and S. J. W. Carley were then by me duly sworn and examined, and their examinations reduced to writing, and after being by me read over to said witnesses the same were subscribed and sworn to by them, respectively, in my presence, and their said depositions are now herewith returned. And I further certify that Mr. Brown, of the firm of Brown & Carney, attorneys, was present and conducted the examination on behalf of the contestant, and M. P. Mills, esq., of the firm of Mills & Keeler, was present on behalf of the contestee, but did not see proper to cross-examine.

[SEAL.] C. W. KEPLER,
Notary Public in and for Linn County, Iowa.

Fees as notary, including stamps, $3.35; paid by contestant's atty.

(Indorsement:) Before the House of Representatives, U. S., Ben. T. Frederick, contestant, *vs.* James Wilson, contestee, depositions of contestant.

STATE OF IOWA,
Linn County, ss:

Deposition of witnesses produced and sworn before me, Eldon Moran, notary public and commissioner agreed upon to take testimony, and duly sworn by Eldon Moran, notary public for Johnson County, by agreement of contestee, on this 1st day of March, 1883, in the town of Viola, Linn County, in a proceeding pending before the House of Representatives of the United States of America, in a contested election for the office of Representative in Congress, in which proceeding Benj. T. Frederick is contestant and James Wilson contestee; Brown & Carney appearing on the part of contestant and M. P. Mills on part of contestee.

STATE OF IOWA,
Linn County, ss.

STEVEN C. BAILEY, being produced and sworn by Eldon Moran, a notary public of Johnson County, by agreement of contestee, and examined before me, testifies as follows (T. Brown appearing on part of contestant, and M. P. Mills on the part of contestee):

Q. 1. What is your name, place of residence, age, and occupation?—A. My name is Stephen C. Bailey; I live in Viola, Brown Township, Linn County, Iowa.

Q. 2. Are you acquainted with Michael Donnahue?—A. Yes, sir; personally.

Q. 3. Do you know when he moved into Linn County?—A. No, sir; not exactly.

Q. 4. Well, state as nearly as you can.—A. Well, some time in Oct.; about the 3rd day, I think; my boy hauled lumber down to him, where he built a house to move into.

Q. 5. Did he live in the county before that?—A. They say not.

Q. 6. Do you know whether he did or not?—A. Well, I don't know exactly; they say that he did not, but lived in Jones County.

Q. 7. That was the 3rd of Oct.?—A. Yes, sir; or a little before.

Q. 8. How long before he built the house was the lumber hauled?—A. A short time before that.

Q. 9. Were you present at the Nov. election, '82?—A. Yes, sir, I was there most of the time.

Q. 10. Did you know whether Michael Donnahue voted or not?—A. I was not there at the time.

Q. 11. Did you say that Mr. Donnahue stated where he had been living; did he live here?—A. Yes, sir; he said he was living in some house over there—well, it was in Jones County, anyway.

Q. 12. Well, whereabouts was it that he said that he had lived; in whose house; where it was?—A. I don't know whose house it was.

Cross-examination;

Q. 13. Mr. Bailey, then all you know about this is simply that on or before the 3rd of Oct. you drew some lumber to build a house?—A. Yes, sir.

Q. 14. The balance of what you testify is what you have heard other folks say?—A. Yes, sir; I don't know whether he voted or not.

Q. 15. Simply where he lived when he came here; that is all; just what you heard other folks say?—A. Yes, sir, I heard them say that he lived in Jones County.

Q. 16. Now, Mr. Bailey, don't you know as a matter of fact that he has worked here some time?—A. No, sir, I don't know whether he has or not.

Q. 17. You did not know that?—A. No, sir, I don't know for whom he worked.

Q. 18. I did not ask you for whom he worked. Don't you know as a matter of fact that he has worked in Linn County; been working here for some one quite a while?—A. I don't know.

Q. 19. Don't you know that he lived here in the town of Viola a short time ago?—A. Yes, sir; he used to live here; that has been some time ago.

Redirect-examination:

Q. 20. How long was it that he lived here before Oct. ?—A. I cannot tell you.

Q. 21. How long was it that he lived here?—A. That I do not know.

Q. 22. Was it several years?—A. He used to live out here in John Haddin's house, didn't he?

Q. 23. Never mind about that; was it a month or a year ago?—A. Probably a year ago; I don't know.

Q. 24. Was it more than a year ago that he moved out of this county?—A. I should think that it was; I don't know.

Recross-examination:

Q. 25. Now, on this length of time you are guessing, are you not—have no data or means of knowledge?—A. No, sir; not when he lived here.

STEPHEN C. BAILEY.

STATE OF IOWA,
Linn County, ss:

M. J. DONNAHUE, being produced and sworn before me, Eldon Moran, a notary public and commissioner, agreed upon to take testimony, sworn by consent of contestee and examined before me, testifies as follows (T. Brown appearing on the part of contestant, M. P. Mills on part of contestee):

Q. 1. State your name, age, place of residence, and occupation.—Ans. M. J. Donnahue; age, 39; reside in Linn County; am a stonemason.

Q. 2. Where do you reside?—A. Linn County, Iowa.

Q. 3. What township?—A. The same township that Viola is in—Brown.

Q. 4. Have you a family?—A. Yes, sir.

Q. 5. When did your family move into Brown Township?—A. To the best of my knowledge somewhere in the latter part of Aug.

Q. 6. What house did you move into?—A. A new house.

Q. 7. The one you built down here?—A. Yes, sir.

Q. 8. Of whom did you buy your lumber?—A. Of Mr. Bailey.

Q. 9. Was it at the time you bought your lumber that you moved into it—afterwards, was it?—A. I think it was along about that time; I am not positively sure.

Q. 10. At least you did not buy lumber until the 3d of Oct. Did you move into it then?—A. Yes, sir; I agreed with Mr. Bailey for my lumber a month before time.

Q. 11. Where did you live at that time?—A. On the line between Jones and Linn counties.

Q. 12. In what county was it?—A. I was kind of under the impression other folks said I lived in Jones County five or six feet.

Q. 13. How long did you live there?—A. Five or six months.

Q. 14. With your family?—A. Yes, sir.

Q. 15. Which was it, five or six months?—A. Well, all of six, anyway.

Q. 16. What were you doing there?—A. Quarrying.

Q. 17. Working there?—A. In Mr. Jones's quarry the greater part of the time.

Q. 18. Who drew lumber for your house?—A. Mr. Bailey, that is Mr. Bailey's business.

Q. 19. Then you did not buy your lumber until Oct.? You did not move into this county until Oct., did you?—A. Well, sir, it was like this. I am not quite certain about the time I moved into the house. I moved out of the old house I was living in, and moved into the new house when I had built it.

Q. 20. When you had the new house built you moved into it?—A. Yes, sir.

Q. 21. Did you vote at the Nov. election?—A. Yes, sir; at Viola.

Q. 22. For whom did you vote as Rep. in Congress?—A. Mr. Wilson.

Cross-examination:

Q. 23. How long have you lived in the county of Linn altogether?—A. Altogether?

Q. 24. Yes, sir.—A. Some eight years.

Q. 25. Did you previously live in the township—Brown Township?—A. Did I live down there?

Q. 26. Yes, sir.—A. Yes, sir, I lived right in this city.

Q. 27. Now, how came you to live there and to quit your other place of business there?—A. It was too far for me to walk; I could get no house; it was in the little house of Webb's. I was compelled to work for a couple of months for the house. I had no place to go when I lived in his house until I got this new house built in the summer, in July.

Q. 28. Did you make any arrangement for the purchase of a piece of land in this county?—A. My intention was to get in there as quick as I could. I could not very well get the place I wanted; it took me some months to get around.

Q. 29. How long had you been working in Linn County here since you worked over the line?—A. I worked there in the summer—in July.

Q. 30. Did you vote in Jones County?—A. No, sir; I never voted in Jones County.

Q. 31. When you purchased this land in July you were working in this county, were you?—A. Yes, sir, I was.

Q. 32. The only reason your family was not there is because you had no house for them to live in, was it?—A. Yes, sir; that is the reason.

Q. 33. Now state as to your residence, say what your intention was, where you intended to reside, which place you intended to be your home, this county or Jones?—A. In Linn County; I would have been living here four months sooner if I could possibly have gotten around.

Q. 34. You never went to Jones County with the intention of residing there?—A. No, sir; not at all. This place I am living on now I have been after for a long time.

Q. 35. You simply moved your family over there so as to get a house near your work?—A. Yes, sir; that is exactly it.

Redirect examination:

Q. 36. How long did you intend to stay in Jones County when you went there?—A. I intended to stay there only until I could get a place.

Q. 37. You did not know how long you would stay?—A. No, sir; I wanted to get back as soon as possible.

Q. 38. In what month did you move there; before last spring or last fall? Was it some time before winter set in, some time before last winter?—A. Yes, sir.

Q. 39. Then some time before last fall, in 1881?—A. Yes, sir.

Q. 40. Your family lived there until you moved into Linn County? Some time in October you boarded with your family?—A. Yes, sir.

Witness fee paid, $1.15.

M. J. DONNAHUE.

STATE OF IOWA,
Linn County, ss:

GEORGE L. FELTON being produced and sworn by Eldon Moran, a notary public for Johnson County, by agreement on part of contestee, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, M. P. Millson part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. My name is George Felton; I reside in Viola, Iowa; and my occupation is that of agent for the C. M. & St. Paul R. R. Co.

Q. 2. Did you vote at the Nov. election, '82, for Rep. in Congress, and, if so, for whom did you vote?—A. I voted for James Wilson.

Q. 3. What time of the day did you vote?—A. I cannot say exactly, but it was after eight o'clock.

Q. 4. About how long was it?—A. It must have been 8.15 or 8.20 when I voted.

Q. 5. How long have you lived in this county?—A. Since the 1st of Dec., '81, when I came to this town.

Q. 6. I mean in this county?—A. One year and three months to a day.

Q. 7. Now answer this question: how long have you lived in this State?—A. 22 years.

(Witness fee paid, $2.85.)

GEO. L. FELTON.

STATE OF IOWA,
Linn County, ss:

MAT BINGHAM being produced and sworn by Eldon Moran, a notary public for Johnson County, by agreement on part of contestee, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, M. P. Mills on part of contestee).

Q. 1. Your name, age, place of residence, and occupation.—A. Mat Bingham; reside in Viola, Linn County, Iowa; am a blacksmith.

Q. 2. Are you acquainted with Michael Donnahue?—A. Yes, sir.
Q. 3. The one who just testified here?—A. Yes, sir.
Q. 4. Do you know when he moved into Linn County?—A. Well, no; not exactly.
Q. 5. Well, as to date; what month?—A. Well, it was in Oct., I think.
Q. 6. Did he live in Jones County until he moved into his new house; how often did you go by his house?—A. I went by his house every night for two or three months.
Q. 7. Do you know where he formerly resided?—A. Yes, sir; in Jones County.
Q. 8. Whereabouts?—A. Near Webb's Ferry; close to it.
Q. 9. How long did he reside there?—A. Well, I don't know; it was several months; 5 or 8 months, probably; very nearly a year.
Q. 10. The fall before he moved there?—A. Yes, sir; or spring; I don't know which.
Q. 11. You may state if you are positive that he did not move over there till Oct.—A. I don't think that he did. I am not positive about that; don't think he moved until Oct.
Q. 12. Did you know that he was not in this county to live until the middle of Sept.?—A. I don't think he lived in this county in Sept.
Q. 13. Will you positively fix the time that he did move here until after the middle of Sept.?—A. I think that he did. I know something about that. I went across the line to live. I live in Jones County, and I moved up here.
Q. 15. What time?—A. I moved here in Aug.
Q. 16. Was it a month or two after that that he moved?—A. Yes, sir.

Cross-examination:

Q. 17. Do you know where the line between Jones and Linn is?—A. Yes, sir; close to it or very near it.
Q. 18. Are you able to state positively here that the house that he lived in was in Jones County?—A. I think that it was.
Q. 19. You think so?—A. Yes, sir. It is not far from the line.
Q. 20. Your impression is that it is not in Jones County?—A. Yes, sir.
Q. At what time did you have your attention called to this matter?—A. I saw the place every day—I know where he lived, I knew all the time where he lived; went right by his house, right in sight of it when he built his new house; it was right on the railroad; I could not help but see it; it was the only house on the road, and the second house on the road between here and Stone City.
Q. 22. How often did you go to Stone City?—A. Every day.
Q. 23. You still reside here?—A. Yes, sir.
Q. 24. Where was Donnahue working at this time?—A. He worked for Webb part of the time and part for James Roman.
Q. 25. How long did he work for Roman?—A. I don't know.
Q. 26. You have been exact about all of this; make a guess at that.—A. I don't know where he worked, I know where he lived.
Q. 27. You saw him every day?—A. No, sir; I did not see him every day.
Q. 28. To your certain knowledge, how long has he been working over in Linn County?—A. I cannot swear that he worked in Linn County at all.
Q. 29. Did you ever live in Linn County?—A. Yes, sir.
Q. 30. Do you know whether he always called Linn County his home or not?—A. No, sir; I do not know that.
(Fee paid, $2.00.)

MAT BINGHAM.

STATE OF IOWA,
Linn County, ss:

JOHN WORRALL being produced and sworn by Eldon Moran, a notary public for Johnson County, by agreement on part of contestee, and examined before me, testifies as follows (T. Brown appearing on part of contestant and M. P. Mills on part of contestee):

Q. 1. Your name, age, residence, and occupation?—A. John Worrall; age 60 years; live in Viola; I do nothing but practice law a little and act as notary public.
Q. 2. Were you one of the board of trustees of election at the Nov. election '82?—A. Yes, sir.
Q. 3. What time did you announce for the closing of the polls?—A. 8 o'clock.
Q. 4. Did you receive any votes after the polls were closed?—A. I believe so.
Q. 5. Whose vote?—A. Mr. Felton's.
Q. 6. What time did he vote?—A. Well, sir, it was after the polls had closed; I don't know how long.
Q. 7. 20 or 30 minutes?—A. It was my impression it was not more than ten or twenty minutes afterwards.

Cross-examination:

Q. 8. Who announced the closing of the polls?—A. Mr. Henry H. Gilliland.

Q. 9. What was that announcement?—A. You mean when the polls were closed?
Q. 10. Yes, sir; give us the phraseology of it.—A. Well, it was late at night at the house there. I think Mr. Gilliland sat in his chair.
Q. 11. What announcment did he make?—A. He said the polls were now closed.
Q. 12. What time was that?—A. I think it was a little after 8 o'clock.
Q. 13. Well, then, did you say that Mr. Felton voted after that?—A. Yes, sir; I think so.
Q. 14. Are you positive about that?—A. Well about as positive as it is necessary to be; yes, sir.
Q. 15. That announcement was public, was it?—A. That announcement was made in the house.
Q. 16. There wasn't anybody knew of it?—A. The announcement was made by him in the house.
Q. 17. Nobody else voted after that?—A. No, sir; I think not.
Q. 18. Did you hear the announcement?—A. I was supposed to, of course; that is what I have said.
Q. 19. Who directed him to make the announcement?—A. I cannot tell for certain—it was the trustees; they were mostly kind of old fellows; they can't talk so very well; they requested the clerk to do it, and he did it.
Q. 20. So this is the announcement that Mr. Gilliland made, that the notice was given to the electors present that in 15 minutes the polls would be closed?—A. I think that was done before.
Q. 21. Was that the only announcement made?—A. No, sir; I think he said the polls are now closed.
Q. 29. Then when the 15 minutes were closed who told him to make the announcement?—Ans. I cannot say.
Q. 30. Now, I want to ask you whether you have a distinct recollection that the announcement was made?—A. That is my impression; I have not a very distinct recollection of this case; I was not watching the polls.
(Fees paid, $2.00.)

JOHN WORRALL.

STATE OF IOWA,
Linn County, ss:

Deposition of witnesses produced and sworn before me, Eldon Moran, notary public and commissioner agreed upon to take testimony, and duly sworn by Eldon Moran, notary public for Johnson County, by agreement of contestee, on this 1st day of March, 1883, in the town of Cedar Rapids, in a proceeding pending before the House of Representatives of the United States of America in a contested election for the office of Representative in Congress, in which proceeding Benj. T. Frederick is contestant and James Wilson contestee; Brown and Carney appearing on the part of contestant, M. P. Mills on part of contestee.

STATE OF IOWA,
Linn County, ss:

IRVING P. BOWDISH, being produced and sworn by Eldon Moran, notary public for Johnson County, by agreement of contestee, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, M. P. Mills on the part of contestee):
Q. 1. What is your age, name, residence, and occupation?—A. Irving P. Bowish; live in Marion Township, this county; I claim to be a farmer, though I also buy grain and sell coal in this city.
Q. 2. Were you present at the Nov. election, '82, held in Marion Township, Linn County, Iowa, at which election votes were taken for Rep. in Congress for the 5th dist.?—A. There are two precincts in that township; Waubeck precinct is the one I was at.
Q. 3. Did you know a man there that voted by the name of Foreman?—A. Yes, sir; two Foremans, John and Joseph; I know them both.
Q. 4. What is the mental capacity of these men?—A. One knows but very little, and the other does not know much of anything.
Q. 5. Which one is the person of some intelligence?—A. John.
Q. 6. Did you see him vote?—A. I did not.
Q. 7. Did you see their names on the poll-list?—A. I did not, not to notice them; I saw the poll-list in looking over, counting, and comparing the ballots; I could not swear their names were on the poll-list.
Q. 8. Did you see them at the election?—A. Yes, sir.
Q. 9. Do you know how they voted—what ticket?—A. I did not, but I could tell you what I know, if you wish, as far as I know.
Q. 10. Tell what you know of the manner in which they voted.—A. I was peddling

tickets that day—Democratic tickets. I stepped up to these two gentlemen and started to hand them a ticket; a gentleman told me that they voted the Republican ticket—did not want my tickets.

Q. 11. Who was he?—A. I think Dr. Woodbridge, I think that he was the man; I could not swear positively.

(Mr. Mills objects to the question as not being necessary.)

Q. 12. Was this language used in the presence of these men?—A. Yes, sir; he said that he had just supplied these men with tickets; he said they had the Republican tickets and did not want mine. I could not swear positively that he was the man, but he was seen to give a number. We were both peddling tickets, he on one side and I on the other.

Q. 13. What is the Dr.'s first name?—A. Ward.

Now, what is the mental capacity of these men? State whether they are idiots or not.—A. One of them works on the farm at home and he sells what produce there is. I should not consider him a man capable of doing it, though he did do it. He don't know the price of anything, what it is worth, or what it should bring. He has to trust to the buyer to give him what it is worth. I have tried that several times. I have seen him selling his stuff for much less than it is worth. The other one just works when some one sets him at it and shows him how. I don't think that he knows enough to do any kind of business—that is Joseph.

Q. 15. Can Joseph Foreman read or write?—A. I cannot say. I think not. I don't know so as to swear to it.

Q. 16. Is he capable of carrying on or doing any kind of business?—A. Yes, sir; in my judgment he is capable of doing it.

Q. 17. Is he competent to buy and dispose of property or handling it? Did you say capable or incapable?—A. Incapable.

Q. 18. Is he capable of buying or disposing of property or handling it?—A. In my judgment he is not.

Q. 19. Suppose he had an estate, has he sufficient capacity to look after matters himself; to consider the elements of the estate and the nature of those who ought to be recipients of his bounty? In case he was desirous of disposing of it by will, has he that sufficient capacity to form any rational conclusions in the disposition of such matters?—A. No, sir; he has not.

Cross-examination:

Q. 20. You say you were peddling tickets that day, Mr. Bowdish?—A. Yes, sir; I had some tickets I was giving out.

Q. 21. Democratic tickets?—A. Yes, sir.

Q. 22. You belong, I believe, to that party?—A. I voted that ticket; yes, sir.

Q. 23. This idiot here you have been testifying about, he was there at the election?—A. Yes; sir.

Q. 24. And you were trying to get him to vote that ticket?—A. I asked him if he would take my ticket; he did not reply; he said nothing.

Q. 25. Now, because he refused to take your ticket and vote it, did that have any weight with you in making up your mind to come to the determination that he was foolish?—A. No, sir; business transactions did that.

Q. 26. I believe you say you don't know anything about what ticket he voted?—A. Yes, sir; I don't that.

Q. 27. You have been testifying here as to his mental capacity; what experience have you had in judging of man's mental capacity?—A. I have known him as a boy in the neighborhood.

Q. 28. Now, I mean as an expert; I want to know, of such persons in general, how much experience have you had in judging such things?—A. Well, sir, the experience of trading since 1858 with men of all kinds and descriptions.

Q. 29. Have you met many such persons in your business transactions?—A. I don't think I ever met or did business with a man who had as little intelligence as he has?

Q. 30. You have made some trades with him, have you?—A. No, sir; I tried to get him to cut some wood for me once, and he did not know anything about it; he wanted me to ask his brother John.

Q. 31. He worked, did he?—A. Yes, sir.

Q. 32. Could chop?—A. Never saw him chop; saw him shoveling dirt.

Q. 33. He wanted you to ask his brother John as to what the work was worth?—A. I asked him to chop some wood; he said I would have to ask his brother John.

Q. 34. You did not know whether his time belonged to John or not?—A. No, sir.

Q. 35. Now has not your opinion of that man been formed simply from the fact that as a friend and neighbor acquaintance of yours he refused to vote your ticket; as a matter of fact is not that true?—A. No, sir; nothing of the kind; I did not urge the matter at all.

Q. 36. You hunted up this matter for Mr. Frederick?—A. No, sir; I did not know anything about it till this morning.

Q. 37. How long was this party at the polls?—A. That I can't tell you. I saw him a moment there; I don't know how long; I did not pay very much attention to it. I don't know how much longer he staid. I don't know when he went away. The two brothers came in and sat upon a work-bench; as soon as I got there I stepped up to them.

Q. 38. He and his brother came together?—A. Yes, sir; I suppose they did; they both sat upon the bench.

Q. 39. Did you ever know them to vote before?—A. I don't know whether they ever did or not. This was the first time I had peddled tickets and been at the polls during the day for some time.

Q. 40. That was the first time you had peddled tickets there?—A. No, sir; this was the first time in that precinct; we have divided up a little.

Q. 41. You don't know whether he had been there voting or not?—A. No, sir; I cannot say.

Q. 42. How long have you known him?—A. I don't know about that; somewhere in the neighborhood of ten or twelve years. I have known his father that long

Q. 43. How old a man is he?—A. 23 or 22 of age; I don't know exactly; should judge he is about that old.

Q. 44. How often in the past year have you seen him?—Several times; I don't know exactly; every little while I would see him in town. I saw him working for a neighbor of mine.

Q. 45. What kind of work?—A. Ditching.

Q. 46. Laying tile?—A. No, sir; just ditching to run water off.

Q. 47. Anybody working there with him?—A. Yes, sir; colored men.

Q. 48. Did the colored men appear to have charge of him?—A. Did not appear to me that anybody had charge of anything, from the looks of the thing.

Q. 49. They were striking out on their own hook?—A. Yes, sir; shoveling away in the mud.

Q. 50. Those two brothers are poor men?—A. Yes, sir; their mother has a farm.

Q. 51. They are poor men?—A. Yes, sir.

Q. 52. I understand you to say they had to depend upon the produce of their—— —A. Their mother receives a bounty of $1,600 or $1,600. I was going to state that——

Q. 53. I don't care anything about that. I want to know this: when they sold produce of any kind, they had to depend on the judgment of the buyer how much the thing was actually worth?—A. Yes, sir; John, especially. I never saw Joseph make a trade of any kind. I bought hogs of John.

Q. 54. You say John is poor?

Q. 55. What official position have you ever held?—A. Only one—representative of this county. I am holding that now.

Q. 56. Are all the children of that family weak-minded?—A. That I could not tell you, sir; I know only these two. I have seen them, but I do not know. These two are the only ones I have ever talked with.

Q. 57. How much capacity has John?—A. Well, it is limited.

Q. 58. He has some capacity for doing business?—A. Yes, sir.

Q. 59. You think he is capable and does attend to such business as farming?—A. Yes, sir.

Q. 60. This other man does not?—A. No, sir; I never saw him do it.

Q. 61. Difficult of instruction?—A. Yes, sir.

Q. 62. He would not be capable without help of taking care of himself at all?—A. No, sir; I don't think he would be, if depending on his own ability to do it.

Recross-examination:

Q. 63. Then, from what you know of this man you simply think that he is a feeble-minded person; is that the idea?—A. Yes, sir; that is the idea; I think that he has not much of any mind at all.

Q. 64. He would not even make a good Democrat?—A. I represented him last fall.

Redirect-examination:

Q. 65. This is Joseph; how about the other?—A. He does a little business.

Q. 66. What do you mean by that; do you mean that the other one is incapable of doing business?—A. Yes, sir; incapable of doing business.

Redirect cross-examination:

Q. 67. You don't mean to say that he absolutely don't know anything; don't know how to labor, how to eat, how to dress himself?—A. Yes, sir; he feeds himself, but it is only when you show him how. He will sit down, break sticks, and mutter to himself.

Q. 68. I have seen lots of smart men do that. Can he talk rationally on any subject?—A. No, sir; not to be understood unless you are acquainted with him.

(Fees paid by contestant, $2.50.)

IRVING P. BOWDISH.

STATE OF IOWA,
Linn County, ss:

H. O. BISHOP being produced and sworn by Eldon Moran, a notary public for Johnson County, by agreement on part of constestee, and examined before me, testifies as follows (T. Brown appearing on the part of contestant; M. P. Mills on part of contestee):

Q. 1. Your name, age, place of residence, and occupation.—A. H. O. Bishop; am nearly 43; reside in Waubeck; am a farmer.

Q. 2. You were one of the officers at the Nov. election, '82, at Waubeck precinct, Marion Township, Linn County, Iowa?—A. I was one of the clerks of election.

Q. 2 (a). Do you know whether Joseph Forman voted at that election?—A. Yes, sir; I do.

(Mr. Miller objects to the question, with the understanding that the witness is incompetent.)

Q. 3. State with whom he came to the polls to vote.—A. I don't think I can do it. I did not take notice enough. Voters came in with a rush sometimes; I attended strictly to my business as clerk.

Q. 4. Simply know that he voted?—A. Yes, sir; I simply know that he voted; as to how, I know nothing.

Q. 5. What is the capacity of this man; is he capable of doing ordinary business?—A. His capacity is very limited and he has always had that reputation in the neighborhood. When questioned by any one—he knows enough to go and come, that is all.

Q. 5 (a). The common reputation of an idiot?—A. Hardly that; he has the reputation of a fool in the community; we don't exactly call him an idiot; he has the reputation of a fool. Artemus Ward puts an adjective to it that I don't like to repeat; but that is his reputation.

Q. 6. Has this man Joseph Forman any capacity of taking hold and doing any ordinary business for himself?—A. I cannot conceive of any business that he would have a capacity to perform.

Q. 7. Has he capacity enough to understand the political condition of the country, or to form any rational idea of its politics?—A. No, sir; not at all; don't think his friends would claim it.

Q. 8. Can he carry on any ordinary conversation with his neighbors so as to be understood?—A. Well, to be frank about it, I have conversed with him several times, and could never understand a word that he says; his own people understand him; I can't understand a word that he says. He has lived within a mile of me for ten years and I cannot make out anything; it is gibberish, I suppose.

Q. 9. Do you know the whole family?—A. Yes, sir; I think I do. I know the mother and these two boys; also another that is away from home; there are four of them.

Q. 10. What is the capacity of all these children?—A. Well, this one, John, his mental caliber is a little larger; he transacts ordinary business in an awkward way, like some farmers who do business in a very unsuccessful way. Another boy, 12 years old, is an acknowledged fool by every one. He was away last winter; went to Central, Jones County; could give no account as to where he belonged. They recovered him at the poor-house in Jones County.

Q. 11. What effort did the family make to find this one that had strayed away?—A. Well, John went to assist in finding him. I could not testify as to the rest of it. John knew enough to hunt for him, but did not go a great ways—that is, this family and friends pursued him until they found him. There is also another boy, perhaps 14 years old; I forgot to mention him.

Q. 12. No matter about him. Both of these men, John and Joseph, are weak-minded men, and exceedingly so?—A. Well, I won't say in regard to John being weak-minded; he has nowheres near the average intelligence; but Joseph is very low down—nothing to compare with him in all my knowledge anywhere.

Cross-examination:

Q. 13. How long have you known Joseph?—A. Well, I don't know exactly; I should judge about ten years.

Q. 14. Your name is Bishop?—A. Yes, sir.

Redirect examination:

Q. 15. Do you think his brother John would understand the political condition of the country, or would have any preference for either party as to which one he ought to vote for? Look at the ticket and form any rational conclusion as to the matter.—A. I should hardly think so.

Cross-examination continued:

Q. 16. This is the gentleman of whom you first spoke?—A. Yes, sir.

Q. 17. Now, Mr. Bishop, you are a Democrat?—A. Well, I dare not hardly say; I was at the last Democratic election, but I am now a Prohibitionist.

Q. 18. That was at the election before.—A. I was a Prohibitionist on the 27th of June.

Q. 19. What election before that?—A. I voted Democratic; I admit that.

Q. 20. We then understand that you were wavering between Democracy and Prohibition?—A. I am wavering between something and Prohibition.

Q. 21. Now, being a life-long Democrat, until you forsook the party and joined the Prohibitionists, in your opinion, has not Joseph the ordinary intelligence of the Republican voters in that precinct?—A. Their grade of intelligence averages probably with that of most communities. I don't say his intelligence does.

Q. 22. That is not the question; I want to know if his intelligence averages with the balance of Republicans in that neighborhood?—A. I think not, hardly; I think very little of them, but I can't say that much.

Q. 23. Just tell us how it is compared with the Democrats.—A. No, sir; not with them at all.

Q. 24. Let us follow it right along—how is it with the Greenbackers there?—A. We have no Greenbackers there.

Q. 25. I thought you would compare them with John.—A. We have none there.

Q. 26. You have been intimately acquainted with this family?—A. We were neighbors; they lived just a mile from me; I have seen them a hundred times every year at least.

Q. 27. How far from Waubeck did you live?—A. Just beyond the suburbs; I lived right there at the Nov. election.

Q. 28. Well, sir, in your opinion, this family you spoke of here are feeble-minded people?—A. Yes, sir.

Q. 29. They are innocent in their intentions?—A. I think so; I don't know of any crimes they have ever committed.

Q. 30. You spoke of one straying off?—A. Yes, sir.

Q. 31. Ever heard of a child straying off before?—A. Yes, sir, several of them.

(Witness fee, $3.65, paid by contestant.)

H. O. BISHOP.

STATE OF IOWA,
Linn County, ss:

JONATHAN PENLY being produced and sworn before Eldon Moran, a notary public for Johnson County, by agreement on part of contestee, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, M. P. Mills on part of contestee.):

Q. 1. Where do you reside?—A. A few miles west of Waubec.

Q. 2. What township?—A. Main Township, Linn County.

Q. 3. Did you attend the Nov. election in your township, in Linn County, in '82?—A. Yes, sir.

Q. 4. You may state if you know Joseph Foreman.—A. I do.

Q. 5. Is he kind of—state what is his condition as being a man capable of doing ordinary business.—A. I should think that he is deficient in that capacity.

Q. 6. Do you know whether he voted at the Nov. election, 1882?—A. Yes, sir; I do.

Q. 7. Were you one of the judges?—A. Yes, sir.

Q. 8. Do you know whom he came to the election with?—A. No, sir.

Q. 9. Whom he got his ticket of?—A. No, sir.

Q. 10. Did you know how he voted?—A. No, sir.

Q. 11. Do you regard him as a man of sufficient capacity to form any rational conclusion of his country?—A. I do not.

Q. 12. What are your politics, Democratic or Republican?—A. Democratic.

Cross-examination.

Q. 13. You say that you were one of the judges of the election?—A. Yes, sir.

Q. 14. You remember distinctly that this gentleman voted?—A. Yes, sir.

Q. 15. You received his vote, did you?—A. I did not.

Q. 16. I mean the judges?—A. Yes, sir.

Q. 17. You offered no objection to it?—A. Yes, sir; I did.

Q. 18. Did you challenge his vote?—A. No, sir; I made remarks to the other judges that——

Q. 19. Well, I mean that you did not challenge his vote?—A. No, sir.

Q. 20. I understood you to say that you did not think that he understood the politics of the country?—A. Yes, sir; I said so.

Q. 21. You live in Main Township?—A. Yes, sir.

Q. 22. What proportion of the male adult inhabitants of Main Township do understand the politics, in your opinion?—A. I don't know that I could state that positively, but I should consider him——

Q. 23. Well, I want you to leave him out of the proportion up there.—A. I should think fair average of intelligence.

Q. 24. Well, this is not the question. I know that this is the home of Bowdish, but what is the proportion, in your opinion, of the male adult inhabitants of that township who understand the politics of the country?—A. I don't know how you would consider that to be answered.

Q. 25. I want you to answer it by making an estimate as near as you can.—A. As far as my acquaintance goes, I should judge that they understood it fairly.

Q. 26. Do you mean to answer by that, that so far as your acquaintance goes and your knowledge extends that the inhabitants of that township understand the politics of the country?—A. Yes, sir; I think so.

Redirect examination:

Q. 27. This man Foreman you would consider an exception?—A. Yes, sir; I do.

Q. 28. Can't he talk so as to be understood by his neighbors?—A. I can't understand him.

Q. 29. He can't express himself intelligibly on any subject; not even so as to be understood?—A. No, sir.

Q. 30. He is not deaf and dumb?—A. No, sir.

Q. 31. But simply incapable of learning how to speak?—A. Yes, sir; I think so.

Recross-examination:

Q. 32. You mean that he cannot articulate so you can understand him?—A. Yes, sir; I do say that.

Q. 33. You don't speak of others; you mean he don't articulate so you can understand him?—A. That is what I say.

(Witness fee, $3.35. Paid by contestant.)

JONATHAN PENLY.

STATE OF IOWA,
Linn County, ss:

H. P. GILLILAN, being produced and sworn before Eldon Moran, a notary public for Johnson County, by agreement on part of contestee, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, M. P. Mills on part of contestee):

Q. 1. Where do you reside; name and residence?—A. H. P. Gillilan; residence, Brown Township, Linn County, Iowa.

Q. 2. Were you one of the officers of the Nov. election, 1882?—A. I was clerk.

Q. 3. I mean when the people voted for the office of Representative in Congress?—A. Yes, sir.

Q. 4. I will ask you whether you are a Republican?—A. Yes, sir; I am.

Q. 5. Do you know Joseph Foreman?—A. Yes, sir; I should say I do.

Q. 6. What is his mental capacity as to his being able to do ordinary business?—A. Rather small calibre his, I should say, although I never had any business transactions with him.

Q. 7. Can he speak so you can understand him?—A. No, sir; not so I can understand him.

Q. 8. You regard him as a fool, and don't his neighbors?—A. I can't say how I regard him; I think his neighbors generally regard him so.

Q. 9. You may state if you know Michael Donohue.—A. Yes, sir; I do.

Q. 10. Do you know when he moved into Linn County?—A. No, sir; I don't know when he moved in.

Q. 11. You say you don't know?—A. No, sir; I don't know when he moved into this county.

Q. 12. You know that he has been a resident of Hones County?—A. Yes, sir; I knew he had been.

Q. 13. You know where he now lives?—A. He resides in Linn County.

Q. 14. What time did he get his house?—A. I don't know as to that.

Q. 15. At your election, November, 1882, state if any one voted after the polls closed?—A. Well, sir, I can not state positively whether any one did or not.

Q. 16. Don't you remember if George Felton voted?—A. Yes, sir; he voted.

Q. 17. What time did he vote?—A. He was the last man who voted, I think.

Q. 18. What time was it announced that the polls would be closed?—A. 8 o'clock.

Q. 19. What time was it when he voted?—A. I don't know; I cannot say.

Q. 20. Was it after 8 o'clock?—A. I cannot say positively.

Q. 21. Didn't you as clerk announce that the polls had closed at that time?—A. I will tell you exactly. My best recollection is that I announced that the polls should be closed in 15 minutes. I remember it had been announced that the polls would be closed at 8 o'clock; then one of the judges announced that the polls would be closed in 15 minutes.

Q. 22. But you didn't see whether or not Felton had voted within that 15 minutes?—A. I cannot say.

Q. 23. Did you announce that the polls were closed?—A. Not to my recollections.

Q. 24. Were you not counting on a large open ballot-box?—A. Yes, sir.

Q. 25. You considered the polls closed?—A. Yes, sir; I think so. My memory is not distinct on that.

Q. 26. You don't swear that they were not closed, but you swear that you considered that they were closed?—A. I don't know whether or not, but swear that I don't know that they were not closed. This is my opinion on it.

Cross-examination:

Q. 27. Was there any question raised about Felton by the judges?—A. No, sir; no question or objection whatever.

Q. 28. Nothing of the kind?—A. No, sir.

Q. 29. You say that you made the announcement, as you recollect, that in 15 minutes the polls would be closed?—A. Yes, sir.

Q. 30. You have no recollection that you made the announcement that the polls were closed?—A. I have no recollection that I made any announcement the polls were closed, only that that they should be closed.

Q. 31. Had they been voting up to the time that Felton voted?—A. Yes, sir, only very slowly, one at a time.

Q. 32. This was the country township; they came straggling along?—A. I cannot say; this is my first experience on the election board.

Q. 33. You say that he came and tendered his vote?—A. Yes, sir.

Q. 34. Who were the judges?—A. Worrel, Arthur, Garretson, and Mr. W. R. Brown.

Q. 35. I judge from the men that Mr. Garretson and Brown were Republicans, and Mr. Worrel a Democrat?—A. Yes, sir; that is a fact.

Q. 36. He is the same Worrel that testified here this morning in this case?—A. Yes, sir.

Q. 37. Was he there when Felton voted?—A. Yes, sir.

Q. 38. He didn't challenge Felton's vote?—A. No, sir; I think not.

Q. 39. If he had you would have known it, would you not?—A. Yes, sir; I think so.

Q. 40. This Joseph Foreman—you consider him foolish?—A. Yes, sir; I do, certainly, so far as my judgment goes. He is according to my judgment, nothing else.

Q. 41. There are other foolish people in that neighborhood?—A. Only one more that I know of.

Q. 42. You may state first, Mr. ——, state if you opened the ballot-box for the purpose of counting? Before you closed the polls, didn't open the box till you considered the polls closed?—A. Yes, sir; I think that we did.

Q. 43. You yourself got the polls closed at the same time?—A. Yes, sir; this is my impression—that they were closed.

Q. 44. Now state if Mr. Shanklin didn't object to your receiving votes when Mr. Felton came in there to vote?—A. I don't know that he did or didn't.

Q. 45. Mr. Shanklin was there all the time, I think?—A. I didn't pay much attention to that, as the judges should have done, because I was not one of the judges.

Q. 46. You say that your position as clerk had nothing to do with opening or closing the ballot-box?—A. Yes, sir; that is all that I had to do with it.

Q. 47. You were simply there for the purpose of closing the polls?—A. Yes, sir; that is all.

(H. P. Gillian paid $2.75 as fee by contestant.)

STATE OF IOWA,
Linn County, ss:

F. M. SHANKLIN, being produced and sworn before Eldon Moran, a notary public for Johnson County, by agreement on part of contestee, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, M. P. Mills on the part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. F. M. Shanklin; live in Viola, Brown Township, Linn County, Iowa; I am a carpenter by trade.

Q. 2. I will ask you if you know Joseph Foreman?—A. No, sir; I don't know him.

Q. 3. I will ask you if you know Michael Donahue?—A. Yes, sir; I do.

Q. 4. What time did he move into Linn County?—A. I cannot state the exact time Donahue moved into Linn County; I think somewhere in the month of Oct., though.

Q. 5. Where did he formerly live?—A. In Jones County.

Q. 6. How far did he live from the place he now occupies?—A. I judge it to be about two miles.

Q. 7. Are you sure that the house was not erected and that he didn't live in that house as early as the 7th of Sept.?—A. I am positive of it.

Q. 8. You are positive that he had not been there 60 days before the November election, 1882?—A. I am positive that he did not live in that house.

Q. 9. Your judgment is that the house was not erected till what time?—A. Some time in the forepart of October, 20th or 15th.

Q. 10. How long did he live in Jones County?—A. That I don't know.

Q. 11. Did he live there for a year or more?—A. I cannot tell you about that; I don't know. He was living there when I came back to Viola. I had been in Kansas for eleven years. He was living there when I came back.

Q. 12. You may state, if you know, whether Mr Felton voted at the November election, 1882?—A. Yes, sir; I know that he voted.

Q. 13. State whether you were there.—A. Yes, sir; I was there.

Q. 14. Were you there at the time the polls were closed? A. Yes, sir.

Q. 15. Were they announced closed?—A. In the morning Mr. Gillilan, the clerk, made a proclamation that the polls would be closed at 8 o'clock, perhaps a little later, I think 8 o'clock; well, about 8 o'clock, perhaps, he made a proclamation that the polls would be closed in 15 minutes. My recollection is that at 8 o'clock he declared the polls closed.

Q. 16. At what time was this man permitted to vote? At what time did he vote?—A. I do not know what time.

Q. 17. How long was it after the closing of the polls?—A. About 15 or 20 minutes after 8.

Q. 18. Did you object to his voting?—A. Not at the time that he voted, but afterwards; says I, "That is an illegal vote;" at the time I did not really think of it.

Q. 19. Did they consider that the polls had been closed?—A. I don't think that they made any answer, one way or another.

Cross-examination:

Q. 20. Mr. Worrel did not accede to your proposition.—A. No, sir; he did not.

Q. 21. Now, Mr. Shanklin, this matter was something that happened some time ago.—A. Yes, sir.

Q. 22. Has there been anything in particular since that time to keep it fresh in your memory? Do you state it now as you recollect it, without being positive?—A. Yes, sir; there has been something on my mind, from the fact that I heard right away after the election that Frederick was going to contest the seat. I always considered there were two illegal votes there.

Q. 23. You had been interested in looking up matters.—A. Yes, sir; I am interested.

Q. 24. For that reason you kept it in your mind?—A. No, sir; not for that reason. I was interested in looking it up; not for that reason have I kept it in my mind.

Q. 25. Why, then?—A. For the reason that I thought Frederick was going to contest the election.

Q. 26. You are a Democrat?—A. Yes, sir; I am.

Q. 27. I see by your testimony that you have said something about coming back after having been a resident of Kansas?—A. Yes, sir; I have been away from Viola, Linn County, Iowa, almost 11 years.

Q. 28. When did you come back?—A. In March, about a year ago.

Q. 29. Have you been living in Viola ever since?—A. Yes, sir.

Q. 30. Working at your trade?—A. Yes, sir; mostly.

Q. 31. Your recollection of that matter is that Mr. Gillian announced in the morning that the polls would be closed at 8 o'clock; at 8 o'clock he announced that the polls would be closed in 15 minutes. Then you say, to the best of your recollection, he announced that the polls were closed?—A. Yes, sir; I think so.

Q. 32. Any one else make an announcement?—A. I didn't hear any; people kept right on voting there; there was but one that voted after that.

Q. 33. Well, I mean in a straggling manner kept on voting up to the time that Felton voted, didn't they?—A. There was no vote received after the announcement was made but Mr. Felton's.

Q. 34. You mean that announcement that the polls would be closed in 15 minutes?—A. Yes, sir; I think so.

Q. 35. Then your recollection is that there was no vote received from the time that Gillian announced that the polls were closed except Mr. Felton's?—A. Yes, sir; that is my recollection.

SHACKLIN recalled.

Q. 36. Were they counting votes at the time that Felton voted?—A. Yes, sir; they were.

F. M. SHACKLIN.

Paid $2.75 as fee by contestant.

H. P. GILLILAN recalled.

Q. 1. Have you been assessor for Brown Township?—A. I am this year.

Q. 2. Did you know where Mr. Donohue lived before he moved into your county; what county did he live in?—A. Yes, sir.

Q. 3. What county?—A. Jones County.

Q. 4. You say you were assessor this year or last?—A. I am assessor now; I have not got through yet.

Q. 5. You were last year?—A. No, sir.

Q. 6. Did you say when you recollected that he moved back?—A. No, sir; I don't remember when he moved into this county.

Q. 7. Had been living there for many months, hadn't he?—A. Yes, sir; I should say from 6 to 8 months.

Q. 8. Man of family, isn't he?—A. Yes, sir.

Q. 9. Did you know the house he lived in?—A. Yes, sir.

Q. 10. He and his family lived in Jones County until he moved into this county?—A. Yes, sir; lived in Webb's house.

Cross-examination:

Q. 11. Prior to this he lived in Viola?—A. Yes, sir; he did.

H. P. GILLILAN.

STATE OF IOWA,
Linn County, ss:

I, Eldon Moran, a notary public and commissioner agreed upon by the parties to take testimony in this cause, in pursuance of the annexed agreement attached to the testimony of J. L. Adams, whose testimony was taken Feb. 22d, 1883, do truly certify that on the 1st day of March, 1883, in pursuance of the notice hereunto attached, I took the depositions of the following witnesses: Stephen C. Bailey, W. J. Donnahue, G. L. Felton, Mat. Bingham, John Warrall. Taken at Cedar Rapids by agreement of parties: Irving P. Bowdish, H. O. Bishop, John Penly, H. P. Gillilan, F. M. Shanklin, whose testimony is set forth in the following manner:

Each witness was first sworn by me duly, or caused to be sworn in my presence, as provided by law, and when sworn the questions were propounded to him by the respective parties: Benjamine T. Frederick, contestant, and James Wilson, contestee, by their respective attorneys, and the questions by me read to the witness, who answered the same, and his answer, in the language of the witness, was by me taken down under each question propounded, and reduced to writing, until the deposition was completed.

I further certify when the testimony of each witness was taken, I carefully read the same over to the witnesses, who corrected the same and each correction noted, and said testimony was signed by the witness and sworn to by him before me.

I further certify that T. Brown and Carney appeared as counsel for the contestant, and M. P. Mills appeared as counsel for James Wilson, contestee.

In witness whereof I have set my hand and seal notarially this 1st day of March, A. D., 1883.

[SEAL.]

ELDON MORAN,
Notary Public and Commissioner agreed upon to take testimony.

(No. 6.)

No. 1.

STATE OF IOWA,
Benton County, ss:

Deposition of witnesses produced before me, Eldon Moran, notary public and commissioner agreed upon to take testimony, and duly sworn by G. W. Burnham, a notary public of Benton County, on this 27th day of Feb., 1883, in pursuance of the notice hereunto attached, at office of J. F. Payne, Vinton, Benton County, Iowa, in a proceeding pending before the House of Representatives of the United States of America, in a contested election, for the office of Representative in Congress, in which proceeding Benj. T. Frederick is contestant, and James Wilson contestee, Brown appearing on the part of contestant, Nichols and Burnahm and Nichols on part of contestee.

STATE OF IOWA,
Benton County, ss:

JOHN M. YATES, being produced and sworn before G. W. Burnham, a notary public in and for Benton County, on this 27th day of Feb., and examined before me, testifies

as follows (T. Brown appearing on the part of contestant, Nichols and Burnham on part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. My name is John M. Yates, and I am on a farm now.

Q. 2. Age?—A. About 50 years; I could not say positively.

Q. 3. Where did you say your residence was?—A. In the suburbs outside the city limits in the city of Vinton.

Q. 4. Where did you live last fall, Nov. last?—A. In Nov. last I was living about one and three-quarter miles southeast of Garrison, Iowa.

Q. 5. Your family with you?—A. No, sir; I have a brother, but no family; I have a brother and his wife with me, but no family.

Q. 6. Is that in Taylor Township?—A. I don't know exactly; it is in Benton County. I think that is Johnson, is it not?

Q. 7. Do you know what section of land you live on?—A. Yes, sir; I know the owner; it belongs to Mr. Wolf; he has owned it a long time.

Q. 8. What section is it?—A. I could not say, sir.

Q. 9. What is Mr. Wolf's first name?—A. I don't know positively; perhaps he has a middle H.

Q. 10. Who are his neighbors; that is, neighbors about this land where you lived last Nov.?—A. Barkdall on the N. E.

Q. 11. What is his name?—A. I don't know; he keeps a lumber-yard in Garrison; I don't know his first name; I think the Isley farm is on the east of him.

Q. 12. You think Barkdall is on the east?—A. Well, sir, partially on the east; some of his land is on the east and some of it on the north.

Q. 13. Who did you say lived directly on the east?—A. Isley owns the farm, but it is rented, on the east.

Q. 14. Who lives on the west?—A. Well, there is a road on the west; right along the road there is a man living by the name of Taylor; that is the farm he rents from the Farmers' Trust and Loan Co.

Q. 15. Farmers' Loan and Trust Co.?—A. Yes, sir; a company of the city of Vinton.

Q. 16. Who lives on the south of you?—A. The man that did live there was named Wing; the man who now lives there is Kugman; I don't know his first name; I was a stranger there; I mind my own business.

Q. 18. How long did you reside there before the month of Nov.?—A. I rented the farm; I got possession on the first of Nov.

Q. 19. You mean Nov. or Dec.—A. I mean Nov.; in fact, I had possession sooner, but you may call it then, because Wolf went to Neb.

Q. 20. Where did you live before that?—A. I lived before that—well, I may say I was boarding in my sister's house before that, if you go back a year or two, in New Jersey, 20 miles from New York City.

Q. 21. What I mean to ask you is where your home was on the 1st of Nov. last; where did you get your washing done; where did you board?—A. I got it right there in the house, because I was there alone. My brother had gone east, and I had to board out. I was close to the farm; I was on the farm every day I could go.

Q. 22. At what house were you boarding?—A. At Mr. Siller's.

Q. 23. What is his first name?—A. John. You will understand me to say I was in the house I had rented every day except Sabbath. I did not generally go on Sabbath. I was there because I had a little stock there.

Q. 24. Do you know the number of the section you boarded on?—A. No, sir; I don't. I could not say now.

Q. 25. Do you know the section?—A. No, sir, I do not.

Q. 26. Where you boarded—which way was it from the farm you rented?—A. It was northwest a short distance; it is the second house from Wolf's, on the road to Garrison.

Q. 27. You don't know the number of the land you lived on, or the section?—A. I do not; I have not the papers, so I can't tell.

Q. 28. You say you don't know the section of the land he and you rented?—A. It is not in my memory now so that I can swear to it.

Q. 29. Of whom did you say you rented?—A. Mr. John Wolf; he is a wolf, too, if there ever was one. If you want to be positive and will give me time, I will go home and get the papers.

Q. 30. Which way was the farm you rented from the town of Vinton?—A. From Garrison now?

Q. 31. No, from Vinton.—A. Well, it will be southwest; the city is right southwest, travel one mile south and keep—possibly two miles south—then keep right straight through.

Q. 32. You know the McCrackner farm?—A. No, sir; Isley was on the east of me; Raymond was on the south; I had 60 acres; then the road is on the west, and Borkdall

on the north with part of his farm on the east; I think it is Peter Borkdall. He keeps a lumber-yard in Garrison.

Q. 33. Which way did you live from Blackford's?—A. I don't know any person by that name.

Q. 34. What is Wolf's first name?—A. John.

Q. 35. John I. Wolf?—A. I don't know whether it is John I. Wolf or not. He owned that 80 acres some time, mostly rented except Borkdall's, who lives on his own place.

Q. 36. What other neighbors did you say you had within a mile of you?—A. Well I will tell you—the man who owned a quarry with Frazier, he was southwest of me, but across the road. Then there was this man that lives up——

Q. 37. Where do you live now?—A. I live close to Vinton, one and a half miles from Vinton, right southwest.

Q. 38. What farm?—A. It formerly belonged to John Porterfield, 60 acres.

Q. 39. Now which way was the farm you live on from that?—A. It would be southwest of that.

Q. 40. How far?—A. Well, we call it from 7 to 8 miles; I suppose to go around the road; there is no straight road through, so we would have to go around. The direct line is not more that 6 or 7 miles,

Q. 41. When did you move on the farm you live on now?—A. Well, I did not move; my brother moved; but that has nothing to do with me, I suppose.

Q. 42. Well, when did he move on the farm you live on now?—A. I think he moved about the first of Nov., but would not be positive.

Q. 43. Didn't you board with your brother?—A. No, sir; sometimes I boarded one place, and sometimes another, wherever I could get it the handiest.

Q. 44. Where did you get your washing done, and where do you make your home now?—A. With my brother.

Q. 45. How long have you made your home with your brother?—A. Well, perhaps three months; I could not say positive.

Q. 46. With whom did you make your home before that?—A. We all lived on the same farm; that is, my brother, his wife, and myself.

Q. 47. On what farm?—A. On Wolf's farm.

Q. 48. When did your brother move from Wolf's farm?—A. I think about the first of Nov., because we could not go in to this place; it was not fit to live in; we could not stay in it.

Q. 49. You moved before election, did you not; your brother moved on this farm where he lives before that?—A. You mean my brother?

Q. 50. Yes, sir.—A. My brother moved about one week before election.

Q. 51. Into Vinton Township; no, I mean Taylor Township?—A. You mean the township where we live now?

Q. 52. Yes, sir.

Q. 53. Did you have a trunk?—A. No, sir; I am not so rich.

Q. 54. Did you have any wearing apparel except what you wear every day?—A. Well, sir, I had a change, but it was not much of a change.

Q. 55. Now, where was that wearing apparel?—A. My wearing apparel was over at Wolf's, except what I had on me; sometimes one place, and sometimes another.

Q. 56. Did you have any at your brother's?—A. I don't know that I had; perhaps there was.

Q. 57. How long have you lived with your brother?—A. Well, I think about three months.

Q. 58. Did you live with him before?—A. I lived with him on Wolf's farm.

Q. 59. How long did you live with him on Wolf's farm in all; how long have you been making your home with your brother?—A. I don't always make it there.

Q. 60. How long have you made it there?—A. I could not say positively.

Q. 61. State as nearly as you can.—A. Well, I suppose that taking the farm and getting possession of Wolf's farm on the first of Nov., was 11 or 12 months, or about that; I could not be positive about that.

Q. 62. Did you rent the farm of Wolf, or did your brother rent it?—A. I rented it.

Q. 63. Your brother lived with you?—A. Yes, sir.

Q. 64. He let you farm it?—A. Yes, sir.

Q. 65. He moved the first of Nov., and you with him over to this township?—A. No, sir; I did not move at the time he moved, because I had to attend to things over there.

Q. 66. Who rented this farm over there, yourself or your brother?—A. We did not rent the farm over there at all; we did not rent Porterfield's farm at all; we bought it.

Q. 67. Did you buy this farm?—A. Yes, sir; I bought it, but not for myself.

Q. 68. You bought Porterfield's farm?—A. Yes, sir.

Q. 69. Do you live on it?—A. Yes, sir; I do now.

Q. 70. You intended to live on it as soon as you bought it, intended to make it a home?—A. Well, I could not, because it was not fit to live on.

Q. 71. Was it not fit to live in?—A. No, sir; not at that time.

Q. 72. It was then when your brother moved in, was it not?—A. No, sir; it was not; it is not even fit to live in now in cold days during the winter.

Q. 73. What was the difficulty?—A. The difficulty was that the house was not fit to live in.

Q. 74. Your brother did live in it, did he not?—A. Yes, sir; he tried to.

Q. 75. You intended to fit it up for a home, did you not?—A. Yes, sir.

Q. 76. You had been on the Wolf farm only a short time—how long?—A. Well, for a year, I guess; I rented it for a year.

Q. 77. When was your lease out?—A. That would bring it out in Nov.

Q. 78. First of Nov.?—A. Yes, sir; about that time.

Q. 79. Now, where did you stop the night before the Nov. election, on the first of Nov., where did you stay?—A. Well, I could not say positive, I could not.

Q. 80. Where did you stay the last three nights before that?—A. Possibly here at what was Porterfield's place, one of the nights out of three.

Q. 81. You were staying there at your home, were you not; you had attempted to make your home there?—A. I intended to, yes, sir.

Q. 82. Your brother moved on to the farm, and you intended to live with him as soon as the house was in order?—A. Yes, sir; as soon as it was in good condition—as soon as I could stay there.

Q. 83. You had gone there to stay a few nights. How many nights have you staid there since he moved?—A. You mean at the Porterfield place?

Q. 84. Yes, sir.—A. I cannot state, sir.

Q. 85. Three or four nights?—A. No, sir; I think not.

Q. 86. Well, how many?—A. I could not possibly say.

Q. 87. State as many as you can; was it more than one?—A. No, I think not.

Q. 88. You had staid one night?—A. Well, I may have staid one night.

Q. 89. Did you help move?—A. Yes, sir.

Q. 90. What did they move?—A. We moved furniture and wearing apparel.

Q. 91. You moved your wearing apparel?—A. They may have put it in, I did not.

Q. 92. Who owned the furniture, you or they?—A. Well, I don't know; I could not say. I might not have paid all the money; they paid part.

Q. 93. You substantially paid the money for that furniture?—A. Yes, sir; I think so.

Q. 94. You moved it over to the place you had bought; that is, the Porterfield place?—A. Yes, sir; we moved it over; we wanted to get into the house as soon as we could make it comfortable.

Q. 95. You put it into the house?—A. No, sir; I believe not; I don't know. There was a barn there.

Q. 96. You put it on the place?—A. Yes, sir; we got it on the place, and got it inside in the afternoon.

Q. 97. They had a bed and table; I guess they were short.

Q. 98. They had bedding there?—A. Yes, sir; some.

Q. 99. They lodged there?—A. No, si ; they did not. It comes to my memory now that they did not lodge there.

Q. 100. Where did they lodge?—A. At old Mr. Porterfield's, right west of here.

Q. 101. Did you lodge there?—A. I may have staid a day or two.

Q. 102. This house and furniture that was moved to this place was yours?—A. No, sir; I didn't say so.

Q. 103. Didn't you say you bought it?—A. Many a man can buy a thing not for himself.

Q. 104. Was it deeded to you?—A. No, sir; it was not.

Q. 105. Who was it deeded to?—A. Robert Yates.

Q. 106. Who is he?—A. My brother.

Q. 107. Was it a place you intended to keep?—A. Yes, sir.

Q. 108. You intended to make it your home?—A. I intended to do so, yes, sir.

Q. 109. You had moved your things over upon it and you have remained there ever since, have you?—A. I could not swear positive to that.

Q. 110. What do you say to-day?—A. Well, was having Wolf's farm——

Q. 111. Well, hold on, not that—have you remained there ever since as your home?—A. Yes, sir; I think I have.

Q. 112. Your lease of Wolf's farm expired the first of Nov.?—A. He allowed me time.

Q. 113. The lease expired?—A. Yes, sir; I suppose so.

Q. 114. You were over to the Wolf farm to clean up the harvest and to take care of the property you had on it?—A. Yes, sir; to take care of it.

Q. 115. You helped your brother move the things you had bought?—A. Well, I lifted them up to him on the wagon.

Q. 116. That was assisting him about the moving, wasn't it?—A. Yes, sir; that would be the way of it.

Q. 117. You considered yourself a member of your brother's family, didn't you, and do now?—A. Well, I do now.

Q. 118. You had for a year?—A. We were living on the Wolf farm.

Q. 119. You then considered yourself a member of your brother's family?—A. Yes, sir.

Q. 120. You were a part of your brother's family when you lived on the Wolf farm, and have been ever since you moved over into Taylor Township first of Nov. last?—A. Yes, sir; I suppose about that time; don't know positive.

Q. 121. Did you vote at the election?—A. Yes, sir.

Q. 122. Whom did you vote for as Representative in Congress?—A. I think it was Wilson.

Q. 123. You voted the Republican ticket?—A. Yes, sir.

Q. 124. What township did you vote in; whereabouts did you vote?—A. I voted in Garrison.

Q. 125. That is in Jackson Township, is it not?—A. I think so.

Q. 126. Your brother's farm on the place where you now live and where he moved the first of Nov., 1882, in Taylor Township, is it not; that is this township?—A. I think it is, but I don't know.

Q. 127. It is about a mile and a half from this town, is it not?—A. Yes, sir; about that, I suppose.

Q. 128. You had some conversation at the time you voted with the members of the board as to where you lived?—A. No, sir; they did not ask me.

Q. 129. Did they not ask you anything about it?—A. No, sir.

Q. 130. Did they talk with you anything about it afterwards?—A, No, sir; I don't remember anything about it that they did.

Q. 131. You had been in the habit of voting in that township before?—A. Yes, sir.

Q. 132. You went there to vote notwithstanding you moved into the township?—A. No, sir; I did not move at that time.

Q. 133. You had not gone to live personally, but your family had gone?—A. No, sir; because I could not.

Q. 134. Your family had gone?—A. No, sir; not my family.

Q. 135. Your brother's family, where you made your home?—A. Yes, sir.

Cross-examination by Mr. Nichols:

Q. 136. Mr. Yates, what property belonging to you was on the Wolf farm at the time of the election in November?—A. There were some tools; that is, farming tools.

Q. 137. Was any part of the crop?—A. Yes, sir.

Q. 138. What part of the crop, the corn?—A. Yes, sir.

Q. 139. Had you any stock there?—A. Yes, sir.

Q. 140. What stock had you in Nov., at the time of the Nov. election?—A. I don't know but the stock was moved, because there was difficulty about getting it pastured; they gave me trouble, that is, Wolf did.

Q. 141. Your brother took the stock over to the other place?—A. No, sir.

Q. 142. When was it moved?—A. I moved a portion of it myself to Porterfield's.

Q. 143. Where did you get your meals up to the Nov. election?—A. Sometimes I ate in Garrison.

Q. 144. Who got your meals when in Garrison?—A. I went to a restaurant or boarding-house.

Q. 145. Did you get your meals, or any part of them, at Siller's? That was between the Wolf's place and Garrison.—A. Yes, sir.

Q. 146. How frequently did you get your meals at Siller's?—A. Very frequently.

Q. 147. Up to that time; until after election?—A. Yes, sir.

Q. 148. Where did you lodge?—A. Sometimes one place, sometimes another.

Q. 149. Did you lodge any at Siller's?—A. Yes, sir.

Q. 150. How frequently?—A. I was there often; I could not say positive.

Q. 151. Did you sometimes lodge in Wolf's house?—A. Yes, sir.

Q. 152. Till after election?—A. Yes, sir; I had a bed there.

Q. 153. You had a bed there till after the Nov. election?—A. Yes, sir; I think so.

Q. 154. How long was it after the Nov. election before you moved the bed out?—A. I don't know; I didn't keep a record.

Q. 155. Did you stay there until after you had gathered your corn?—A. No, sir; they would not let me.

Q. 156. How long after the election was it you gave up the house?—A. Well, he wanted to put me out.

Q. 157. I don't care anything about that; I want to know as a matter of fact when you moved?—A. Hold on, give me fair play, because Wolfe, put me to trouble. He had rented his farm over my head. Before my time was out he forced a man into the house. That is Wolf, that is one of his tricks, yet I paid him every cent cash for rent.

Q. 158. When did you move your bed away?—A. I don't know, sir; I could not swear to it.

Q. 159. Do you know whether you moved it away before the November election?—A. I don't know, but I think not, sir.

Q. 160. I nnderstand you to say you did not move over here until after the November election?—A. No, sir; I might have stopped a night, and if I did, it was only to see into things.

Q. 161. You got your meals over in Jackson, in Garrison, or at Sillers?—A. Yes, sir; I think so.

Q. 162. 'Till after the the November election?—A. Yes, sir.

Q. 163. You are a single man?—A. Yes, sir; I am a single man.

Q. 164. Can you tell about how long it was after the November election before you moved over here?—A. No, sir; I did not keep a record.

Q. 165. Somewhere about the time?—A. I could not say positive, because certain parties gave me a good deal of trouble, that is, Wolf and others.

Q. 166. Are you positive that it was after the November election?—A. I think so.

Redirect examination by Mr. Brown:

Q. 167. What is your brother's name?—A. Wm. C. Yates.

Q. 168. When you moved out of the house where your brother and his wife lived, didn't you take what furniture there was in the Wolf house?—A. No, sir; we could not take it all.

Q. 169. Did any family move into the Wolf house when you moved out?—A. No, sir; not for some time; that is, you see, I held possession because Wolf was forcing this man in; this man wanted very much to get into the house; my time wasn't out.

Q. 170. When was your time out?—A. I think about the first of November.

Q. 171. When your time was up, didn't you leave the house?—A. Well, I was in the house, because I carried the key. I was there often working.

Q. 172. Didn't you leave the house and another family move in when your time was up, the first of November?—A. Yes, sir; I let the party in the house before my time expired; they begged me to give them that privilege.

Q. 173. That was before the first of November you let this party into the house, before your time was up?—A. I could not say positively about that.

Q. 174. You know your time was up the first of November?—A. I do not know about that sure.

Q. 175. Have you a copy of your lease?—A. Yes, sir; but not with me.

Q. 176. Will you produce it here?—A. Yes, sir; I think I could produce it here if it is not mislaid.

Q. 177. Before your time was up, you say you went into the house first about the first of November, did you not; a year ago last November you took possession of your farm; you went in a few days, did you not, before the first of November a year ago?—A. No, sir; Wolf lived there up to the time.

Q. 178. You went into it the first of November a year ago?—A. Yes, sir.

Q. 179. You went in for one single year, did you not?—A. He did not confine me altogether.

Q. 180. Your lease called for one year rent?—A. Yes, sir.

Q. 181. Your time was the first of November last?—A, Yes, sir; according to the papers.

Q. 182. This other family came in the first of November?—A. No, sir; I don't know.

Q. 183. You and your brother moved most of your things over to the present farm?—A. Yes, sir; the first of November.

Q. 184. You helped them load things when they moved and you moved your stock?—A. I helped them move things; I did not go there.

Q. 185. Did you move your stock?—A. Yes, sir; or part of it.

Q. 186. What part did you leave on the farm; that is, the Wolf farm?—A. I had a team occasionally.

Q. 187. What stock there at the time?—A. No stock.

Q. 188. Now, you used the team there for a few days for the purpose of gathering up your corn and produce, and such things as you wanted to move off the place, or draw off to market?—A. No, sir.

Q. 189. For what did you use the team?—A. Bringing them over to Porterfield's.

Q. 190. Bringing what over?—A. You mean the furniture, &c.?

Q. 191. Yes, sir.—A. Yes, sir.

Q. 192. When did you get them moved over?—A. I don't know, sir.

Q. 193. Before or after the election?—A. I think before.

Q. 194. Before election you got all tools and furniture moved there?—A. No, sir; I think not.

Q. 195. Well, you got the furniture all moved there?—A. No, sir.

Q. 196. Did not get it quite all moved?—A. No, sir.

Q. 197. What part of it remained?—A. Well, I could not say positive.

Q. 198. Well, state as near as you can?—A. It is too much; I don't know.
Q. 199. How many loads did you draw after the first of Nov.?—A. I don't know all told; you could not call them loads.
Q. 200. Tell me one article that remained after Nov. 1st, after the election?—A. Well, I kept a bedstead and chairs and other things.
Q. 201. Did you not go from your brother's house in this township the day of election over to Garrison to vote?—A. Yes, sir, I did.
Q. 202. Then you had stayed over night that night at your brother's house, the night before election?—A. I could not say, sir.
Q. 203. I mean the night before the day of election; where did you get breakfast when you went to election?—A. Well, I could not swear to that.
Q. 204. Did you not go from Porterfield's place? A. I had been on the Porterfield place that day.
Q. 205. You got breakfast there, and stayed all night?—A. I could not swear to that.
Q. 206. What is your best impression?—A. I wouldn't like to give an impression.
Q. 207. Give your best impression as a man and witness; now didn't you leave Porterfield's that morning to come to Jackson to vote?—A. No, sir.
Q. 208. Where did you stay the night before election?—A. Well, I could not swear where I stayed.
Q. 209. Were you at your brother's place that day?—A. Yes, sir, I had been there.
Q. 210. On that morning?—A. You mean of election?
Q. 211. Yes, sir.—A. Yes, sir; I think I was there that day; that is, part of the day.
Q. 212. You mean that morning, when you got your breakfast there that morning?—A. I could not swear to that.
Q. 213. If you got breakfast at all, you got it there?—A. I couldn't swear to that; sometimes I went without.
Q. 214. Then you either went without breakfast, or got it there? Do you remember of taking breakfast at any other place?—A. Yes, sir; but I don't know about that morning; I couldn't say.
Q. 215. Where did you get your supper that night of election; that is, the night of the day when you voted; did you go back to the Porterfield place?—A. Yes, sir; I think so.
Q. 216. And got supper, and stayed over night, didn't you?—A. I couldn't say.
Q. 217. What is your best impression as to that?—A. Well, under this case, it don't do to give impressions, it may be wrong.
Q. 218. I want you as a witness to tell your impression of this.—A. I think I stopped on the Porterfield place.
(Witness fees, 90 cts., paid by contestant.)

JOHN M. YATES.

STATE OF IOWA,
Benton County, ss:

JOSEPH ARROWOOD, being produced and sworn before G. W. Burnham, notary public for Benton County, on this 27th day of February, 1883, testifies as follows (T. Brown appearing on the part of contestant, Nichols & Burnham on the part of contestee):

Q. 1. How old are you?—A. About 50 years old.
Q. 2. Do you know your exact age?—A. 50 years old.
Q. 3. Well, when were you 50?—A. A good while ago; I can't tell just when.
Q. 4. Where were you born?—A. In Ohio.
Q. 5. Do you know what county?—A. No, sir. I came from there when I was small; I can recollect that much about it.
Q. 6. How long have you resided in Iowa?—A. About 25 or 30 years.
Q. 7. What year did you come here in?—A. I can't recollect.
Q. 8. Did you vote at the November election, 1882?—A. Yes, sir.
Q. 9. What ticket did you vote, Democrat or Republican?—A. Republican.
Q. 10. Do you know whom you voted for for Congressman?—A. This last time?
Q. 11. Yes, sir.—A. For a man by the name of Wilson.
Q. 12. Do you know where Wilson lives?—A. No, sir; I don't know where he lives.
Q. 13. Anybody tell you whom to vote for?—A. No, sir. I voted for him because I thought he was the right man.
Q. 14. Who was the other candidate? Who besides Wilson were the candidates for Congress?—A. Besides Wilson?
Q. 15. Yes, sir.
(Not answered.)
Q. 16. You don't remember just now, do you? Do you remember who the other candidates were besides Wilson?—A. Who was running besides Wilson?
Q. 17. Yes, sir.—A. I can't recollect.

Q. 18. Do you know who you voted for for secretary of state, or can't you remember?—A. I can't remember much about that; I voted so many times.
Q. 19. Can you remember any of the persons you voted for beside Wilson? What are their names?—A. It has been a good many years since I first voted. I once voted for a man by the name of Douglass that used to be around here a good while ago.
Q. 20. What was he running for? Did you vote for him last fall?—A. No, sir; not for him last fall, but for Wilson.
Q. 21. Did you vote for anybody else beside Wilson?—A. No, sir; I did not; that is, last fall; only for Wilson.
Q. 22. Were there any other names on the ticket except that one?—A. No, sir; there wasn't on my ticket.
Q. 23. Who did you get the ticket from?—A. I got it from the fellow that gave it to me.
Q. 24. Who was he, do you know?—A. I voted for a good many.
Q. 25. Do you know who gave you the ticket?
(No answer.)
Q. 26. Can you read or write?—A. No, sir; can't read or write a bit.
Q, 27. Have you been at school?—A. Two or three times is all I ever was at school.
Q. 28. That is all.—A. Yes, sir; that is all I ever have been at school.
Q. 29. Do you want some money?—A. I will take some.
($1.00 paid as fee by contestant.)

JOSEPH ARROWOOD.

STATE OF IOWA,
Benton County, ss:

J. H. RICKEL, being produced and sworn before G. W. Burnham, notary public for Benton Co., on this 27th day of Feb., 1883, testifies as follows (T. Brown appearing on the part of contestant, Nichols & Burnham on part of contestee):

Q. 1. What is your name, place of residence, and occupation?—A. J. H. Rickel; age, 35 years; occupation, printer.
Q. 2. Were you one of the judges of the November election, '82, Vinton precinct, Benton County, Iowa?—A. Yes, sir.
Q. 3. Where you present at that election? Did you take part in it?—A. Yes, sir.
Q. 4. Who aided in the canvass of the votes other than the judges and clerks?—A. Mr. Colcard, Mr. Steadman, and Mr. Traer.
Q. 5. What are the politics of each of these gentlemen?—A. Republican, I believe.
Q. 6. State whether you assisted in the recanvass of the votes since the time of the election, since making up the return to the board of county canvassers of Benton County, Iowa?—A. No, sir.
Q. 7. You were not present at the canvass to day?—A. No, sir.
Q. 8. Are you acquainted with Joseph Arrowood?—A. No, sir.
Q. 9. Do you know A. L. Burris of the township?—A. No, sir; I am not acquainted with him; I know there is such a person.
Q. 10. You may state, if you know, whether he is a man of unsound mind and been an inmate of the lunatic asylum?—A. I have heard so this winter.
Q. 11. You don't know so of your knowledge?—A. No, sir.
Q. 12 Have you at any time assisted in the canvass of the votes of the recent election of this township?—A. No, sir; not since the canvass was made.
(85c. paid as fee by contestant).

J. H. RICKEL.

STATE OF IOWA,
Benton County, ss:

WILLIAM G. YATES, being produced and sworn before G. W. Burnham, notary public for Benton County, on this 27th day of Feb. A. D., 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, Nichols Burnham ham on the part of contestee):

Q. 1. Where do you reside?—A. In Taylor Township.
Q. 2. How far from here?—A. Two and three-fourths miles.
Q. 3. What time in Oct. did you remove to where you now reside?—I think about the 7th.
O. 4. Who lives with you; any relatives?—A. My brother.
Q. 5. How long has he lived with you?—A. Ever since I lived here.
Q. 6. How long has that been?—A. Since 1st March; he came from N. Y. in March.
Q. 7. What is your brother's name?—A. John M. Yates.
Q. 8. Did you live before that time in any other township in this county?—A. I lived in Jackson Township.
Q. 9. You may state if he lived with you there?—A. Yes, sir.
Q. 10. What things did he have at your house?—A. He had his working apparel.
Q. 11. He helped you about working?—A. Yes, sir.

Q. 12. Where did he live in the eary part of Nov.; with you?—A. Well, he stopped over in Jackson Township.

Q. 13. His home was with you, was it?—A. Yes, sir; he came backward and forward.

Q. 14. Do you remember the day of the election?—A. Yes, sir.

Q. 15. Was he there during the night?—A. Yes, sir.

Q. 16. How much of the time did he stay at your house between the time you moved in Oct. and the 7th of Nov., the day of the election; what portion of the time?—A. Probably two-thirds of the time.

Q. 17. Did he take the team to go from that place into the other township to do work?—A. Yes, sir.

Q. 18. He made his home there?—A. Well, he stopped there a considerable part of the time.

Q. 19. Well, his home was with you; he resided with you, did he not?—A. Yes, sir.

Q. 20. He was over there in the neighborhood, in the other township, on the Wolf farm, for the purpose of clearing up the farm; taking away what property and stuff you had there?—A. Yes, sir.

Cross-examination:

Q. 21. How long did you live in Jackson Township?—A. From March until Oct.

Q. 22. Your brother lived with you all that time?—A. Yes, sir.

Q. 23. When you moved to Taylor Township your brother did not move at the same time, did he?—A. No, sir; he did not take all his things; he kept some of his clothes.

Q. 24. Some of his furniture?—A. He had no furniture except one bed; he slept there some nights.

Q. 25. Where does he live now?—A. With me.

Q. 26. In Taylor Township?—A. Yes, sir.

Q. 27. When did he move over into Taylor Township?—A. Well, he came the latter part of Oct.

Q. 28. When did he move the last of his things?—A. In Nov., some time.

Q. 29. After election?—A. Well, I do not pay proper attention to that.

Q. 30. Where was his residence at the time of the last general election, 7th of Nov.?—A. Well, it was in Jackson Township.

Redirect:

Q. 31. Why did you say it was in Jackson Townsphip, at that time?—A. That is what they said at the polls.

Q. 32. I did not mean what they said. I ask you, did he not make his home with you, and did he not move a portion of his things over in Oct. to your house?—A. Yes, sir.

Q. 33. And has he not made his home there ever since?—A. Yes, sir.

Q. 34. And since he got that farm cleared up he came and lived with you?—A. Yes, sir.

Q. 35. Then he was only a citizen in Jackson Township temporarily until he could get the farm cleared up, then he was back and forward from the farm to your place?—A. Yes, sir; he was working over there.

Q. 39. Where did he keep his stock, if he had any?—A. Some there and some here.

Q. 37. He had driven a part of it over to your place?—A. Yes, sir; a part of it he kept here, and he and a part of it over there.

Q. 38. Did he come and go and take it back and forward?—A. Yes, sir; sometimes he took it.

Recross-examination:

Q. 39. Whose team was it?—A. My team.

Q. 40. Had it working in Jackson Township part of the time?—A. Yes, sir.

Q. 41. As he was working in Jackson Townsihp part of the time, finishing up work on that farm, he would use your team?—A. Yes, sir.

Q. 42. The rest of the time he would be at home in Taylor Township?—A. Yes, sir.

($0.90 paid as fee by contestant.)

WILLIAM C. YATES.

STATE OF IOWA,
Benton County, ss:

MATTHEW BROWN, being produced and sworn before G. W. Burnham, notary public for Benton County, on this 27th day of Feb., 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, Nichols and Burnham on part of contestee):

Q. 1. Were you one of the trustees of Vinton Township?—A. Yes, sir.

Q. 2. How long have you acted in such capacity?—A. 3 years.

Q. 3. Were you one of the judges of the November election, '82, in which the electors of Vinton Township, Benton Co., voted for the office of Representative in Congress?—A. Yes, sir.

Q. 4. You may state what part you acted in the canvass of the votes in that election?—A. I sat in there and looked at them part of the time—part of the time I took in the tickets while Mr.——— was gone.

Q. 5. I mean in canvassing the votes, what did you do?—A. Most of the time I strung them—part of the time I read them.

Q. 6. Were the ballots strung on a string?—A. Yes, sir.

Q. 7. Do you know whether any ballots were cast at that election—do you remember of any in which there was only partial tickets voted?—A. Yes, sir; I remember something of the kind, but not distinctly any State or Congressional.

Q. 8. Did it have any of the State officers upon it?—A. No, sir; my impression now is that it was only a township ticket.

Q. 9. Have you assisted since that election at any time in the recanvass of the tickets cast in Vinton Township for the office of Representative in Congress?—A. Yes, sir; I did.

Q. 10. Did you find any discrepancies in the count, from what you found in the count at the time of the election; if so, state what it is?—A. Yes, sir; discrepancies of two in favor of Frederick for Congress against Wilson.

Q. 11. Did the tickets have the same general appearance as when left by you and placed in the ballot-box immediately after the close of the election?—A. I don't remember that I saw them in the box; I strung them and think that I gave them to Mr.———; he put them in; I don't think I looked at them in the box.

Q. 12. Did they have the same general appearance as when you canvassed the votes?—A. Yes, sir.

Q. 13. Have you recounted the tickets, and if so, how does it compare with the number of votes cast at the November election?—A. I don't remember just exactly what the number was; I did know.

Q. 14. Do you remember how many ballots were found in the box when you counted them?—A. 17, 225, 399.

Q. 15. For whom were they cast?—A. 399 for Wilson, 225 for Frederick, and 17 for Platner.

Q. 16. Did you assist in counting all the ballots which you found in the box to-day?—A. Yes, sir.

Q. 17. How many ballots did you find?—A. I don't remember now.

(Paid, 85 cents by contestant.)

MATTHEW BROWN.

STATE OF IOWA,
Benton County, ss:

E. A. PYNE, being produced and sworn before G. W. Burnham, a notary public for Benton County, on this 27th day of February, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, Nichols & Burnham on the part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. Residence, Vinton; professional printer; age 27.

Q. 2. Were you one of the clerks of the November election, 1882, in which the electors of Benton County, Vinton Township, voted for the office of Representative in Congress?—A. I was elected as one of the tallying clerks.

Q. 3. Did you attend such election as clerk?—A. As assistant clerk.

Q. 4. State who were present at that election, other than the officers of that election, that aided in the canvass of the votes on the evening of the election.—A. (Witness names judges and clerks.)

Q. 5. Who other than the judges and the clerks aided in the canvass of votes at the November election, 1882, for this precinct?—A. Mr. Colcord; Messrs. Steadman and Traer acted as clerks part of the time.

Q. 6. Were they sworn officers of the election?—A. No, sir.

Q. 7. Do you know of any error that was made in the return of that election, so far as you know, in the counting of the votes for the office of Representative in Congress, in Vinton precinct?—A. Yes, sir.

Q. 8. State what the error was.—A. One was found in the vote for recorder.

Q. 9. I mean as to the office of Representative in Congress.—A. One was found at the time; there were two votes found afterwards; an error was found at the time in the recorder's votes; also a discrepancy in the vote for justice of the peace.

Q. 10. State what error was found for the office of Representative in Congress.—A. The error was found to be two votes.

Q. 11. You do not answer my question; state what the error was for Representative in Congress. How many did each candidate receive in fact; also, how many were returned for him?—A. Frederick received 225; Wilson, 339; the returns show Frederick, 225; Wilson, 401.

Q. 12. When did you first recount the votes; since the day of election?—A. I could not state the exact time; some four or five weeks afterward.

Q. 13. Who assisted in the count?—A. Messrs. Whipple and Shunk.
Q. 14. Were there any votes taken out or changed in any way at the recount?—A. None.
Q. 15. Did you at any time change any of the ballots, or alter them in any way after the election?—A. I did not.
Q. 16. You may state if at any time of the election or afterwards, there were any errors made in the count as to other officers than the Representative in Congress, that you discovered at the time or since, there was found to be a discrepancy of one vote?—A. Between the tallies 10 votes for justice of the peace. Also a discrepancy was found to exist in the recorder's vote, which made a difference of five votes.
Q. 17. Did you look over, after you found this discrepancy, to see whether there was an error made for the office of Representative in Congress, as to the candidates that were running?—A. We did not.
Q. 18. You may state if one Buren R. Sherman voted in Vinton Township at that election?—A. Yes, sir.
Q. 19. State if his vote was challenged by any one.—A. Yes, sir.
Q. 20. Who challenged him?—A. E. A. Pyne.
Q. 21. State whether he was required to swear in his vote?—A. He was not.
Q. 22. Did he vote?—A. He voted.
Q. 23. For whom did he vote for Representative in Congress; do you know?—A. I saw him take a Republican ticket off the table and pass it to the judge.
Q. 24. Where did Mr. Sherman live at that time; where was his home?—A. I think at Des Moines.
Q. 25. How long had he resided at Des Moines?—A. Several years; as Auditor of State, one year as citizen out of office, some little time as Gov. of the State. About one year out of office. I believe he owned property there, has a family there.
Q. 26. Has he a wife and children?—A. Yes, sir.
Q. 27. They lived with him at Des Moines during the time he lived there?—A. Yes, sir; nearly all of the time; he has visited here occasionally.
Q. 28. Has he any home in this township for the last three or four years to your knowledge?—A. He owned a house here some time ago, but sold it.
Q. 29. Did he live in that house?—A. No, sir; it was rented.
Q. 30. Do you know whether one John Shane voted at the Nov. election, '82?—A. Yes, sir; he did.
Q. 31. Do you know with what disease he was afflicted?—A. Paralysis.
Q. 32. Were you acquainted with him?—A. Yes, sir.
Q. 33. How often did you see him?—A. Several times after he could get around.
Q. 34. He had formerly been afflicted with a stroke of paralysis; a leading citizen, was he not?—A. Yes, sir; he was.
Q. 34. You say he was generally regarded by the citizens of this town, at the time of the election, as being a man of unsound mind, or sound?—A. As of unsound mind.
Q. 36. Do you know how he voted?—A. I saw him take a ticket; but I did not see the names on it.
Q. 37. What had been his politics?—A. He is a Republican; he came in a few steps behind his son-in-law, who is a Republican.
Q. 38. You did not hear him say, at the time, how he voted?—A. No, sir; I did not.
Q. 39. Did he give his name to the judge of the election?—A. I failed to hear him give any name.
Q. 40. Do you know Joseph Arrowwood, of Taylor Township?—A. No, sir.
Q. 41. Do you know Samuel Lowe?—A. Yes, sir.
Q. 42. Where does he reside?—A. He is overseer of the poor-farm.
Q. 43. Do you know where John Yates resided in Nov. '82?—A. No, sir; I don't.
Q. 44. Do you know a man by the name of L. M. Burrows?—A. Yes, sir; by sight.
Q. 45. You are acquainted with him?—A. Slightly.
Q. 46. How long have you known him?—A. I have seen him for some years.
Q. 47. In what township does he live?—A. Vinton.
Q. 48. Did he vote at the Nov. election '82?—A. Yes, sir; he did.
Q. 49. Do you know for whom he voted?—A. I don't.
Q. 50. What is the mental capacity of Mr. Burrows, do you know?—A. I could not state from actual knowledge.
Q. 51. State any other fact within your knowledge you may deem a benefit to the contestant in this case.—A. That is about all that I know in regard to it.

Cross-examination:

Q. 52. You stated that you were well acquainted with John Shane?—A. Yes, sir.
Q. 53. How long have you known him?—A. Ever since I was big enough to know anybody.
Q. 54. Do you know what public offices he has held within the last ten years?—A. Yes, sir; some of them.

Q. 55. What public position has he held?—A. Senator and judge.
Q. 56. Senator from where?—A. State senator.
Q. 57. And district judge?—A. Yes, sir.
Q. 58. Do you know whether he had any profession or not?—A. Yes, sir.
Q. 59. What was it?—A. Lawyer.
Q. 60. Do you know anything from reputation as to his standing at the bar?—A. Yes, sir.
Q. 61. What was it?—A. Good.
Q. 62. Do you know what his reputation was as a judge?—A. I have always heard that it was good.
Q. 63. Do you know anything personally about his mental capacity?—A. I only judge from seeing him.
Q. 64. How could you tell from seeing him?—A. I could tell considerable difference before and after.
Q. 65. In what way?—A. In all ways.
Q. 66. State in what particular regard you saw a difference.—A. He was incapable of talking—at that time he was nearly incapable of talking.
Q. 67. His power of speech was affected, was it not?—A. Well, I suppose that is one of the points.
Q. 68. Did you know that his mind was affected?—A. As a medical expert, I don't.
Q. 69. Answer as a matter of fact.—A. I consider of my own knowledge that he was injured mentally.
Q. 70. Now, to what extent?—A. I could not say that.
Q. 71. Was he injured to such an extent that he would not know for whom he was voting?—A. Well, I could not say as to that; I should judge that he was a man of unsound mind at the time.
Q. 72. Would you not judge that a great many men that voted then were men of unsound mind?—A. A man who has been judge and senator is supposed to be a man of very sound mind; then when badly afflic ed mentally there would be a great difference; you could distinguish a man who never had such standing.
Q. 73. Now, take an ordinary man; your judgment is that Judge Shane had a mind as strong as an ordinary man.—A. No, sir; not by any means.
Q. 74. A little below mediocrity?—A. Yes, sir; quite a ways below.
Q. 75. Now, fix the standard of unsoundness; you say a good ways below; now fix it.—A. I did not say I could fix any standard.
Q. 76. Was he able to get about by himself?—A. Yes, sir; tottering some.
Q. 77. Answer my question. You know whether he was or not.—A. At that time, I don't know; I think he walked on the street alone.
Q. 78. Did he not come down from his residence and come back alone?—A. I don't know whether he did, at the time, or not. He came there with Mr. Cooper.
Q. 79. He came in when Mr. Cooper did?—A. Yes, sir; Mr. Cooper was a little ways ahead.
Q. 80. Did that indicate unsoundness, for him to come a little ways after his son-in-law?—A. That would not be very much of an indication.
Q. 81. Suppose he had followed you in; would that have been an indication of unsoundness?—A. He came more like a child than a man.
Q. 82. In what way did he come in like a child?—A. Tottering and weak.
Q. 83. He had been sick, had he not?—A. He had received a paralytic stroke.
Q. 84. When?—A. Some time before.
Q. 85. Was it not in July?—A. It might have been that long ago.
Q. 86. Was it not as early as the middle of July?—A. I think, about that time.
Q. 87. He was confined to his house for some time, was he not?—A. Yes, sir.
Q. 88. Then he got so that he was abie to get out?—A. Yes, sir.
Q. 89. And able to talk to people?—A. Only slightly.
Q. 90. His power of speech was affected was it?—A. Well, I don't think that he was able to talk on all subjects as well as before, by any means; he was flighty and of unsound mind.
Q. 91. Did you ever meet him personally?—A. Yes, sir.
Q. 92. Did he recognize you?—A. He knew my face.
Q. 93. Spoke to you, didn't he?—A. I never heard him speak my name.
Q. 94. He passed the usual compliments, didn't he?—A. He just shook hands, that is all.
Q. 95. Did you ever hear him speak since he had the attack in the summer?—A. I heard him try to say a few words.
Q. 96. Do you know whether he was capable of choosing for himself on the day he voted—for whom he would vote?—A. I should judge him to be a man of unsound mind.
Q. 97. That is not the question at all. I want to know whether he was capable on that day of choosing for himself, as between two men for whom he would vote?—A.

I don't think he would have paid any attention—he would not have been around of his own accord.

Q. 98. That is no answer to my question.—A. No, sir; I don't.

Q. 99. Now, sir, on what basis do you form that opinion?—A. His general actions and looks.

Q. 100. Do you think he knew the difference between the Democratic and the Republican tickets?—A. I could not say.

Q. 101. Do you know whether he voted the Democratic or Republican ticket?—A. No, sir, I don't.

Q. 102. What was there about his looks that would induce you to believe that he did not know for whom he voted?—A. His general debility.

Q. 103. Don't you think, possibly, that he got hold of a Democratic ticket, and voted for Frederick?—A. No, sir; not with Cooper walking along with him.

Q. 104. You did not see Cooper give him any ticket?—A. No, sir.

Q. 105. Do you know who Cooper voted for?—A. No, sir.

Q. 106. Didn't you know that Cooper had always been a Democrat?—A. No, sir.

Q. 107. You do not know what ticket he voted?—A. No, sir; I know what he talks.

Q. 108. You do not know what ticket he voted for Representative in Congress?—A. No, sir.

Q. 109. Do you know where Shane got his ticket?—A. No, sir.

Q. 110. Didn't pick it up here?—A. No, sir.

Q. 111. Do you know how he came to go to the election?—A. No, sir.

Q. 112. Do you know where he resides now?—A. I think that I know.

Q. 113. Where is it?—A. In the best part of town here.

Q. 114. Have you seen him lately?—A. I saw him on the streets two weeks ago.

Q. 115. He is getting a good deal better, isn't he?—A. I have not seen him to talk with him; he walks as though he was suffering some yet.

Q. 116. He is much the same?—A. The same.

Q. 117. He is able to attend here as a witness?—A. I do not know whether he is or not.

Q. 118. You do not know whether he would be able to get down town or not?—A. No, sir.

Q. 119. You are not a physician?—A. No, sir.

Q. 120. Have you heard anything particular on that subject?—A. No, sir.

Q. 121. Did you ever read a scientific work on the subject of paralysis?—A. No, sir.

Q. 122. Do you know how it affects the mind?—A. No, sir.

Q. 123. Do you know whether it is true or not, that persons may be deprived of speech without affecting the mind?—A. I don't know.

Q. 124. Then you know not the condition of his mind, excepting as you guess?—A. I know by his looks and talk.

Q. 125. I thought you stated that you never heard him talk any?—A. I heard him try to talk some time ago, but not recently.

Q. 126. Had you heard him try to talk before the election?—A. I think I had; I met him on the street before that.

Q. 127. Did you hear him try to talk?—A. Yes, sir.

Q. 128. Where was it?—A. Right at the foot of the stairs where I work.

Q. 129. With whom was it?—A. Myself.

Q. 130. Upon what subject were you talking?—A. No particular subject, I guess

Q. 131. Were you trying to talk upon any subject of importance?—A. I asked him how he was getting along, something like that.

Q. 132. What did he say?—A. I couldn't recollect.

Q. 133. Didn't he say he was getting better?—A. He was injured in his speech so that he could not carry on a conversation.

Q. 134. Did you try to carry it on?—A. No, sir; for I saw he could not.

Q. 135. Did you try to carry on a conversation with him at all?—A. I think I stated about what I said.

Q. 136. All you said was about asking for his health?—A. Well, I think probably that is about all.

Q. 137. You didn't try to carry on another conversation, or to suggest another, did you?—A. Well, I think that I found by his reply——

Q. 138. How do you know that he could not converse on any other subject if you didn't try to converse with him?—A. I judged by his inability to recollect speech.

Q. 139. That he didn't know what he was talking about?—A. No, sir; I didn't judge that.

Q. 140. Do you think that he didn't know you?—A. No, sir; I thought that he knew me; I thought so then.

Q. 141. Now about Buren R. Sherman. Do you remember when he first went to Des Moines to live?—A. Why, I don't remember the exact time.

Q. 142. Did you know him before he went to Des Moines? Do you know of his having been clerk of the courts of Benton County?—A. Yes, sir.

Q. 143. For about how many years?—A. Seven or eight years.
Q. 144. He was elected State auditor in 1875?—A. Yes, sir; about that time.
Q. 145. Didn't he consider his home in Vinton after he was elected State auditor?—A. Well, sir, I don't know; he had lived there for a number of years. His family had lived there also.
Q. 146. He had a wife and children, hadn't he?—A. I believe that is right.
Q. 147. Now, when he went to Des Moines didn't he move his family to Des Moines?—A. I don't know whether his family went with him or not.
Q. 148. You know of his being State auditor?—A. Yes, sir.
Q. 149. Did he enter upon the office of auditor at the time he left Vinton?—A. I think in January.
Q. 150. Did he leave Vinton for that purpose?—A. I did not hear then.
Q. 151. What is your impression?—A. I think that he left here to assume the duties of that office.
Q. 152. Do you know how long he was State auditor?—A. I think two terms.
Q. 153. Do you know where he voted at that time?—A. No, sir; I don't.
Q. 154. Don't you know that he came home every general election to vote?—A. I think sometimes. I don't know; he wasn't home every general election.
Q. 155. Didn't he claim this as his place of residence?—A. I don't know; he must have, for he came here to vote.
Q. 156. Is not that what you heard reported? - A. I know that he came here to vote several times.
Q. 157. Didn't he claim this as his home?—A. I believe so.
Q. 158. The same year his term expired he was candidate for governor, wasn't he?—A. Yes, sir; along there, late in that year.
Q. 159. I mean now, during the year next succeeding his term of office as auditor, wasn't he a candidate for governor?—A. I think that he went canvassing as soon as he got through with the auditor's office. I think that he was here at different times to visit his family.
Q. 160. Don't you know that he claimed this as his home?—A. I knew that he had a house and lot, and had two children attending the public schools.
Q. 161. Do you know that his children attended the public school in Des Moines?—A. No, sir; I didn't know that.
Q. 162. Don't you know that he claimed this was his home?—A. No, sir; I don't know whether he did or not.
Q. 163. Didn't he claim that on the day of his election?—A. I believe that he claimed this as his home.
Q. 164. Didn't he claim that he had been in the Army—that he had lived here many years, and ought to be allowed to vote without being challenged?—A. No, sir; I didn't hear him say that.
Q. 165. Well, what was the substance?—A. I think that he claimed that this was his voting place. He seemed to be surprised to be challenged.
Q. 166. Didn't he say that he expected to come back here to live after his official life closes?—A. No, sir; I don't remember of his saying that.
Q. 167. Do you know, as a matter of fact, bona-fide, that when his term of office closed he intended to return to Vinton?—A. I don't know that he calculated to come back here; I don't know that he knew what his calculations were.
Q. 168. Do you know anything about what his intentions were?—A. I don't know; I never heard him say.
Q. 169. Do you know if he intended to return to Vinton to make it his home after his term of office expired?—A. He might have, so far as I know.
Q. 170. Then you don't know where his local residence was last November, do you?—A. I know where I thought it was.
Q. 171. I ask you if you do know where his local residence was?—A. I don't know; that is a question for the law to decide.
Q. 172. Now I want to know where his local residence was.—A. That is all I know; I am not thoroughly enough acquainted with the law to know.
Q. 173. Well, do you know where his local residence was? You may answer it in that way if you want to.—A. So far as my best knowledge of the law is concerned, I think that his local residence was in Des Moines.
Q. 174. Now, upon what do you base that; give us your best knowledge of law on that subject?—A. During the year, while out of office, his family still lived in Des Moines. He had furniture there, because his family lived there at least a portion of the time. They visited here, I think, during the year. His children were there a portion of the time at least. He did not come here and enter into any business whatever. He was here only a small portion of the time, a very small portion of the time. Then, further, from the information I have received, his children attended the public schools in Des Moines. He refused to pay any fee for their attendance there, claiming that his residence was there.
Q. 175. Do you know that he made any such claim?—A. That is what I said.

Q. 176. Give us the source of information on that question. Your source of information.—A. Well, I can't say just who stated that now.

Q. 177. Was it a Democratic rumor?—A. I will have to study that a little. I am not sure but that you informed me.

Q. 178. You don't say that I told you that his residence was in Des Moines; that he claimed it was?—A. Well, it was some Republican. I heard it prior to the election.

Q. 179. You have no distinct recollection as to the source of your information in regard to the subject?—A. No, sir; I am pretty confident it was some Republican.

Q. 180. Who was it?—A. I can't name the party; it has slipped my mind.

Q. 181. Now, then, upon the fact with reference to his intention, from your knowledge of law, you determine his local residence was in Des Moines?—A. I consider that he was a citizen and resident of Des Moines.

Q. 182. That is derived from your legal knowledge as applied to the facts?—A. Yes, sir; all my knowledge, legal knowledge and all.

Q. 183. Do you claim to know anything about the fact?—A. I have stated all that I know about it.

Q. 184. I want to know whether you are willing to put on the record as knowing anything of the facts in regard to the matter? I will put it in this form: Do you claim to have any personal knowledge of the facts you stated; that he sent his children to school, and declined to pay tuition fees? You grant his residence was in Des Moines. Do you claim to have any reliable information on that subject?—A. You mean as to his refusal to pay on that account?

Q. 185. Yes, sir.—A. It has been generally understood that his children attended public school there.

Q. 186. That is not the question at all. I want to know whether you claim it is so, or whether you claim to have any reliable information that he sent his children to the public school, and refused to pay tuition on the ground that he was a resident of Des Moines?—A. I have never looked into that matter at all; never have been there to inquire. I think that it is probably correct, and the case should be inquired into. I do not know to my knowledge that these are the facts.

Q. 187. You are a lawyer; you have read law?—A. Some.

Q. 188. Been admitted to the bar?—A. That is a very easy matter.

Q. 189. You have been admitted to the bar?—A. Yes, sir.

Q. 190. You claim now to be an attorney at law; have been admitted to the bar and in good standing at the bar. I don't ask you in reference to business. Do you claim to be in good standing at the bar of Benton County?—A. I have not practiced law; I don't know whether that throws a man out or not.

Q. 191. Are you willing to say that you do not know the difference between claiming to have reliable information and knowledge as a lawyer and witness also?—A. I have no reliable evidence to substantiate it.

Q. 192. Would not information be very different from personal knowledge of the fact?—A. Pointed evidence to back it would of course be better.

Q. 193. I will ask you whether you had it from any person who claimed to know that it was a fact that Sherman sent his children to the public school and refused to pay tuition on the ground that he was a resident of Des Moines?—A. No, sir; only general information. I do not claim anything else.

Q. 194. Do you claim to have it from any person that claimed to know the facts?—A. They tell it just as if they knew it.

Q. 195. Who was it that told you?—A. That is what I am trying to think.

Q. 196. Was it the invisible somebody?—A. I cannot say who told me. Judge McPortney opposed his voting here on the ground that he was a resident—left a written challenge at the same time there at the polls. I do not know but what he might have been the party who made the statement. I am not sure of it.

Redirect cross-examination:

Q. 197. You may state whether in your judgment, that John Shane, at the time of the November election, was in a condition to transact ordinary business as he was accustomed to do?—A. No, sir; I think he was not in a condition to transact it as he formerly had done.

Q. 198. Did B. R. Sherman's family, during the time of the year between the time he quit the office of State auditor, at the time of his election as governor, reside here, as counting the residence a home, or simply here as a visitor?—A. At the time they were here a brother-in-law, M. Colcard I believe, kept his residence property here, and while they were here they stayed there and visited other persons and relatives here. Possibly might have stayed a part of the time at the hotel taking meals, but am not sure of that. They moved no furniture here from Des Moines that I have ever heard of.

Q. 199. What time did he sell his home here, as near as you can remember?—A. I think it was sold since he was governor.

Q. 200. Before or since the election?—A. Since the election, I think.

Q. 201. Before or since the election last fall?—A. It was before the election.

E. A. PYNE.

STATE OF IOWA,
Benton County, ss:

SAMUEL LOWE, being produced and sworn before G. W. Burnham, notary public for Benton County, on this 27th day of Feb., A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, Nichols and Burnham on part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. My age is 53; I live in Taylor township, and am a farmer.

Q. 2. Do you hold any official position in the county?—A. I am now steward of the poor-farm.

Q. 3. Are you acquainted with Joseph Arrowood?—A. Yes, sir; for 25 years.

Q. 4. Is he an inmate of the poorhouse in this county?—A. Yes, sir.

Q 5. What is his mental capacity for transacting business?—A. Mr. Arrowood is a man whose mind, if it had been affected by insanity, he is far above the average of those I have got.

Q. 6. That is not the question.—A. I hardly know how to answer it. He makes a very good kind of a hand. He is fatting 60 or 70 of the fattest hogs ever sent from this country.

Q. 7. I asked you his capacity for doing general business.—A. I don't hardly know what you mean.

Q. 8. I mean carrying on business for himself.—A. He says he can not do it; people would not pay him for it. He said that he had more trouble to get his pay than it was worth.

Q. 9. You think he is not incapable of carrying on business for himself?—A. No, sir; can not carry on farming for himself.

Q. 10. Now, is there any business that you know of that he could take hold of?—A. I don't know that there is; I don't know of any thing that he could do.

Q. 11. Do you regard him as a man deficient in intelligence, as compared with the ordinary man in this country?—A. Yes, sir; he is deficient in intelligence to a certain extent. I have half a dozen others below him yet.

Q. 12. You mean there is a lower grade of intellect on the poor-farm?—A. Yes, sir; and outside, too.

Q. 13. Now, state if you know whether he voted at the Nov. election, '82?—A. Yes, sir. Two or three days before election I came into town, and took back a handful of Democratic and a handful of Republican tickets, and said "Boys, choose which you please." I did not tell them which I was going to vote. How he voted I don't know. I took him, in company with four or five others, and turned them loose. I don't know how they voted.

Q. 14. He has been under subpœna, has he not?—A. Yes, sir, he has; right here in town.

Q. 15. You are a Republican, are you not?—A. Yes, sir; I am.

SAMUEL LOWE.

It is here expressly agreed between Messrs. Nichols & Burnham, att'ys for contestee, and Mr. Brown, att'y for contestant, in this case, that Mr. Eldon Moran, commissioner agreed upon to take testimony, shall administer the oath to the witness, and that such oath shall be regarded as sufficient.

STATE OF IOWA,
Benton County, ss:

J. C. PARMETER being produced and sworn before G. W. Burnham, a notary public for Benton County, on this 27th day of Feb., and examined before me, testifies as follows (T. Brown appearing on the part of contestant, Nichols and Burnham on part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. My name is J. S. Parmeter; age 56; reside in Taylor Township, Benton County, Iowa.

Q. 2. Were you present at the Nov. election, '82, in Taylor Township?—A. Yes, sir; I was.

Q. 3. Do you know Joseph Arrowood?—A. Yes, sir.

Q. 4. Do you know whether he voted at the Nov. election, '82?—A. Yes, sir; I think he did.

Q. 5. Did you know for whom he voted for Congressman?—A. I cannot swear to that.

Q. 6. Do you know whether he voted the Republican ticket?—A. My impression is that he did.

Q. 7. What is his mental capacity; what was it? Did you know his mental capacity before the Nov. election, '82, and at that time, as being a man of sound or unsound mind?—A. I have known him over 20 years.

Q. 8. How near do you live to him?—A. Part of the time within a mile, part of the time two miles.

Q. 9. Is he a man of sound or unsound mind?—A. I would consider him far below the average.

Q. 10. Is he capable of doing ordinary business?—A. No, sir.

Q. 11. Where does he live?—A. He is now at the poor-house, has been for the last two years; I think perhaps more.

Q. 12. What is his mental difficulty, general weakness, or what?—A. General weakness or what, yes, sir; rather bordering on the idiotic. I do not consider that he would know enough to vote unless directed.

Q. 13. Who came to the election with him?—A. Mr. Lowe, overseer of the poor-farm.

Q. 14. What are his politics?—A. Republican, I believe.

Cross-examination:

Q. 15. Mr. Arrowood is capable of doing work?—A. Yes, sir; some, when told.

Q. 16. His condition is such that he could be brought here if summoned, could he not?—A. You mean afoot and alone?

Q. 17. Yes, sir.—A. I think that he would.

Q. 18. How far is it from here to the poor-farm?—A. About two miles.

Q. 19. You do not know of any reason why he could not come down here if called upon?—A. How do you mean?

Q. 20. I mean that he could be present at this examination if called upon; do you know any reason why he could not?—A. No, sir; I suppose he might come here if told. I don't know whether he could find the office or not.

Q. 21. How do you know what ticket he voted?—A. I don't know, sir.

Q. 22. Is he not intelligent enough to tell what ticket he voted?—A. I think not.

Q. 23. Why don't you think so?—A. Because I don't think he has sense enough to tell the difference between Republican and Democratic tickets.

Q. 24. Can he read?—A. My impression is that he can.

Q. 25. Do you know positively?—A. No, sir; my impression is that he can.

Q. 26. Do you suppose that if you asked him he could tell whether or not he could?—A. I think he could, certainly.

Q. 27. Would he know what you meant when you would ask him if he could read?—A. Yes, sir; I think he would know that much.

Q. 28. Do you think he is absolutely void of memory, so that he could not remember anything at all?—A. No, sir; he can remember some things.

Q. 29. He can remember some things pretty well, can he?—A. I don't know why he should not.

Q. 30. Do you know from conversation with him whether he can remember for whom he has worked for some little time back, or where he has lived?—A. Yes, sir; he can tell that.

Q. 31. Can he remember the man's name?—A. Yes, sir.

Q. 32. He would be likely to remember to vote the Republican ticket, and he would remember if he voted it or not?—A. Yes, sir; still I don't know whether he would remember if he voted the Republican ticket.

Q. 33. He would be likely to remember whether he voted as he was told, would he not?—A. I don't know whether he would or not.

Q. 34. You did not see his ticket?—A. I did not.

Q. 35. You did not hear anybody say that they knew how he voted?—A. Not that I recollect.

Q. 36. With whom did he come?—A. Mr. Lowe.

Redirect examination:

Q. 37. Is he capable of doing any ordinary business?—A. No, sir.

Q. 38. In buying or disposing of property?—A. No, sir.

J. C. PARMETER.

STATE OF IOWA,
Benton County, ss:

MICHAEL DONELAN, being produced and sworn before G. W. Burnham, notary public for Benton County, on this 27th day of Feb., 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, Nichols and Burnham on part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. My name is Michael Donelan; grocer at present.

Q. 2. Were you one of the judges of the election of Vinton Township, Benton County, Iowa, in Nov., 1882?—A. Yes, sir.

Q. 3. Were you present at the said election during the time the electors were hav-

ing a canvass of the votes Nov., 1882, at which the electors voted for Representative in Congress?—A. Yes, sir; most of the time.

Q. 4. State who assisted at the canvass of the votes at your election, if any other than trustees and clerks?—A. Mr. Colcord assisted in reading for a time; Mr. Steanman, of Vinton, assisted the clerk for a time.

Q. 5. What were their politics?—A. I believe Republican.

Q. 6. How were the ballots at said election left when placed in the box after the canvass of votes?—A. They were left strung on to a cord or string.

Q. 7. Have you since examined the ballots cast at said election; if so, how did their appearance correspond with the appearance they were in at said election after they had counted the votes?—A. I examined them to-day; they appeared to be in the same condition in which I left them.

Q. 8. Upon the recanvass of them to-day for the office of Representative in Congress, did you find any error in your former count made at the Nov. election, '82?—A. We found a discrepancy of two.

Q. 9. In whose favor was the discrepancy of two?—A. It was given Mr. Wilson; the first discrepancy would be in favor of him and the second against him.

Q. 10. Was he counted with more votes than the ballots showed that he received; if so, how many more?—A. We found to-day that he was counted with two more.

Q. 11. You may state whether at said election there was a ballot in the box that you counted out that you found was not strung?—A. You mean to-day?

Q. 12. Yes, sir; are there any ballots that you did not string at the election that you do not find now in the ballot-box?—A. We did not find any but what had been strung; there was one that had slipped off after we had taken it out.

Q. 13. State how many ballots you found in the box, and how does it compare with the number originally voted?—A. We found one ballot there of the original vote.

Q. 14. Do you remember of a ballot voted in which the number voted had one vote for a township office?—A. Yes, sir, I think there was one.

Q. 15. Did you notice that vote was not on the string to-day?—A. No, sir, I did not see it to-day.

Q. 16. Do you remember the party voting that ballot, that he did not vote for the office of Representative in Congress?—A. No, sir, only the township, as near as I can recollect.

Q. 17. Do you remember whether that ballot was strung or not?—A. Yes, sir, I presume so; I did not string them.

Q. 18. Are you satisfied that the count you made to-day is correct?—A. From the ballots found it was correct as near as I can see.

Q. 19. Are you satisfied that you found all the ballots that were originally cast for Representative in Congress?—A. I believe I am, sir.

Q. 20. At the time of the election did you find any discrepancy as to other candidates that were voted for; any errors that were made?—A. Yes, sir, we did.

Q. 21. For what officers?—A. For the office of recorder and justice of the peace.

Q. 22. How many for each?—A. I think one ballot for one and two for the other; and in office of justice of the peace one, and one for the office of recorder.

Q. 23. Was it not five or ten votes?—A. I mean one or two tallies.

Q. 24. How did you count the votes, by fives or tens?—A. No, sir, in fives and ones, where we had good straight tickets that counted for tallies. All the erased tickets were counted singly; all of us read the tallies, so as to have them right.

Q. 25. Were there a good many people around during the time the votes were tallied after the general election?—A. Yes, sir, a good many, part of the time.

Q. 26. The count to-day was made more carefully than at the time of the election?—A. I don't think it was made any more carefully than it was at first; still we might find an error there yet; we had to read them in the night time.

Q. 27. Well, for the office of Representative in Congress, it has been made carefully to-day in view of the fact that it was daylight. You lack one for that office?—A. Yes, sir, I suppose so.

($.85 as fee paid by contestant.)

M. DONELAN.

STATE OF IOWA,
Benton County, ss:

C. M. EVANS, being produced and sworn before G. H. Burnham, notary public for Benton County, on this 27th day of February, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant and Nichols and Burnham on part of contestee):

Q. 1. Are you auditor of Benton County, Iowa?—A. Yes, sir.

Q. 2. How long have you filled that office?—A. Since Jan. 3rd, 1870.

Q. 3. You may state if you have in your possession returns made in the different townships of Benton County at the November election of which the board of supervisors of Benton County made an abstract of returns to the board of canvassers from

this city?—A. They were there when I was taken ill, five weeks ago (having examined ballot-box which was just brought in).

Q. 4. Well, look at the return made by the board of township canvassers of the township of Vinton, and read to the commissioner, so that he may take it down, the entries showing the votes cast as returned for the office of Representative of Congress for each candidate.—A. The clerk has brought me township book instead of city book. My clerk has gone after the other one—the poll-book which is returned for the office of Representative in Congress for the 5th dist. There were 645 ballots cast, of which James Wilson had 401 votes, Benjamin T. Frederick had 225 votes, David Platner had 19.

Q. 5. You may state if the poll-book shows that James Arrowwood and Samuel Lowe voted at the Nov. election, 1882?

(Witness examines poll-book of Taylor Township.)

A. Yes, sir; they are these, the 120 and 122 votes that were cast.

Q. 6. Was the abstract of the votes which was certified by the city canvassers the same that is shown by that poll-book?—A. Yes, sir.

($.85 paid.)

C. M. EVANS.

STATE OF IOWA,
Benton County, ss:

W. P. WHIPPLE, being produced and sworn before G. W. Burnham, a notary public for Benton Co., on this 27th day of Feb., A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant, Nichols and Burnham appearing on the part of the contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. W. P. Whipple; 20 years old; live in Vinton; attorney-at-law.

Q. 2. Are you one of the clerks of Vinton Township precinct, Benton Co.?—A. I was during the year 1882.

Q. 3. Have you the ballots used at the Nov. election, in the year 1882, in your possession, with the poll-book of that township, in which the electors voted for the office of Representative in Congress in this precinct?—A. Yes, sir.

Q. 4. How and where has the ballot-box been kept since the time of the election?—A. The ballot-box has been kept in the law office of Whipple and Shunk.

Q. 5. How has it been fastened?—A. It has been fastened with a screw on the upper side running through the lid into the box.

Q. 6. Has the box been sealed?—A. Yes, sir.

Q. 7. Does that box contain the same ballots now that were cast during the election in Nov., 1882?—A. I think that it does.

Q. 8. Have the ballots in that box been examined at any time since the election?—A. Yes, sir; once to my knowledge.

Q. 9. In whose presence?—A. In my presence; also in the presence of Mr. Shunk and Pyne.

Q. 10. Where had it been kept previous to that time?—A. In the law office of Whipple and Shunk.

Q. 11. Who had access to it to your knowledge?—A. Mr. Shunk and myself; that is, we had all the keys to the office, but I don't know that anybody ever examined it at any other time.

Q. 12. Have you any reason to think that anybody examined it at any other time, or had access to the ballots?—A. I think not; they might have had access to it and might have examined the ballots, but I don't know.

Q. 13. How were the ballots left as to being strung or unstrung?—A. They were strung.

Q. 14. You may state if the law office of Whipple and Shunk has been locked when you didn't occupy the same?—A. Yes, sir.

Q. 15. And the ballot box might have been examined without your knowledge or the knowledge of your partner during the time it has been there in the office?—A. I think not.

Q. 16. Where is Mr. Shunk now?—A. He is in Cheyenne, Wyoming Territory.

Q. 17. Is he to be absent long?—A. I don't know; he and I have dissolved.

Q. 18. Do you know of his having observed the ballots other than at the time it was opened in your office?—A. I don't know.

Q. 19. At the time you examined the ballots did they have the same appearance as to the manner in which they were fastened that they did have upon the night of the election after the box was closed and the ballots put in there the night of the canvass?—A. Yes, sir; they had the same appearance.

Q. 20. Will you open the ballot-box in the presence of the notary and call to your assistance the other clerk or one of the trustees present at the election and examine and count the ballots for the office of Representative in Congress, and tell the commis-

sioner how many each candidate received?—A. Yes, sir; I can do that. (Witness proceeds to open the box, assisted by Mr. Donnelan, trustee, and Mathew Brown, trustee, and E. W. Pyne, clerk.) The result, 399 for James Wilson, 225 for Benjamin T. Frederick, and 19 for Platner.

Q. 21. State if the ballots have the same appearance that they had at the time of the election, and if, in your judgment, they are in the same condition as they were when they were strung at the day of election?—A. Well, the ballots are in appearance the same; my opinion is that they are the same ballots that were cast at the day of election.

Cross-examination:

Q. 22. Did you, on any occasion with E. W. Payne, or any other person make a count of the ballots after the election?—A. Yes, sir.

Q. 23. Who were the three persons?—A. W. L. Shunk, Pyne, and myself were the persons present.

Q. 24. Where was that count made?—A. In the law office of Whipple and Shunk.

Q. 25. What was the result of the count?—A. I don't remember of having kept any date of it; I think there was a difference in one way or other; I think that the result of the count was the same as to-day.

Q. 26. When was that?—A. I think three or four weeks after the election.

Q. 27. Now, have you no means of knowing whether the ballot-box had been opened, or ballots handled by any other person in the interim, between the time you made the count?—A. They might have been opened and handled, I was not able to know anything about it.

Q. 28. Have you any impression or information that would lead you to think that they had been handled in the meantime?—A. No, sir.

Q. 29. Who was your law partner? A. W. L. Shunk.

Q. 30. What are his politics?—A. Democratic.

Q. 32. You may state whether Mr. Shunk had access to this ballot in your absence from the office?—A. Yes, sir, he had.

Q. 33. Had he access to it between the time the election was held and the count was made, the time you made the count?—A. Yes, sir.

Q. 34. State whether you had any conversation with Pyne separately, or when they were both present between election and the time the count was made?—A. I think a day or two before there was an effort made by J. F. Pyne and E. W. Pyne to see the trustee to come and make a recount; I think that that was the substance of all that was said.

Q. 35. Where did that conversation take place?—A. Mr. J. F. Pyne came into the office, and in the presence of Mr. Shunk, I think; I made an informal visit on the trustees upon the same errand.

Q. 36. What reason did they assign for a new count?—A. The reason assigned by J. F. Pyne was this: The trustees called in one Joe. Collard to read off the ballots when the count was originally made.

Q. 37. Did he make any claim that there was a mistake?—A. No, sir, I don't think that he claimed any mistake, he wanted to satisfy himself to-day.

Q. 38. When did you first hear the claim made that there was a mistake?—A. I never knew that they were going to make a claim until to-day, when the questions were asked me; that is the first I knew that they were going to make a claim of that kind.

Q. 39. Now, I will ask you, Mr. Whipple, whether you had such custody of this ballot-box that you can testify you knew it was not tampered with in the interim?—A. No, sir, I have not had.

Q. 40. Whether it was where any person but yourself could have had access to it?—A. No, sir, it was where Mr. Shunk had access to it in my absence, and I suppose other parties could have had access to it in my absence; could have had access through him.

Q. 41. State whether E. W. Pyne was frequently in your office.—A. Yes, sir.

Q. 42. State on what terms of intimacy he was with your law partner, Mr. Shunk.—A. Well, they were very intimate; frequently met there in the office.

Q. 43. Do you know of either being left there when you were away?—A. Yes, sir; I do.

Q. 44. Before the time the count was made?—A. I don't remember about that.

Q. 45. Well it was prior to this time, between the Nov. election and the present time?—A. Yes, sir; they have been in the office, I know.

Q. 46. When you were not there?—A. Yes, sir.

Q. 47. How frequently?—A. I will not answer that question very intelligently; at least two or three times.

Q. 48. When did your law partner go away?—A. Last Friday morning.

Q. 49. Had there been any conversation between yourself and Shunk or Pyne in reference to the contest of the election between Wilson and Frederick?—A. No, sir; I think not since the talk we had before.

Q. 50. Whereabouts in your office was that ballot-box kept?—A. In the back office, in the back room, in the consultation room.

Q. 51. Is there any door leading from the hall into the back office?—A. Yes, sir.

Q. 52. Did any one have a key to it?—A. The key usually remains in the door on the outside; I don't know of any other key to the door.

Q. 53. Whereabouts was it? Was it set so anybody could see it going into the room?—A. Yes, sir.

Q. 54. In plain sight?—A. Yes, sir.

Q. 55. How many persons do you know of who knew where this ballot box was, from the time of election up to the time you made the count?—A. J. F. Pyne, E. W. Pyne, W. L. Shunk; the present township clerk, Mr. Gerdon; I could not state positive as to any one else.

Q. 56. Do you know what are J. F. Pyne's politics?—A. Yes, sir.

Q. 57. State what they are.—A. Democratic.

Q. 58. Did he vote for Mr. Frederick?—A. Yes, sir.

Redirect examination:

Q. 59. Your partner's name is Shunk?—A. Yes, sir.

Q. 60. Is your partner a member of the bar of this county in good standing?—A. Yes, sir.

Q. 61. Is he a man of probity and honest intention of purpose, so far you know?—A. No, sir, not much property.

Q. 62. You say he is a man of probity?—A. Yes, sir, I think so.

Q. 63. Are these other men men of good moral character and standing?—A. Yes, sir, they are of good standing.

Q. 64. Were you one of the clerks of the election?—A. Yes, sir.

Q. 65. Was there other persons other than the judges of the election and the clerks that aided in counting the votes?—A. Yes, sir.

Q. 66. Who?—A. Glenn Trayler, E. D. Stedman, assisted a part of the time in re counting the ballots; Mr. Collard assisted the trustees; I don't remember of any one-else taking part.

Q. 67. They were not sworn officers of the election?—A. No, sir.

Q. 68. What were their politics?—A. With the exception of Mr. Pyne, I think that they were all Republicans; I mean Mr. E. A. Pyne.

Q. 69. These men that aided you, aided you in the election, they were not officers of the election, were they? They were not Republicans?—A. Yes, sir.

Q. 70. Was E. A. Pyne, one of the officers of the election, regularly sworn in?—A. Yes, sir.

(Witness fee, $0.85, paid by contestant.)

W. P. WHIPPLE.

STATE OF IOWA,
Benton County, ss:

J. F. PYNE being produced and sworn before C. W. Burnham, notary public for Benton County, on this 27th day of Feb., A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant; Nichols Burnham on the part of contestee):

Q. 1. What is your age, name, place of residence, and occupation?—A. J. F. Pyne; age, fifty-three; and reside in Vinton; and am a printer.

Q. 2. What are your politics?—A. Democrat.

Q. 3. Were you present at the Nov. election, '82, where the electors of Vinton Township, Benton County, Iowa, voted for the office of Representative in Congress?—A. Yes, sir; part of the time.

Q. 4. You may state all you know, whether Buren R. Sherman voted at that election or not?—A. I did not see him.

Q. 5. You may state, if you know, where Mr. Sherman resided in Nov. last?—A. In Oct. I called at his house in Des Moines.

Q. 6. Do you know where his children attended school?—A. No, sir, I do not know.

Q. 7. How long did he reside there?—A. About six years ago he moved there.

Q. 8. How long ago was it since he sold his homestead here in Vinton?—A. I think one year since he sold it to Mr. Avery.

Q. 9. Prior to his election as governor, and after the expiration of the office as State auditor, where did he reside?—A. To the the best of my knowledge and belief he lived at Des Moines. He had his money there before and since that.

Q. 10. Did he live at Vinton?—A. He did not.

Q. 11. Are you acquainted with Joseph Arrowood?—A. Yes, sir; I have known him for 25 years, anyway.

Q. 12. What is his mental capacity for doing ordinary business?—A. I do not think that he is competent for any ordinary business.

Q. 13. Is he capable of doing or carrying on any ordinary business you know of?—A. No, sir.

Q. 14. Is he capable of either buying or disposing of property?—A. I think he is incapable of either one or the other.

Q. 15. Are you acquainted with A. L. Burroughs?—A. I am not much acquainted with him; I have met him often for the last three years; I have seen him often on the street.

Q. 16. You know him, do you?—A. Yes, sir.

Q. 17. What is his mental capacity?—A. I think far below mediocrity, mentally. He has been sent to the insane asylum; I know that by hearsay. He has been supported by the public.

Q. 18. Is he generally regarded as an insane man in the county, as far as you know?—A. As far as I know he has been called insane, and as weak-minded.

Q. 19. You think not a man of sound mind?—A. No, sir; I think not.

Q. 20. Is he capable of carrying on business in his own behalf?—A. I do not think that he is.

Q. 21. Do you know John Shane?—A. Yes, sir.

Q. 22. How long have you known him?—A. I have known him over 26 years.

Q. 23. He has been formerly judge of this judicial district, has he not?—A. Yes, sir.

Q. 24. State senator?—A. Yes, sir.

Q. 25. You may state what Judge Shane's mental capacity has been since the 7th of July last up to and after the 7th of November.—A. I think that he was disqualified from performing any kind of business in mental ability.

Q. 26. Have you met him frequently?—A. Yes, sir.

Q. 27. Is that the understanding of the people after the 7th of November as to his condition?—A. Yes, sir; that has been the understanding as far as I know or have heard.

Q. 28. Do you know where Mr. William C. Yates lives?—A. I know of the farm he resides on; it is in Taylor Township.

Q. 29. Do you know how long he has been there?—A. No, sir; only by hearsay.

Q. 30. He now resides in Taylor Township?—A. No, sir.

Q. 31. Does his brother, J. M. Yates, live with him?—A. Yes, sir; and that I only know by hearsay.

Q. 32. You may state any other matter you may know of benefit to contestant in this case.—A. Well, I know by hearsay about money being brought by parties in town to our Democratic friends, saying that if they could not elect their man by votes they could by money.

Q. 33. Do you know of any money being used to elect Congressman?—A. No, sir; not for either party.

Q. 34. Were you present, or did you know whether any persons besides qualified officers, assisted in counting the votes at the November election, 1882, when the office of Representative was voted for, etc., other than the judges and clerks?—A. I saw one gentleman help about counting the votes; I didn't see the three brothers Stechman; I was there only a short time; I don't know whether they were qualified or not; the first two I know of, J. A. Colcord and Mr. Traer. I saw them but do not know whether they were qualified or not.

Q. 35. What were they doing?—A. Trear was tallying and Colcord was reading votes.

Q. 36. What are their politics?—A. Republican.

Cross-examination:

Q. 37. What did you mean by not knowing whether qualified or not?—A. Sworn.

Q. 38. You do not mean to say they were not the clerks?—A. No, sir; one clerk of the three was missing.

Q. 39. Traer is competent, honest, straightforward?—A. Yes, sir.

Q. 40. His reputation is good?—A. I don't know anything against either of them. I think, however, they were a little officious on account of Colcord being brother-in-law of the governor, and Traer having the promise of the postal route; that is the floating report.

Q. 41. Did you think that that particularly disqualified them?—A. I think it might possibly.

Q. 42. In what way does it affect his actions?—A. I cannot define more particularly; I cannot catch that part.

Q. 43. You do not wish it implied it would make them dishonest so that they would become corrupt?—A. No, sir; I don't know as it would.

Q. 44. How frequent have you seen Judge Shane since July?—A. Well, I think that the first that I saw him was the latter part of October; then saw him perhaps once a week; saw him on the street once or twice, riding with Mr. Cooper.

Q. 45. Walking, too?—A. Walking apparently from the office this way.

Q. 46. All about town?—A. No, sir.

Q. 47. Did you talk with him?—A. I spoke to him.
Q. 48. He knew you, didn't he?—A. He couldn't talk; he simply bowed.
Q. 49. Did he seem to lack the power of expressing himself?—A. He cannot talk; there was a blank look on his face, different from his usual look; expressionless, compared with what it used to be.
Q. 50. So that it changed his general appearance?—A. Yes, sir.
Q. 51. Don't you know that it is the common report that to see Judge Shane you would not think anything the matter with him?—A. No, sir; I never heard any such report as that.
Q. 52. You remember that he was a candidate for judge, even after he had this attack?—A. No, sir; only that he was nominated.
Q. 53. Do you remember of seeing the letter that he wrote, declining such?—A. No, sir; I don't remember about that.
Q. 54. Do you know that he voted?—A. No, sir; I saw his name on the roll; that is all.
Q. 55. Whereabouts does Mr. Burrows live; where did he live during the fall, about the time of the election?—A. He used to live in the south part of Vinton; he lives in Will———
Q. 56. What was he doing at that time?—A. Nothing; he was a county charge.
Q. 57. Didn't he work about?—A. I never saw him.
Q. 58. Has he a family?—A. Yes, sir; I believe so.
Q. 59. How long have you been acquainted with Mr. Burrows?—A. For some two or three years I have seen him about, and knew who he was.
Q. 60. Did you ever have any business transactions with him?—A. No, sir.
Q. 61. Have you ever talked with him particularly?—A. Have spoken to him two or three times.
Q. 62. What you know of his condition is more what you have heard than personal knowledge?—A. Yes, sir; more hearsay than personal knowledge; but I have met him often, and knew that he belonged to an inferior class of humanity.
Q. 63. In morals?—A. No, sir; but demented.
Q. 64. How does that manifest itself?—A. He didn't seem to know anything. He has been subpœnaed. You can have him up here before your eyes.
Q. 65. Now, Mr. Pyne, in regard to Mr. Sherman. What office did he hold when you were at his house?—A. I think he was governor at the time.
Q. 66. What office did he hold previous to his election as governor?—A. State auditor.
Q. 67. How many terms had he been State auditor?—A. Two terms, I think.
Q. 68. Three terms, wasn't it?—A. Well, I don't remember that; it may have been so.
Q. 69. He went from this county to Polk County on his election as auditor the first term?—A. Yes, sir.
Q. 70. Immediately after the expiration of his last term of office that same year he was elected governor, wasn't he?—A. Yes, sir; I think so. I think his office expired in January; elected governor the next October.
Q. 71. Answer in regard to his homestead. Did he own it when he was elected governor?—A. Yes, sir; I think that he did. His year expired the year after his election—fore part of October last.
Q. 72. Do you know when he sold his homestead?—A. It seems to me it was last winter.
Q. 73. Do you know Avery, who came here last winter?—A. No, sir; I came in October.
Q. 74. Mr. Avery came here; lived in the Mordoff House?—A. Yes, sir; it seems to me, nearly a year before he bought the homestead.
Q. 75. Did the governor still own the homestead—how long after he was elected governor?—A. Possibly a few months. I do not know exactly how long.
Q. 76. Do you know of his voting here right along every election?—A. Yes, sir; I know of his voting at several elections.
Q. 77. Do you know of his voting here the 27th of June?—A. Yes, sir, I think he did; although I did not see him.
Q. 78. And this election for Congress was the October following?—A. Yes, sir; the November following.
Q. 79. I believe you say you don't know of any money being used improperly in the election?—A. No, sir; not a dollar.
Q. 80. This report you heard you considered a sort of campaign braggadocia?—A. That I referred to was genuine money.
Q. 81. I mean to say that it was general campaign braggadocia?—A. No, sir; I really thought that that was a legitimate story.
Q. 82. Who told you?—A. My son told me that Jim Bock took out the money and said if they could not do it by votes they could by that stuff. However, that is only hearsay.

Q. 83. What notion did you form in regard to that—that it was a real, genuine proposal to use money?

(No answer furnished.)

Q. 84. Do you believe it was a proposal to use it?—A. Yes, sir; my son said it was a proposal to use money; also heard of money being paid to individuals.

Q. 85. Did you hear of money being used on the other side?—A. No, sir; with no reasonable amount of certainty.

Q. 86. Didn't hear anything about that?—A. No, sir; I heard talk of it. On my own knowledge, it is not certain. So far as I am concerned, I did not use a dollar corruptly or otherwise, although I needed it bad enough. I got left.

Q. 87. Were you disappointed?—A. No, sir; I got enthusiastic. I spent money during the time of the election without any consideration.

Q. 88. You did spend money?—A. I paid my own livery hire.

Q. 89. No compensation for it?—A. No, sir.

JOHN PYNE.

STATE OF IOWA,
Benton County, ss:

L. M. BURROWS, being produced and sworn before G. W. Burnham, notary public for Benton County, on this 27th day of February, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Nichols and Burnham on the part of contestee):

Q. 1. Where do you reside—A. In Vinton.

Q. 2. How old are you?—A. Will be 38 the 14th of April.

Q. 3. Did you vote at the November election, 1882?—A. Yes, sir.

Q. 4. What ticket did you vote?—A. I voted Republican.

Q. 5. For whom did you vote for Representative in Congress, Frederick or Wilson?—A. I voted for Wilson.

($0.85 paid as fee.)

L. M. BURROWS.

STATE F IOWA,
Benton County, ss:

C. C. GRIFFIN, being produced and sworn before G. W. Burnham, notary public for Tama County, on this 27th day of February, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Nichols and Burnham on the part of contestee):

Q. 1. Are you a physician?—A. Yes, sir.

Q. 2. How long have you been engaged in the practice of medicine?—A. 15 years.

Q. 3. Are you acquainted with George Arrowood, in Taylor Township?—A. I don't think I am; I might know him if I should see him on the street; I don't know anything about the poor farm at all; I know Mike though.

Q. 4. I will ask you if you are acquainted with A. L. Burrows?—A. I am acquainted with Mr. Burrows here; I don't know his initials.

Q. 5. Do you know whether he has been an inmate of the insane asylum?—A. Yes, sir; I think that he has.

Q. 6. What was his mental condition as to being a man of sound intellect? A. He is a man of no bright intellect at all; still he could not be charged as imbecile.

Q. 7. Is he a man, in your judgment, of sound mind?—A. Yes, sir; at times.

Q. 8. Was he returned as incurably insane?—A. I don't know, sir.

Q. 9. Is he a man incapable of attending to, or carrying on, ordinary business of his own?—A. I think that he would sow wheat well. I think he would do very well at something of that kind.

Q. 10. I mean carrying on or doing business of his own other than that of a common laborer. Are you acquainted with John Shane, and were you acquainted with him in the fall of 1882?—A. Yes, sir.

Q. 11. Did you attend him as a physician?—A. Yes, sir.

Q. 12. What kind of a disease was he affected with prior to the November election, 1882?—A. He was suffering from the effects of cerebral congestion, followed by serous effusion; he has been suffering from the effects of it.

Q. 13. Prior to that time he was a man of more than usual strength of mind?—A. Yes, sir.

Q. 14. What was his condition after that disease?—A. Immediately after his attack his mental faculties were more or less impaired.

Q. 15. Is he still suffering from that complaint?—A. He is still suffering from the effects of it.

Q. 16. What was his condition in November last?—A. He was suffering from aphasia.

Q. 17. There are two classes; to which did he belong?—A. Inability to express himself; also a loss of power to remember words.

Q. 18. That is caused by a failure of the blood in one of the arteries that supplies the base of the brain, is it not?—A. Not necessarily clogging of blood; there is a variety of conditions of the brain that might cause it.

Q. 19. It is a paralysis of the whole of the brain?—A. No, sir; not the whole; only a portion of it.

Q. 20. Was he competent on the 7th day of November last of doing or carrying on his ordinary business as he formerly did?—A. No, sir, he was not.

Q. 21. Doesn't aphasia more or less always impair the mental faculties in a business point of view?—A. Yes, sir; it does in a business point of view.

Q. 22. The want of power to speak in aphasic persons is caused by the paralysis of the palatal organs, or organs of the throat, is it not?—A. No, sir; I don't think that it is. I don't understand it in that way. I think it is a disease of the brain when there is an inability to speak language.

Q. 23. Producing confusion of thought?—A. No, sir; not that, exactly; but the inability to remember words to express himself in language.

Q. 24. Does it not apply equally well to the recollection of facts?—A. Yes, sir; I believe that also.

Q. 25. For an apasic person is capable frequently of remembering some few things that he was very intimately acquainted with before, but is less likely to remember anything requiring fixed attention, or thought?—A. Well, that is the tendency; it is not always the case however.

Q. 26. Could John Shane converse on any ordinary topic, rationally, on the 7th of November last?—A. Not intelligently, I don't think.

Cross-examination:

Q. 27. Doctor, in case of Judge Shane, was his disease of such a character that you could locate it with some degree of certainty?—A. Yes, sir; nearly so.

Q. 28. How much and what part of the brain is still diseased, and to what extent; say on the first of November, in his case?—A. It would be impossible to state exactly the extent of the disease; probably located in the posterior part of the convolutions of the brain.

Q. 29. Was the first cause of his paralysis partially removed by absorption at this time, or during the fall?—A. The paralysis was removed.

Q. 30. Do you know about when he had this attack?—A. I have forgotten the exact date, but can tell by reference to my books.

Q. 31. Along in June some time, was it?—A. I think that it was; yes, sir.

Q. 32. Do you remember whether it was after the 4th of July, to your own recollection?—A. I think it was after.

Q. 33. The judge has been somewhat of a politician in local matters, before his attack, has he not?—A. Yes, sir; I think that he has that reputation.

Q. 34. Did you have any talk with the judge on political matters, in the fall campaign?—A. I don't remember having any talk on this topic.

Q. 35. Do you remember whether he was able to take much interest, or have much knowledge of the political situation, from what you saw of him, and know of his condition?—A. Well, from what I saw of him, and know of his condition, I think that he has something of an idea of what was going on, but not a distinct knowledge.

Q. 36. What was his capacity for comprehending and understanding his general business matters in a general way?—A. I don't think that he was competent to transact any business in a general way. I don't think that he is at the present time. I don't think that he has at any time since his first attack.

Q. 37. Do you think that he could exercise the right of franchise intelligently, in regard to voting at that time?—A. I don't know, sir, whether he could or not. I don't know what the law is in regard to that.

Q. 38. I mean to say whether he could determine whom he was voting for?—A. I don't think he could take up a ticket and determine from that ticket for whom he was voting; I don't think he would, of himself, understand the ticket.

Q. 39. Well, did he know or have any ability to determine for himself which of the men he wanted to vote for; did he recognize men?—A. Yes, sir; he seemed to recognize; I don't believe he could call my name now.

Q. 40. That is caused by his inability to reproduce words?—A. Yes, sir.

Q. 41. Now, in regard to Mr. Burrows, would you say that he was; did you see him about the time of the general election?—A. Well, I have seen him on the streets occasionally.

Q. 42. Do you know about what his condition was at the time?—A. He is speechless occasionally

Q. 43. There are times when he was of sound mind and competent?—A. Yes, sir; I should think that he was at times.

Q. 44. You don't know what his condition was on the day of the election?—A. No, sir; I don't know what his condition was on that day.

Redirect:

Q. 45. If you were called to answer this question, whether John Shane, on the 7th day of November, had sufficient capacity to make a will, what would be your answer; that is, a will disposing of all his estate?—A. I don't think that he would be competent, sir.

Q. 46. You don't think, then, that he had sufficient mental capacity to take into consideration the general outlines of his estate, to look about himself, and form any rational conclusion as to which of his relatives in justice he ought to make recipients of his bounty; to hold and retain all business in his memory a sufficient length of time to form a rational conclusion concerning them?—A. I don't think that he would be competent to do that.

C. C. GRIFFIN.

$0.85 paid as fee by contestant.

STATE OF IOWA,
Benton County, ss:

H. C. O'HARA, being produced and sworn before G. W. Burnham, notary public for Benton County, on this 27th day of February, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Nichols and Burnham on the part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. Age, 30; I am residing in Vinton; horseman.

Q. 2. Did you vote in this precinct in the November election, 1882?—A. Yes, sir.

Q. 3. For whom did you vote for the office of Representative in Congress?—A. The Republican candidate, Wilson.

Q. 4. You were convicted of a criminal offense in Buchanan, were you not?—A. Yes, sir.

Q. 5. What was it?—A. Larceny.

Q. 6. Did you serve your time?—A. Sentenced one year; served 9 months.

Q. 7. You were released for good behavior only?—A. Yes, sir.

Cross-examination:

Q. 8. Were you pardoned out?—A. Through my good behavior, which entitled me to citizenship, so I was told, and voted ever since.

Q. 9. How long ago was that?—A. 5 years, the 13th of March.

Q. 10. You voted ever since?—A. Yes, sir.

Q. 11. Have not been arrested since that time for any offense?—A. I was last summer; just a little bit of a case.

Q. 12. You were not indicted, were you?—A. No, sir; not at all.

Q. 13. Acquitted, were you not?—A. Yes, sir.

H. C. O'HARA.

$0.85 paid as fee.

Messrs. Nichols and Burnham, attorney for James Wilson, contestee, here consent that the record shall show that John Shane voted the Republican ticket in the November election, held in November. This admission to be subject to correction, providing it is afterward found that this admission is not in accordance with the truth.

THE STATE OF IOWA *vs.* HENRY O'HARA. } 4736. Indictment for larceny.

And now on this 27th day of April, 1878, this cause being called, and the defendant being in open court in person with C. R. Millington and D. W. Bruckart, his attorneys, being called upon to plead to the indictment in this case, says he is guilty as charged in the indictment; and now on the same day, the defendant being in court to receive his sentence with his attorneys, the defendant, Henry O'Hara, is sentenced to be confined in the penitentiary at Anamosa in this State, at hard labor, for the period of one year, and to pay the costs of this prosecution.

D. W. Bruckart, attorney for defendant, files herein an affidavit of services as such such attorney, and he is allowed the sum of ten dollars as compensation for such service. The same to be paid as provided by law.

STATE OF IOWA,
Buchanan County, ss:

I, O. M. Gillett, clerk of the district court in and for said county and State, hereby certify that the above is a true and perfect copy of the judgment in the above-entitled cause as fully as the same remains of record in my office.

In witness whereof I have hereunto set my hand and affixed the seal of said court, this 14th day of April, 1883.

[SEAL.]

O. M. GILLETT,
Clerk Dist. Court.

STATE OF IOWA,
Buchanan County, ss:

I, C. F. Couch, sole judge of the district court of the State of Iowa, in and for the 9th judicial district of said State, composed of the counties of Dubuque, Delaware, Buchanan, Blackhawk, and Grundy, do hereby certify that O. M. Gillett, esq., who has given the preceding certificate, was at the time of so doing the clerk of the district court of the State of Iowa, in and for Buchanan County in said district, duly qualified as such; that he is the proper custodian of the records of said court and the proper officer to give such certificate, and that the same is in due form of law. Witness my hand at Waterloo, this 16 day of April, 1883.

C. F. COUCH,
Judge District Court 9th Judicial District, Iowa.

STATE OF IOWA,
Buchanan County, ss:

I, O. M. Gillett, clerk of the district court of the State of Iowa, in and for said county, do hereby certify that the Honorable C. F. Couch, who has given the preceding certificate, was, at the time of so doing, sole judge of the 9th judicial district of said State, composed of the counties of Dubuque, Delaware, Buchanan, Blackhawk, and Grundy, duly commissioned and sworn, to all whose acts as such full faith and credit are and ought to be given.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at Independence, this 16th day of April, 1883.

[SEAL.]

O. M. GILLETT,
Clerk Dist. Court.

(Indorsed:) B. T. Frederick *v.* James Wilson. Copy record conviction.

I desire this paper filed and sent on with record.

T. BROWN.

STATE OF IOWA,
Benton County, ss:

I, Eldon Moran, a notary public and commissioner agreed upon by the parties to take testimony in this cause, in pursuance of the annexed agreement attached to the testimony of John L. Adams, whose testimony was taken Feb. 22d, 1883, do truly certify that on the 27th day of Feb., 1883, in pursuance of the notice hereunto annexed, I took the depositions of the following-named witnesses: John M. Yates, W. P. Whipple, C. M. Evans, W. P. Whipple, re-called; E. A. Payne, Michael Donelan, J. C. Parmetal, Mathew Brown, Samuel Lowe, Joseph Arrowood, W. C. Yates, John F. Pyne, C. C. Griffin, L. M. Burrows, H. C. O'Harra, whose testimony is set forth in the following manner: Each witness was first by me duly sworn or caused to be sworn in my presence, as provided by law, and when sworn the questions were propounded to him by the respective parties, Benj. T. Frederick, contestant, and James Wilson, contestee, by their respective att'ys, and the questions by me read to the witness, who answered the same, and his answer, by me, in the language of the witness, taken down under each question propounded, and reduced to writing till the deposition was completed.

I further certify that when the testimony of each was taken, I carefully read the same over to the witness, who corrected the same, and each correction noted, and said testimony was then signed by the witness and sworn to by him before me.

I further certify that T. Brown & Carney appeared as counsel for the contestant, Benj. T. Frederick, and Nichols and Burnham appeared as counsel for James Wilson, contestee.

In witness whereof I have set my hand and seal notarially this 27th day of Feb., 1883.

[SEAL.]

ELDON MORAN,
Notary Public for Johnson County, Iowa,
and Commisioner agreed upon to take testimony.

No. 2.

STATE OF IOWA,
Benton County, ss:

Deposition of witnesses produced before me, Eldon Moran, a notary public and commissioner agreed upon to take testimony, and duly sworn by G. W. Burnham, a notary public for Benton County, on this 14th day of March, 1883, in center school house, in pursuance of the notice hereunto attached, in a proceeding pending before the House of Representatives of the United States of America, in a contested election for the office of Representative in Congress, in which Benj. T. Frederick is contestant, and James Wilson, contestee. Brown and Carney for contestant, Nichols and Burnham for contestee.

The following testimony was taken before me:

STATE OF IOWA,
Benton County, ss:

DAN. MCGRAW, being produced and sworn before G. W. Burnham, a notary public for Benton Co., on this 14th day of March, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, Nichols and Burnham appearing on the part of contestee):

Q. 1. What is your age, place of residence, and occupation?—A. 27 years old; Homer Township, Benton Co., Iowa; occupation, farming.
Q. 2. Did you vote at the Nov. election, 1882, for the office of Representative in Congress in this township?—A. Yes, sir.
Q. 3. For whom did you vote?—A. Ben. Frederick is whom I voted for.
Q. 4. That is what you supposed?—A. Yes, sir.
Q. 5. Whom did you get your ticket from?—A. From Thomas Collins.
Q. 6. How long did you reside in the township?—A. A year ago last Sept.

Cross-examination:

Q. 7. Do you know for whom you voted for Representative in Congress?—A. Yes, sir; I think that I saw his name on the ticket; that is, the man I intended to vote for.
Q. 8. You know that you voted for Ben. Frederick to your knowledge?—A. Yes, sir.
Q. 9. You saw his name on the ticket?—A. Yes, sir.
Q. 10. Where were you born?—A. In York State.
Q. 11. What year?—A. I think 1856; I think so.
Q. 12. Was your father naturalized before you were born?—A. Yes, sir; his papers are in this house. I can show them if you want them.
Q. 13. When was he naturalized?—A. I cannot exactly answer that question. I can get the papers, however, if you want them.
(Witness fee $.85, paid by contestant.)

DAN. MCGRAW.

STATE OF IOWA,
Benton County, ss:

MICHAEL DONNELLY, being produced and sworn before G. W. Burnham, a notary public for Benton Co., on this 14th day of Mar., A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, Nichols and Burnham appearing on the part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. My age, 47 or 48; I cannot tell which.
Q. 2. What is your occupation?—A. Farming.
Q. 3. Where do you reside; in what township?—A. Homer township.
Q. 4. Benton County, Iowa?—A. Yes, sir.
Q. 5. How long have you resided in Homer Township?—A. 23 years in this county.
Q. 6. Did you vote at the Nov. election, 1882, in Homer Township for the office of Representative in Congress, and if so, for whom did you vote?—A. I voted for the same man that Dan. McGraw voted for; the ticket that Collins gave me; the same man that Dan voted for.
Q. 7. Was it a Democratic or a Republican ticket?—A. It was a Democratic ticket.
Q. 8. Was the name of James Wilson, the Republican candidate for Congress, on the ticket?—A. I could not read it; I think that it was not.
Q. 9. Was Ben. T. Frederick, the Democratic candidate, on the ticket?—A. Yes, sir.
Q. 10. You understand that you were voting for the Democratic Representative instead of the Republican?—A. I don't know who; I voted the same ticket that Collins gave me; I could not read it.
(Witness fee $1.00, paid by contestant.)

MICHAL DONNELLY.

STATE OF IOWA,
Benton County, ss:

JOHN COAN, being produced and sworn before G. W. Burnham, a notary public for Benton County, on this 14th day of March, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, Nichols & Burnham on part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. Age, about 50; reside in Homer Township; occupation, farming.

Q. 2. How long have you lived in Homer Township?—A. About 12 or 13 years.

Q. 3. Did you vote at the Nov. election, '82, in Homer Township, Benton County, Iowa, for the office of Representative in Congress; and if so, for whom did you vote?—A. For Frederick.

(Contestee objects to the witness testifying for whom he voted. This objection is to apply to all witnesses testifying for whom they voted.)

Cross-examination:

Q. 4. Do you know you voted for Frederick?—A. Yes, sir.

Q. 5. How do you know?—A. I saw it on the ticket.

Q. 6. Please sign your name to the record.—A. I cannot write.

Q. 7. Can you read?—A. Yes, sir; I have been out to Marshalltown doctoring my eyes.

Q. 8. Could you read the name on the ticket?—A. Yes, sir.

Q. 9. What ticket did you vote?—A. Democratic ticket; I never voted any other ticket.

(Witness fee $. 85, paid by contestant.)

JOHN COAN.

STATE OF IOWA,
Benton County, ss:

JOHN KIRCHNER, being produced and sworn before G. W. Burnham, notary public for Benton County, on this 14th day of March, '82, and examined before me, testifies as follows (T. Brown appearing on the part of contestant; Nichols & Burnham on part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. Age 47; Homer Township, Benton County, Iowa; occupation, farmer.

Q. 2. How long have you resided in Benton County?—A. 12 or 13 years.

Q. 3. Did you vote at the November election in '82; and if so, for whom as Representative in Congress?—A. I did in the first place; I voted for—what's his name?

Q. 4. Is it Frederick?—A. Yes, sir; Frederick.

Cross-examination:

Q. 5. Do you know that you voted for Frederick?—A. How do I know?

Q. 6. Yes, sir.—A. I guess I know that I did.

Q. 7. How do you know?—A. Well, I guess I recollect what I did.

Q. 8. Did you see the ticket with his name on it?—A. Yes, sir; of course.

Q. 9. You can read, can you?—A. Yes, sir; I can.

Q. 10. What ticket did you vote?—A. I voted the ticket Mr. Collins gave me.

Q. 11. Was it Democratic or Republican?—A. Democratic.

Q. 12. The ticket Mr. Collins gave you?—A. Yes, sir.

($1.50 paid as fee.)

JOHN KIRCHNER.

STATE OF IOWA,
Benton County, ss:

HENRY SCHAFFER, being produced and sworn before G. W. Burnham, notary public for Benton County, on the 14th day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, Nichols and Burnham on part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. Age, 39.

Q. 2. Do you live in Benton County, Iowa?—A. Yes, sir.

Q. 3. How long have you lived in this county?—A. 9 years.

Q. 4. Did you vote at the November election, '82?—A. Yes, sir.

Q. 5. For whom did you vote for Representative in Congress?—A. I voted for Frederick.

Q. 6. From whom did you get your ticket?—A. From old man Collins.

Cross-examination:

Q. 7. How do you know that you voted for Mr. Frederick?—A. Well, I believe in old man Collins, whatever he tells me.

Q. 8. Did you see the name on the ticket?—A. Yes, sir; I did.

Q. 9. You voted that ticket?—A. Yes, sir; just one ticket.
Q. 10. Where were you born?—A. In Europe; Prussia.

Redirect examination:

Q. 11. You are a citizen of the United States, are you?—A. Yes, sir.
($1.15 paid as fee by contestant.)

HENRY SCHAFFER.

STATE OF IOWA,
Benton County, ss:

PETER MADISON, being produced and sworn before G. W. Burnham, a notary public for Benton County, on this 14 day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, Nichols & Burnham on part of contestee):

Q. 1. What is your age, name, place of residence, and occupation?—A. 26 years; Homer Township, Benton County, Iowa; farming.
Q. 2. Did you vote at the November election, '82, for the office of Representative in Congress; and if so, for whom did you vote?—A. I voted the straight Democratic ticket; for Frederick.
Q. 3. How do you know you voted for Frederick?—A. Because I read the ticket.
Q. 4. How long have you lived in this township?—A. Three years and over.
Q. 5. Where were you born?—A. In Denmark.

Redirect:

Q. 6. You have been naturalized?—A. Yes, sir; I was naturalized in Vinton.
(Same objection to this evidence as to that other witness.)
($1.05.)

PETER MADISON.

STATE OF IOWA,
Benton County, ss:

THOS. COLLINS, being produced and sworn before G. W. Burnhan, a notary public for Benton County, on the 14th day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, Nichols & Burnham on part of contestee):

Q. 1. What is your name, age, residence, and occupation?—A. Tom Collins.
Q. 2. What is your age?—A. 58 years.
Q. 3. Residence?—A. Homer Township.
Q. 4. Benton County, Iowa?—A. Yes, sir.
Q. 5. Occupation?—A. Farming.
Q. 6. You voted at the November election, '82, for the office of Representative in Congress?—A. Yes, sir; and I have not missed an election in 23 years in Homer Township; I know that.
Q. 7. For whom did you vote?—A. For the Hon. Ben. Frederick; that is the man I voted for.
Q. 8. Did you peddle tickets that day?—A. Yes, sir.
Q. 9. These tickets you gave out, whose name did they have on for Congressman?—A. The name of B. T. Frederick; I did not peddle tickets for any other man; all the tickets I gave out had Ben. Frederick's name on. I saw some others that did not have his name on. I told them not to vote that ticket; that it was not a straight Democratic ticket.
Q. 10. Who was peddling these other tickets?—A. Mr. Smith here; he pretended to be a Democrat, I guess.
Q. 12. And his tickets had Wilson's name on?—A. Yes, sir.
Q. 13. Smith peddled; did he tell them they were Democratic tickets?—A. Yes, sir; they were headed Democratic, but they had Wilson's name on them.
Q. 14. Did you hear him tell them that they were Democratic tickets?—A. Yes, sir.
Q. 16. Did he not tell them that it was a Democratic Representative in Congress?—A. I don't know whether he mentioned that; he said here is a Democratic ticket; I heard him say that.

Cross-examination:

Q. 17. They were Democratic tickets, were they not?—A. They were headed Democratic.
Q. 18. Most of the names on the ticket were Democratic?—A. Yes, sir; all but Wilson's.
Q. 19. Some of these tickets were voted?—A. Yes, sir; I understood so.
Q. 20. A number were voted, were they not?—A. I expect so.
($.85 paid as fee.)

THOS. COLLINS.

STATE OF IOWA,
Benton County, ss:

THEIS SEECK, being produced and sworn before G. W. Burnham, notary public for Benton County, on this 14th day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, Nichols & Burnham on part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. Theis Seeck; age, 40 years; Homer Township, Benton County, Iowa; farming.

Q. 2. Did you vote for the office of Representative in Congress last fall in Homer Township, Benton County, Iowa?—A. Yes, sir.

Q. 3. For whom did you vote?—A. I did hold Mr. Collin's ticket; I don't know what was on it.

Q. 4. Did you understand that it was a Democratic ticket?—A. Yes, sir; it was a Democratic ticket. Frederick's name was on it; I don't know what the first name was.

Cross-examination:

Q. 5. Did you see Frederick's name on it?—A. Yes, sir.

Q. 6. You read English, do you?—A. Yes, sir; I could not read it at all. I could read Frederick's name; I could read that much.

Q. 7. Are you sure Frederick's name was on that ticket?—A. Yes, sir.

Q. 8. Did you see the tickets that had Wilson's name on, headed Democratic?—A. I saw some other tickets; I did not look at them much.

Q. 9. You did not?—A. No, sir.

Q. 10. You are sure that you did not vote any of these tickets?—A. Yes, sir; I am sure I did not vote any of these tickets.

THEIS SEECK.

STATE OF IOWA,
Benton County, ss:

JACOB BOGE, being produced and sworn before G. W. Burnham, a notary public for Benton County, on this 14th day of March, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, Nichols & Burnham on part of contestee):

Q. 1. What is your name?—A. Jacob Boge.

Q. 2. Your age?—A. 46 years.

Q. 3. Place of residence?—A. Homer Township.

Q. 4. Benton County, Iowa?—A. Yes, sir.

Q. 5. For whom did you vote for Representative in Congress?—A. I voted Democratic. I got my ticket from Tom Collins.

Q. 6. Did you vote for Mr. Frederick?—A. Yes, sir.

Cross-examination:

Q. 7. Do you read English?—A. Yes, sir; I do.

Q. 8. Did you see the name on the ticket?—A. Yes, sir.

Q. 9. What name?—A. Frederick.

Q. 10. On the ticket you voted?—A. Yes, sir.

($1.25 paid as fee by contestant.)

JACOB BOGE.

STATE OF IOWA,
Benton County, ss:

GEORGE MOHR, being produced and sworn before G. W. Burnham, a notary public for Benton County, Iowa, on this 14th day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, Nichols & Burnham on part of contestee:)

Q. 1. What is your name?—A. George Mohr.

Q. 2. Age?—A. 42 years old.

Q. 3. Where do you live?—A. A little over a mile from here.

Q. 4. What township?

Q. 5. Benton County, Iowa?—A. Yes, sir.

Q. 6. How long have you lived there?—A. About 11 years.

Q. 7. Did you vote at the Nov. election last?—A. Yes, sir; I did.

Q. 8. For whom did you vote as Representative in Congress?—A. Well, I could not tell that for sure.

Q. 9. Did you vote the Democratic or Republican ticket?—A. Democratic.

Q. 10. For whom did you intend to vote?—A. I voted the same ticket that Mr. Collins gave me. I voted the ticket that Smock's name was on. I did not know which Congressman was on. I could not tell that for sure.

Q. 11. Who gave you that ticket?—A. I got 3 or 4 of them—lots of tickets were there.

Q. 12. Who gave you the one you voted?—A. Mr. Meyer.

Q. 13. Was the township ticket printed on it?—A. I could not tell that.

Q. 14. Did you intend to vote for Republican or Democratic candidate for Congress?—A. I suppose the Democratic.

Q. 15. Tell whether he who gave you the ticket told you whether it was a Democratic ticket?

(Objection).

Q. 16. Did the party from whom you got the ticket tell you it was a Republican or Democratic?—A. Democratic.

Q. 17. Did he say a clear Democratic ticket?—A. It says on the ticket that it is a Democratic ticket.

Q. 18. Did you intend to vote for Mr. Frederick as Democratic candidate for Congress?—A. I intended to; I can't tell for sure that I did.

Q. 19. Can you read English?—A. No, sir.

Cross-examination:

Q. 20. There were some Democratic tickets with Wilson and Smock's name on?—A. Yes, sir; I know I voted the ticket that had Smock's name on. I know Smock; he is a straight man, so far as I know. I don't know which Congressman was on; I can't swear to that.

Q. 22. You know Smock's name was on that ticket?—A. Yes, sir; I know that.

Redirect:

Q. 23. Was Smock the only Republican you intended to vote for?—A. Well, I wanted to vote the Democratic ticket.

Q. 24. You intended to vote the clear Democratic ticket?—A. Yes, sir; I understood that.

Recross-examination:

Q. 26. You knew that Smock was not a Democratic, did you not?—A. Well, I don't know what he was.

Q. 27. You voted for him!—A. Yes, sir; I did.

Q. 28. You voted the ticket that had his name printed on it?—A. Yes, sir; Smock was on the Democratic ticket.

Q 29. His name was printed on the ticket?—A. Yes, sir; it was on the Democratic ticket.

($95 paid as fee.)

GEORGE P. MOHRE.

STATE OF IOWA,
Benton County, ss:

JAMES LYNCH, being produced and sworn before G. W. Burnham, a notary public for Benton County, on this 14th day of March, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Nichols & Burnham on part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. My age is 44; residence, Homer Township, Benton County, Iowa; my occupation is farming.

Q. 2. Did you vote at the November election, 1882, for the office of Representative in Congress in Homer Township, Benton County, Iowa?—A. I did.

Q. 3. For whom did you vote for Congressman?—A. B. T. Frederick.

Q. 4. How long have you lived in the township?—A. Thirteen years.

Q. 5. How did you know you voted for Ben. Frederick; you read your ticket, did you?—A. Yes, sir.

Q. 6. Did you see any one peddling bogus Democratic tickets that day?—A. Yes, sir.

Q. 7. Who was it—Mr. Smith the man? Did you hear him tell the voters that they were not genuine Democratic tickets?—A. I could not say positive.

Q. 8. What did he tell them?—A. Well, he handed me one—a Republican ticket; I would not take that; then he handed me one of those bogus tickets.

Q. 9. With Wilson's name on it?—A. Yes, sir.

Cross-examination:

Q. 10. What do you mean by bogus ticket?—A. I did not say bogus tickets; I said one of those other tickets.

Q. 11. What do you mean by that?—A. I mean Democratic ticket with Republicans on it.

Q. 12. Mixed tickets, were they?—A. I should think that they were.

Q. 13. What Republican names were on?

Q. 14. Some of those tickets were voted here?—A. I don't know; I expect likely they were.

Q. 15. Don't you know these were?—A. I did not see anybody voting them that I know of.

Q. 16. You did not see the tickets; did you?—A. Yes, sir; I saw the tickets.

Q. 17. Did you vote for Mr. Smock?—A. No, sir; I did not.

Q. 18. These tickets were headed Democratic tickets, were they?—A. Yes, sir.

Q. 19. And the only Republican names on them were Wilson's and Smock's?—A. I cannot say as to the others; they were strangers, mostly; I could not tell whether Republicans or not.

Q. 20. Were they the same as on your tickets?—A. I did not notice them.

Q. 20*a*. You did not know but what there were other Democrats and Republicans on the same ticket?—A. All looked for was Smock's name.

Q. 21. You are sure you voted the ticket that had Frederick's name on?—A. Yes, sir.

Q. 22. And did not have Wilson's name on?—A. No, sir.

($1.25 paid as fee by contestant.)

JAMES LYNCH.

STATE OF IOWA,
Benton County, ss:

CLAUSE KIRCHNER, being produced and sworn before G. W. Burnham, a notary public for Benton County, on this 14th day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Nichols and Burnham on the part of contestee):

Q. 1. Where do you live?—A. In Homer Township, section 24.

Q. 2. Benton County, Iowa?—A. Yes, sir.

Q. 3. How long have you lived here?—A. I lived here fourteen years last fall.

Q. 4. Did you vote at the November election, 1882?—A. Yes, sir.

Q. 5. For whom did you vote for the office of Representative in Congress?—A. For Frederick.

Q. 6. Benjamin T. Frederick?—A. Yes, sir.

Q. 7. How do you know that you voted for him?—A. Because he was on the ticket I put in.

Q. 8. You read English?—A. Yes, sir.

Q. 9. Did you vote for Mr. Smock?—A. No, sir.

Q. 10. Did you see any ticket that had Wilson's and Smock's name on?—A. Yes, sir.

Q. 11. The rest of them Democratic?—A. Yes, sir.

Q. 12. These tickets were voted here that day?—A. I don't know whether any of them were voted or not; I did not vote any of them.

Q. 13. How old did you say you were?—A. Forty-six years old.

Redirect:

Q. 14. Did you say you got some of those tickets that day with Wilson's and Smock's name on?—A. I got a ticket of this gentleman right here (reeferring to Mr. Smith).

Q. 15. Did he tell you anything?—A. No, sir, he did not tell me anything; he had the ticket.

CLAUSE KIRCHNER.

STATE OF IOWA,
Benton County, ss:

THOS. DONNELLY, being produced and sworn before G. W. Burnham, a notary public for Benton County, on this 14th day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, Nichols & Burnham on part of contestee):

Q. 1. What is your age?—A. I can't tell exactly.

Q. 2. Where do you live, what township and State?—A. I live here in Homer Township.

Q. 3. Benton County, Iowa?—A. Yes, sir.

Q. 4. Did you vote at the Nov. election, '82?—A. I voted out here in Homer Township, last election.

Q. 5. For whom did you vote for Representative in Congress?—A. Well, I voted the ticket that Mr. Collins filled out for me.

Q. 7 Voted the Democratic ticket?—A. Yes, sir; that is what I voted all the time; that is what I intended to vote; I have never changed that ticket yet.

Q. 8. Mr. Thos. Collins filled out your ticket?—A. Yes, sir.

Cross-examination:

Q. 9. Do you know what names were on the ticket?—A. I can't see unless I have my specs on. Mr. Smith here wanted to change my ticket when I was going to vote for Mr. Smock for recorder. I calculated to vote for Mr. McAllister; that is the man I intended to vote for. I had the ticket filled out and said I had my ticket filled; I remember that.

Q. 10. You don't know whether you voted for Smock or not?—A. I intended to vote for McAllister.

Redirect:

Q. 11. You intended to vote for Frederick, did you not?—A. I voted for somebody; I did not look at the ticket exactly to tell what it was.

Q. 12. Collins filled out the ticket?—A. Yes, sir, he did.

Q. 13. Did Smith tell you there were Republican Congressmen on the ticket he handed you?—A. There was no talk about that. He was talking about voting for Smock. I calculated to vote for Mr. McAllister. I gave in the ticket I had filled out and did not make out any other ticket.

Q. 14. Did he try to have you change your ticket?—A. No, sir; it was not changed.

Q. 15. Did he try to have you change it?—A. Yes, sir; he wanted me to fill out another township ticket.

($1.05 paid as fee by contestant.)

THOS. DONNELY.

STATE OF IOWA,
Benton County, ss:

F. C. BYERS, being produced and sworn before G. W. Burnham, a notary public for Benton County, on this 14th day of March, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Nichols & Burnham on part of contestee):

Q. 1. What is your name?—A. F. C. Byers.

Q. 2. What is your age, place of residence, and occupation?—A. Age, 29; I live a mile and a half from Center school-house; business, farming

Q. 3. What township and county?—A. Homer Township, Benton County.

Q. 4. Did you vote at the November election, '82?—A. Yes, sir.

Q. 5. What ticket did you vote?—A. Straight Democratic.

Q. 6. For whom did you vote as Representative in Congress?—A. Frederick.

Q. 7. From whom did you get your ticket?—A. That is more than I can tell.

Q. 8. Did you see Mr. Smith there that day?—A. Yes, sir; he gave me a ticket, but I did not vote it.

Q. 9. You thought it was a Democratic ticket, did you not; why did you not vote it?—A. I did not like it.

Q. 10. Did he tell you that it was a Democratic tieket?—A. No, sir; I don't know that he told me.

Q. 11. You know that you voted for B. T. Frederick?—A. Yes, sir.

Cross-examination:

Q. 12. You think you know you voted for Frederick?—A. I saw it on my ticket; it was a straight Democratic ticket.

Q. 13. Did you vote for Mr. Smock?—A. No, sir.

Q. 14. What other names were on the ticket?—A. I cannot tell now.

Q. 15. What names did you see on the ticket?—A. I don't remember all the names.

Q. 16. Do you remember any names you saw on the ticket?—A. Yes, sir; I guess so.

Q. 17. Well, sir, what names?—A. I do not know that I can tell you.

Q. 18. You cannot tell a single name on the ticket?—A. No, sir.

Redirect:

Q. 19. For whom did you vote as recorder?—A. McAllister.

Q. 19. Do you know whether you voted for Mr. Haddon for clerk or not, or Mr. Thompson?—A. I cannot tell.

Q. 20. You knew Mr. Frederick was there?—A. Yes, sir.

Q. 21. You knew you were not voting for Mr. Wilson?—A. Yes, sir.

Recross-examination:

Q. 22. You did not know Mr. Frederick's name was there?—A. I was told right away that I was voting the right ticket. I knew Wilson was a Republican; I was told that.

Q. 23. You did not know any names on the ticket you voted?—A. No, sir. I did not pay any attention to it since the election.

Q. 24. You don't remember anything about that, do you?—A. No, sir.

Redirect:

Q. 25. Who told you Frederick's name was on for Congress?—A. They had some papers there to send out to Morrison's with Wilson's name recorded.

Q. 26. You saw Wilson's record?—A. I did not look at it; no, sir.

Q. 27. You did not have any of those papers with Wilson's record on it?—A. No, sir.

Q. 28. Do you know who had those papers?—A. No, sir; I got my ticket in a saloon.

Q. 29. Whose saloon?—A. Henry Fintel's.

Q. 30. The saloon keeper gave you one?—A. No, sir; it lay there on the counter.

Q. 31. Do you read English?—A. No, sir.

($1.35 paid as fee by contestant.)

F. C. BYERS.

STATE OF IOWA,
Benton County, ss:

JOHN LYNCH, being produced and sworn before G. W. Burnham, a notary public for Benton County, on this 14th day of March, 1883, and examined before me, testifies as follows (T. Brown appearing of the part of contestant, Nichols and Burnham on part of contestee):

Q. 1. Where do you reside?—A. Homer Township, Benton County, Iowa.
Q. 2. What is your occupation?—A. Farming.
Q. 3. What is your age?—A. Fifty years.
Q. 4. Did you vote at the November election, 1882?—A. Yes, sir.
Q. 5. For whom did you vote for the office of Representative in Congress?—A. I intended to vote for Mr. Frederick. I got the ticket from Mr. Collins, here. I supposed that his name was on it of course; I did not examine it right there, for I was in a hurry; I intended to vote for him at the time I got the ticket from Collins; that is the ticket I voted.

Cross-examination:

Q. 6. You don't know whether you voted for Mr. Frederick or not?—A. I am not certain; I can't say positively. I went there to vote for him. I did not scratch any man off at all.
Q. 7. Can you read English?—A. Yes, sir.
Q. 8. Did you read the name on there or didn't you look?—A. I did not look because he handed me the ticket; I was in a hurry when I got it. They said that the tickets that Smith had were bogus. I took Collins' ticket; I went right off and voted it. I got my ticket from this Mr. Collins that testified.

Cross-examination:

Q. 9. Did you vote for Smock?—A. I suppose I voted the clear ticket; I did not scratch a man off unless he did it. He handed me the ticket and I went right up and put it in.
Q. 10. You don't know whether Smock's name was on?—A. No, sir; I said, "This is the right ticket." He said, "Yes." I took it and voted—went right up; I saw that it was all right. I then went up with him and voted it.
($1.35 paid as fee by contestant.)

JOHN LYNCH.

STATE OF IOWA,
Benton County, ss:

JOACHIN STRUCK, being produced and sworn before G. W. Burnham, a notary public for Benton County, on this 14th day of March, A. D. ——, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, Nichols & Burnham on part of contestee):

Q. 1. What is your name and age?—A. 48 years.
Q. 2. Where do you reside?—A. Homer Township, Benton County, Iowa.
Q. 3. Did you vote at the November election, 1882?—A. I did, sir.
Q. 4. For whom did you vote for Representative in Congress?—A. Frederick.
Q. 5. Benjamin T. Frederick?—A. Yes, sir.
Q. 6. From whom did you get your ticket?—A. David Smith here.
Q. 7. Did he tell you it was a Democratic ticket?—A. No, sir; he just handed me the ticket.
Q. 8. Did you know whether Frederick's name was on the ticket?—A. Wilson's name was on the ticket; he scratched it off and put Frederick's name on in its place. I did not do that, but Collins did it for me. I tried to do it; he did it for me.
(95 'ts. paid as fee by contestant.)

J. STRUCK.

STATE OF IOWA,
Benton County, ss:

FREDERICK KUCK, being produced and sworn before G. W. Burnham, a notary public for Benton County, on this 14th day or March, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, Nichols & Burnham on part of contestee):

Q. 1. Where do you live?—A. Homer Township.
Q. 2. What is your age?—A. 47.
Q. 3. Do you live in Benton County, Iowa?—A. Yes, sir.
Q. 4. How long have you lived in that township?—A. A little over a year. I lived in Scott Township before that.
Q. 5. How long have you lived in the State of Iowa?—A. 30 years.
Q. 6. For whom did you vote for Representative in Congress?—A. I voted for Frederick.
Q. 7. Benjamin T. Frederick?—A. That old gentleman fixed it for me.
Q. 8. Mr. Collins?—A. Yes, sir.

Cross-examination:

Q. 9. How do you know that you voted for Frederick; did you see his name on the ticket?—A. Yes, sir.

Q. 10. Was it printed on?—A. Yes, sir.

Q. 11. You read it, did you?—A. I could not read it. I had a brother-in-law here, he voted for him too.

Q. 12. That is not the question. Did you read the ticket, and the name on the ticket?—A. I could not read the name. I can't read English.

Q. 13. Do you know any name on the ticket?—A. I know that I voted for him.

Q. 14. How do you know that you voted for him if you could not read it; how do you know?—A. My brother-in-law said he was a good man.

Q. 15. How did you know you voted for him if you could not read?—A. He showed it to me.

Redirect:

Q. 16. Who is he?—A. A. J. Trode.

($1.25 paid as fee by contestant.)

FRITZ KUCK.

STATE OF IOWA,
Benton County, ss:

MARTIN KAIBACH, being produced and sworn before G. W. Burnham, notary public for Benton County, on this 14th day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, Nichols & Burnham on part of contestee):

Q. 1. What is your age?—A. I will be 27 in May.

Q. 2. How long have you lived in Benton County?—A. I believe it will be 16 years this spring.

Q. 3. In what township do you live?—A. Homer Township, Benton Co., Iowa.

Q. 4. Did you ever vote in Homer Township?—A. Yes, sir.

Q. 5. At the last November, election '82?—A. Yes, sir.

Q. 6. For whom did you vote for office of Representative in Congress?—A. For Frederick.

Q. 7. For Ben. T. Frederick?—A. Yes, sir.

Cross-examination:

Q. 8. What ticket did you vote, Democrat or Republican?—A. Democratic ticket.

Q. 9. Are you a Republican or Democrat?—A. I claim to be a Democrat.

Q. 10. How long have you voted that ticket?—A. I never voted another as long as I have voted.

Q. 11. Did you know any names that were on that ticket?—A. The particular name that I looked at was Frederick's, and there was another name on the ticket, McAllister, I think.

Q. 12. Was Smock's name on that ticket?—A. No, sir; it was McAllister's.

Q. 13. Did you see Frederick's name on the ticket?—A. Yes, sir.

Q. 14. You read the English language, do you?—A. Yes, sir.

Q. 15. You are sure you voted for him?—A. Yes, sir.

Q. 16. That is, sure you voted the straight Democratic ticket?—A. Yes, sir; I am.

($1.25 paid as fee by contestant.)

MARTIN KAIBACH.

STATE OF IOWA,
Benton County, ss:

JOHN SCHEEL, being produced and sworn before G. W. Burnham, a notary public for Benton County, on this 14th day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, Nichols & Burnham on part of contestee):

Q. 1. How old are you?—A. 42 years.

Q. 2. In what county, township, and state do you live?—A. Homer Township, Benton County, Iowa.

Q. 3. How long have you lived there?—A. Three years.

Q. 4. Did you vote at the November election, '82?—A. Yes, sir.

Q. 5. For whom did you vote for Representative in Congress?—A. Democratic ticket.

Q. 6. Who gave you that ticket?—A. Fred. Hanson.

Q. 7. Did you vote for Benjamin T. Frederick as Representative in Congress?—A. I cannot say for sure whether Frederick's name was on or not.

Q. 8. Did you think you were voting the clear Democratic ticket?—A. Yes, sir.

Q. 9. Did he particularly tell you that it was a straight Democratic ticket? Is

Mr. Hanson a Democrat or Republican?—A. He says that he don't know whether he is a Democrat or Republican.

Q. 10. Do you know what names were on the ticket?—A. I think Frederick's.

Q. 11. Do you know whether any other names were on the ticket?—A. He says that he thinks there were other names on the ticket.

Q. 12. What other names were on the ticket?—A. He says that he cannot tell from his knowledge.

Q. 13. Ask him if James Wilson's name was on the ticket?—A. No, sir; it was not.

Q. 14. Did you vote for Smock?—A. No, sir; I can't say, for sure.

($1.13 paid as fee.)

JOHN SCHEEL.

STATE OF IOWA,
Benton County, ss:

RHINEHART SCHEELHASE, being produced and sworn before G. W. Burnham, a notary public for Benton County, on this 14th day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, Nichols & Burnham on part of contestee):

Q. 1. Do you reside in Homer Township, Benton County, Iowa?—A. Yes, sir.

Q. 2. How long have you resided there?—A. 13 years.

Q. 3. Did you vote at the November election, '82?—A. Yes, sir.

Q. 4. For whom did you vote for the office of Representative in Congress?—A. Well, I voted for Frederick.

Q. 5. From whom did you get your ticket?—A. That is something that I don't know. Smith gave me one, and Collins gave me one, and I don't know which one I voted.

Q. 6. You know that you voted for the Democratic candidate for Congress, Mr. Frederick?—A. Yes, sir.

Q. 7. Was it your intention so to vote? You wanted to vote for Mr. Frederick, did you not?—A. Yes, sir; that is it.

Q. 8. What did Smith tell you about the ticket he gave you as to its being a Democratic ticket? Did he tell you that it was a Democratic ticket?—A. Yes, sir; he said it was a Democratic ticket.

Q. 9. Did he tell you that it was a straight Democratic? And you voted a ticket with Wilson's name on it? Did you intend to vote for Frederick?—A. Yes, sir.

Q. 10. You can't be positive which ticket you voted?—A. No, sir; I can't.

Q. 11. You are positive that Smith told you they were both alike?—A. Yes, sir; I know that.

Q. 12. And you read the ticket?—A. Yes, sir; I can read it.

Q. 13. You can read English?—A. Yes, sir.

Q. 14. Was Mr. Frederick's name on the ticket that you voted? Can you read English?—A. Yes, sir; I can read tickets well enough. I can read a little English.

Q. 16. Was Frederick's name on the ticket you voted? You don't read English very well. You can read English newspapers?—A. Yes, sir; a good deal.

Q. 16. You can read them very well?

Q. 17. You know that it was for Frederick, unless it was a bogus ticket; that he told you it was a Democratic ticket? You know that you intended to vote for Frederick anyway?—A. Yes, sir; I intended to vote for him whether that was the ticket or not.

Q. 18. If his name was not on the ticket they deceived you?—A. Yes, sir.

(75 cents paid as fee by contestant.)

R. SCHEELHASE.

STATE OF IOWA,
Benton County, ss:

I, Eldon Moran, a notary public and commissioner agreed upon to take testimony in this cause, in pursuance of the annexed agreement attached to the testimony of J. L. Adams, whose testimony was taken 22d day of Feb., 1883, do truly certify that on the 14th day of March, 1883, in pursuance of the notice hereunto annexed, I took the depositions of the following-named witnesses: Dan McGraw, Michael Donnelly, John Coan, John Kirchner, Henry Schaffer, Peter Madison, Thos. Collins, Theis Seeck, Jacob Boge, Geo. Mehr, James Lynch, Claus Kirchner, Thos. Donnelly, F. C. Byers, John Lynch, J. Struck, F. Kuck, M. Kaibach, J. Scheel, R. Schellhase, whose testimony is set forth in the following manner: Each witness was by me duly sworn or caused to be sworn in my presence as provided by law, and when sworn the questions were propounded to him by the respective parties, Benj. T. Frederick, contestant, and James Wilson, contestee, by their respective att'ys; and the question by me read to the witness, who answered the same, and his answer by me in the language of the witness taken down under each question propounded, and reduced to writing till the deposition was completed.

I further certify that when the testimony of each witness was taken I carefully read the same over to the witness, who corrected the same, and each correction noted, and said testimony was then signed by the witness and sworn to by him before me.

I further certify that T. Brown & Carney appeared as counsel for the contestant, Benj. T. Frederick; G. W. Burnham appeared as counsel for James Wilson, contestee.

In witness whereof I have set my hand and seal notarially this 15th day of March, 1883.

[SEAL.]

ELDON MORAN,
Notary Public for Johnson County, Iowa,
And Commissioner agreed upon to take testimony.

UNITED STATES OF AMERICA,
State of Iowa, Benton County, ss:

To James Wilson, or Nichols & Burnham, his attorneys:

You are hereby notified that at the office of F. J. Pyne, in Vinton, and before Eldon Moran, a notary public and commissioner agreed upon to take testimony in 5 Congressional dist., State of Iowa, on 15 day of March, A. D. 1883, at 2 o'clock p. m., your contestant, Benjamin T. Frederick, will take the testimony of the following-named witnesses, residing in Cedar Township, in Benton County, Iowa: Henry Lamb and A. Kile; also residing in Vinton, E. M. Evans, whose testimony, when so taken, and at the proper time, will be read in evidence before the House of Representatives of the United States, in the contest of your election as a member of the House of Representatives, between Benjamin T. Frederick, contestant, and you, James Wilson, respondent or contestee.

Dated at Marshalltown, this 15 day of March, A. D. 1883.

BENJAMIN T. FREDERICK,
BROWN & CORNEY,
His Attorneys and Counselors.

We acknowledge and admit service of this notice Mar. 15th, 1883, and waive time and consent the testimony may be taken.

March 15th, 1883.

NICHOLS & BURNHAM,
Att'ys for Contestee.

STATE OF IOWA,
Benton County, ss:

Depositions of witnesses produced before me, Eldon Moran, notary public and commissioner agreed upon to take testimony, and duly sworn before G. W. Burnham, a notary public for Benton County, Iowa, on this 15th day of March, 1883, in pursuance of the notice hereunto attached, in a proceeding pending before the House of Representatives of the United States of America, in a contested election for the office of Representative in Congress, in which proceeding Benj. T. Frederick is contestant, and James Wilson contestee. The following testimony was taken before me:

STATE OF IOWA,
Benton County, ss:

H. G. LAMB, being produced and sworn before G. W. Burnham, notary public for Benton County, on this 15th day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Nichols & Burnham on the part of contestee):

Q. 1. What is your age?—A. 27 years.

Q. 2. What is your name?—A. H. G. Lamb.

Q. 3. What is your place of residence?—A. Mount Auburn, Cedar Township, Benton Co., Iowa.

Q. 4. Were you one of the clerks of the November election, in 1882, in Cedar Township, Benton Co., Iowa, in which the electors voted for the office of Representative in Congress?—A. I was.

Q. 5. Have you the ballot-box in your possession, as such officer, at the present time?—A. Yes, sir.

Q. 6. You may state how the ballot-box was kept since the election?—A. I took the ballot-box, when we closed the polls, to our store, across the street, and put it under the counter; it has been there ever since the election.

Q. 7. Did you put anything on top of it?—A. Yes, sir; the books.

Q. 8. Have you ever opened the ballot-box from that day to this?—A. No, sir.

Q. 9. Anybody else been to it, to your knowledge?—A. No, sir.

Q. 10. Was this box put under the front side or back side of the counter?—A. Back side.

Q. 11. Who has access to the box but yourself? anybody? what clerks are in your store but yourself?—A. I have no clerks.

Q. 12. Have you assisted in the counting of the votes for the office of Representative in Congress; did you assist in counting the ballots in the presence of Mr. Burnham, Mr. Wilson, and Mr. Frederick?—A. Yes, sir.

Q. 13. How many did you find for the office of Representative in Congress for each of the candidates?

(Contestee objects, because it has not been proven that the ballots have not been interfered with, and that these are not entirely different votes voted at the November election.)

Q 14. Now, how many votes did you find in the count to-day?—A. Wilson had 123.

Q. 15. Now, was it 123?—A. Well, taking it out of the poll-book, there was 122.

Q. 16. How many for Mr. Frederick?—A. 60, I think.

Q. 17. How many blank ballots were there?—A. Six, I believe.

Q. 18. How many for Mr. Platner?—A. Well, I didn't count the blank votes.

Q. 19. You had better count them now.

(Witness proceeds to count the ballots again.)

A. There are six.

Q. 20. How many votes were there received as shown by the poll-books?—A. 196, I think.

Q. 21. You may state whether there was any ballots other than in the box cast at the election; state whether any ballots have been disturbed since the election?—A. Not to my knowledge.

Q. 22. Was not there a controversy there at the time as to whether the ballot had Frederick's name on it or not?—A. No, sir; not to my knowledge.

Q. 23. I will ask you if there was any Democratic ballot with the township ticket, and whether you had a controversy in regard to counting at the election; whether there was a Democratic ballot found in the box in the evening of the canvass, after the election, with a township ticket attached, that the parties had a controversy as to whether it should be counted or not?—A. There was a ticket there, and there was a question about it, but I didn't think there was a township ticket attached to it.

Q. 24. What kind of ticket was that, and is that ticket in the box?—A. I don't know; my understanding is that there was a Democratic ticket; that there was a county and township ticket torn off from the State ticket.

Q. 25. Did that ticket have a Democratic name on it?—A. I don't know.

Q. 26. Was that ticket strung with the other tickets?—A. I don't know that.

Q. 27. How did you find the ballots as to their having been strung, whether they were strung or not?—A. Yes, sir; they were.

Q. 28. I will ask you did you leave them strung on the night of the election?—A. They have been strung until to-day.

Q. 29. Did the ballots have the same general appearance they had on the night of the election when they were put in the box?—A. Yes, sir.

Q. 30. I will ask you, when you took the box away, whether it showed any appearance of having been disturbed when you took it from under the counter to-day?—A. No, sir; it did not.

Q. 31. What appearance, if any, did the box show that it had been disturbed?—A. Well, from the books I put on top of it.

Q. 32. Did it have the appearance of any dust having settled upon it?—A. Yes, sir; there was some dust; I took the duster and dusted it off.

Q. 33. Now, was there a Democratic ticket that two of the judges took out of the box and voted not to count, and one of the judges voted that it would count?—A. Yes, sir.

Q. 34. Did that have Frederick's name on it for Congress?—A. I do not know.

Q. 35. It was a Democratic ticket, was it?—A. That was my understanding; I did not see the ticket or read it.

Q. 36. That makes a difference in the number of tickets found in the box to-day, doesn't it?—A. Yes, sir, I think so.

Q. 37. That ticket was not strung on the day of the election?—A. I do not know.

Q. 38. Did you keep the tally when the count was made on the day of the election?—A. Yes, sir.

Q. 39. Have you one of the poll-books of Benton Co. in your possession?—A. Yes, sir.

Q. 40. Is it here?—A. Yes, sir; it is.

Q. 41. You may take the poll-book and state how many votes were cast at the November election, 1882, as shown by the list of voters?—A. 196.

Q. 42. State how many votes, as shown by the tally-list, as being cast for Benj. T. Frederick?—A. 60.

Q. 43. How many for James Wilson?—A. One hundred and twenty-three.

Q. 44. How many for David Platner?—A. Seven.

Q. 45. You may read the voters in that book and see how many were returned for

the office of Representative in Congress; read so that the commissioner may take it down.

(He reads it.)

A. For the office of Representative in Congress, 5th district, there were 190 ballots cast, of which James Wilson had 123, Benj. T. Frederick had 60, and David Platner had 7.

Q. 46. Upon the recount of the votes you find an error of one ballot less than were returned for Mr. Wilson, did you not?—A. Yes, sir, I believe so; one less.

Cross-examination:

Q. 47. You also find on the recount one less number of ballots than there were persons voting on the day of the election, didn't you?—A. Yes, sir, I think so.

Q. 48. In taking the number of votes for Wilson, the number of votes for Frederick, the number of votes for Platner, and the number of blanks upon which the voter has shown by the ticket he didn't vote for Congressman, their sum makes one less than the number of voters on the day of the election, does it not?—A. I haven't added them up; I have counted them but not added them up.

Q. 49. Please do so as shown by the count to-day.—A. I find one vote short.

Q. 50. You also find one vote short for Wilson, by the return made?—A. Yes, sir.

Q. 51. Didn't you conclude then that the ballot that is lost, that does not appear as a vote for Wilson and makes this error?—A. Yes, sir, I do; I think that that vote was counted for Mr. Wilson.

Q. 52. If that vote was here it would make the number of ballots correspond with the number of persons voting, would it not?—A. Yes, sir; if that vote was counted; that vote has been counted, has it not?

Q. 53. No, sir; I am not talking about that now.—A. I understand you now; if that vote was counted, it would make the ballots correspond with the poll-book.

Q. 54. It would make the number of votes for Wilson as he has returned in the returns of the election.—A. It would not change it any.

Redirect:

Q. 55. What vote do you mean, that the last ballot voted was a Republican ballot?—A. I don't know which one was last.

Q. 56. Or did you mean that if this vote was scratched and counted for Wilson he would have one more?—A. I think that that one vote was counted for Wilson.

Q. 57. That the vote that you now referred to the commissioner, which at the election was counted for Wilson and have it marked exhibit, now is this the ballot, the one you believe to have been counted on the day of the election for Wilson?—A. I think that it is.

Q. 58. And the vote that is short from the box was Democratic ballot; would you remember it?—A. That is my understanding of it.

Q. 59. You may now present the ballot to the notary and have it attached and made a part of this return in this matter, and have it marked Exhibit "H."—A. We have already used "H."

Q. 60. There was a Democratic ballot thrown out on the day of the election, was not there?—A. Yes, sir.

Cross-examination:

Q. 61. When you speak of the absent ballot being the one that was counted for Wilson, you had reference to this one being erased marked just now, and placed on evidence?—A. I think that is the one we had some ques. about whether or not it was scratched.

Recross-examination:

Q. 62. Do you know to your own knowledge whether or not the ballot now as an exhibit was counted for James Wilson?—A. I do not.

Q. 63. Now do you know what name for Congressman was upon the ballot that was thrown out as you have testified?—A. I do not know.

Q. 64. In this the particular ballots found to-day upon the count taking into account these blank ballots make one less than the number of names upon the poll-book, and you also find one less for Mr. Wilson to-day than you found when you made the count on the day of the election the return by you as clerk, did you not agree that the ballot that was thrown out to have Ames Wilson's name on it for Congress?—A. I can't say as to that; I don't know what name was on.

Q. 65. If it had it would make his vote the same as the return by you, would it not?—A. Yes, sir.

Q. 66. It would take this ballot, would it not, to equal what you found in the ballot-box?—A. Yes, sir; it would take that one.

Q. 67. Taking this one out from among the blanks leaves this one short, does it not?—A. Yes, sir; I think that it does.

Q. 68. Who handled the ballots that were counted on the day of the election?—A.

I think Mr. Kile was the one who took the ballots out of the box; he counted them, I think; any way he looked them over; handed them to Mr. Larmore; Mr. Cooney called the names.

Q. 69. Who besides yourself kept tally?—A. Mr. Sullivan.

Q. 70. Did your tallies agree on the day the count was made?—A. Yes, sir; I think they did.

Q. 71. Has this box been locked?—A. No, sir.

Q. 72. Has this ballot-box been in a position or situation where it would be impossible for any one of them to have taken a ballot from the string since the count was made?—A. No, sir; it is possible that such a thing would be.

Q. 73. You are not prepared to say that no one has taken a ballot out of the box since the day of the election?—A. No, sir; I can't say that, but I don't think that it has been so.

Q. 74. It might have been without your knowledge?—A. Yes, sir; it might.

Q. 75. Was the box kept in the public store building?—A. Yes, sir.

Q. 76. Was it where the public had access?—A. Yes, sir.

Q. 77. Have parties been in your store in your absence?—A. Yes, sir.

Q. 78. Did you know of any talk about what the box contained, and since this contest?—A. No, sir; I didn't.

Q. 79. How did you come to be subpœnaed as a witness here?—A. I don't know.

Q. 80. When were you subpœnaed; by whom?—A. I don't know by whom; Mr. Frederick, I suppose.

Q. 81. You knew nothing of any claim being upon you that there was a less number of ballots and voters until you came here to-day?—A. No, sir; I did not know.

Q. 82. Did you know for what purpose you were to be subpœnaed here to-day?—A. No, sir; I did not know; I judged though. There was a question asked me awhile ago about there being any talk between us shortly after the election in my store, something about a vote not being counted that ought to have been counted, I forget that. I believe there was a talk in our own store. What parties were in there for awhile, I do remember one, however.

Q. 83. Do you know who talked about it?—A. No, sir; I can't tell you. That is the only talk I know of, except on the night of the election when the votes were being counted; there was quite a number of people in there.

Q. 84. Were you ever asked anything about this missing ballot, of your knowledge, when they told you to come here to-day?—A. No, sir; I don't think I was ever asked that ques.

Q. 85. Did you say to any one that there was a ballot that was not counted or thrown out on the day that the count was made since the election?—A. I don't know of this talk you speak of.

Q. 86. Then, so far as any knowledge you have communicated to any one, there would be no reason to suppose there was a ballot not counted or thrown out at the time the canvass was made?—A. No, sir.

Redirect:

Q. 87. What was the substance of the talk, immediately after the election, that you had in the store about the ballot being thrown out?—A. Well, I can't tell you; the question was sprung, but there was a ques. among the trustees whether that vote should be counted or not; I think I made the expression that the votes should have been counted, that there was one in favor of counting it and two against counting it. I thought it should be counted in; we studied over the matter; that is the substance of it.

Q. 88. You know that ticket was a Democratic ticket?—A. They said that it was; that is my understanding of it.

Q. 89. On the day of the election, at the time it was being counted?—A. Yes, sir.

Q. 90. You understand that; you understand it to be a Wilson ballot did you?—A. No, sir; I understood it to be a Democratic ticket. I don't know what name was on it for Congress.

Q. 91. Did you see the ballot yourself?—A. I saw it as they read it in their hands.

Q. 92. And you determined whether it was a Democratic or Republican ticket?—A. I cannot tell you from my own knowledge.

($1.60 paid as fee by contestant.)

H. G. LAMB.

STATE OF IOWA,
Benton County, ss:

A. KILE, being produced and sworn before G. W. Burnham, notary public for Benton County, on this 15th day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant and Nichols & Burnham on the part of contestee):

Q. 1. What is your name, place of residence, and occupation?—A. I live in Cedar Township; I am a farmer by occupation.

Q. 2. What county and State?—A. In Benton Co., Iowa.
Q. 3. Were you one of the judges at the November election, 1882?—A. Yes, sir.
Q. 4. Did you assist in canvassing ballots cast at that election for the office of Representative in Congress?—A. Yes, sir.
Q. 5. You may state if there was a ballot in that election in the box that was thrown out.—A. There was.
Q. 6. What was the ballot, Democratic or Republican ballot?—A. It was a Democratic ballot.
Q. 7. You may state whose name was on it for Representative in Congress?—A. To the best of my knowledge Mr. Frederick's name was on the ballot.
Q. 8. Was the ballot strung with the other ballots in the box?—A. I cannot say.
Q. 9. Did you find out about it?—A. I tried to find out, but I didn't find out, and didn't any one here who knows; if I did perhaps I could.
Q. 10. Don't you think you could?—A. The township ticket on the ballot was blank; I noticed that before it was put in the box, and the count was sprung after the ballot was put into the box, whether it was legal or not. The township ticket was separated from the main ticket; it was laid on the top of the township ticket; I passed it open to the judge and he received it and held it in his fingers this way, and asked the voter whether he should put it in; whether he wanted to vote that ticket; I cannot tell which he used, but he said, yes; I think thereupon he folded it up and put it in the box; the judge and I both took pains to find out whether he wanted to vote it or not, and this is what the dispute was about.
Q. 11. Now, that ticket was not strung with the other ballots in your judgment, was it?—A. I didn't attend to that part; one of the other judges tended to the stringing; whether he strung that ballot I cannot tell.
Q. 12. Did you assist to-day in counting the number of ballots in the box?—A. Yes, sir.
Q. 13. Did you find this ballot with this township ticket on it?—A. Yes, sir.
Q. 14. You didn't find it with the township accompanying it?—A. I cannot identify it to-day.
Q. 15. Is there one ballot short of the number of voters found on the tallying list?—A. I do not think there is. I think that it balances with the tally-list.
Q. 16. Will you look at the number with the clerk? How many votes did you find by your count to-day that were cast for James Wilson?—A. I should have to refer to the poll-book; but I think they corresponded.
Q. 17. I mean from the count to-day made in your presence here?—A. 123, I believe.
Q. 18. Are there 123 for Wilson to-day?—A. As many as that.
Q. 19. You do not know how many were counted for Wilson to-day, do you?—A. I think 123.
Q. 20. Let me count the Wilson ballots, and see whether 122 or 123 here, as the tally-list shows. You may refresh your memory.
(Witness examines the papers.)
Q. 21. What do you see?—A. 123 I see.
Q. 22. Let me count the ballots, and see whether you find it?—A. If you will allow me to explain it.
Q. 23. Yes, sir; go ahead and explain it.—A. There is a blank in there that was not counted for Mr. Wilson on the night of the election. I cannot show you the vote, but you know that ticket was not counted; it was returned as scratched. We had a dis. about that; I used specks, and I did not trust my specks, and held it to the light; and there was a good many present, but I could see the pencil mark.
Q. 24. Is this the one?—A. Yes, sir; here it is; I could tell it when the light shone on it; there was a lead-pencil mark. I claimed 123 with this one.
Q. 25. Without that, only 122?—A. Yes, sir; that is, as near as I know.
Q. 26. If this other Democratic vote was counted that was not counted there would have been 61 ballots for Frederick, would there not?—A. Yes, sir; to my understanding.
Q. 27. Did you say you saw the voter when he voted that particular ticket, and that he voted it with the township ticket blank, and the balance of the ticket a printed Democratic ticket?—A. Yes, sir.
Q. 28. And the judges received that ballot; one of the judges rolled it up, knowing that the township ballot was detached from the ballot?—A. Yes, sir.
Q. 29. And that these same judges refused to count that for the office of Representative in Congress?—A. Yes, sir.
Q. 30. It was not counted on that night, and that causes a discrepancy between the ballots and the box, does it not?—A. I think so; my understanding that it did not correspond; and one of the clerks made the remark, I cannot account for that, and that was thrown out.

Cross-examination:

Q. 31. So that vote was thrown out?—A. It was claimed that it was illegal; that it was not voted if there were two separate tickets.

Q. 32. Two tickets folded up together?—A. I will show you how they were presented; I have a few of the tickets in my pocket. (Witness produces some tickets from his pocket.) Here is a blank Greenback ticket; don't matter, as I can explain it just as well with that. (Explains it.) Now, here is the township ticket; this is the blank. Now, I had another ticket which was like this; he held it right up on there that way and passed it to the judges; he received it, and asked whether he wanted to vote it or whether he should put it in. He said yes, and then rolled it up and put it in in place of the blank, and put this on top; yes, in this way, and handed it to the judges. The question came up, is that legal, and two of the judges decided that it was not legal, and it was rolled up.

Q. 33. Then the vote that was thrown out had another ticket and a part of a ticket rolled up inside, and one of the judges took it from the ballot-box; didn't he?—A. The judge rolled it up; I identified it. I watched that there was no other like it.

Q. 34. Do you know whether the township ticket that was rolled up inside this Democratic ticket, or places for the same office?—A. The township part, you mean?

Q. 35. Yes, sir.—A. Whether they were the same tickets?

Q. 36. Yes, sir; on the main ticket, that was on the township ticket?—A. No, sir; no other names on it; no other names on the main ticket in the township offices.

Q. 37. Did you surely put both Democratic ticket and the township ticket together? You rolled it up inside the Democratic ticket?—A. We did not throw them out at all; we kept them in the box till the last night, when we were stringing them; they were then passed to another judge; whether he strung both of them I cannot tell; I found one to-day that I thought is the one.

Q. 38. Will you find that one that you think was strung?

(Witness examines the ballot-box.)

A. This is the one, or one of those like it, that was rolled up.

Q. 39. Did you, then, to-day, count this blank in making what you called 195 votes found?—A. It seems kind of that way.

Q. 40. You counted this part which you say was rolled up in the Democratic ticket to-day, which makes the number of ballots found 195, did you, if you counted that as a blank?—A. Well, it seems to correspond. It seems to me that the ticket was counted, and it of course would be counted there.

Q. 41. Then, if you counted the township part on that ticket which you say was found rolled up in the Democratic as one ticket as one ticket, the number of ballots should correspond, should they not, with the number of names?—A. It seems so, but it was not counted that night, that I recollect. Neither of these tickets were counted.

Q. 42. You found it here to-day?—A. It seems to correspond with the number of tickets.

Q. 43. Then if there is one less vote for Wilson than you found on the night of the election, how do you account for that discrepancy, and also the fact that there is one less ballot to-day than there were voters, if you count this township ticket as one ticket?—A. It seems to me that it does not change Mr. Wilson's votes at all.

Q. 44. Must you not, then, conclude that the Wilson ticket had been taken from the ballot-box in order to make this mistake or to account for this mistake?—A. I didn't say that. Now, I handed you the ticket marked Exhibit H.

Q. 45. I ask you whether or not that ticket was counted for Wilson on the night of the election?—A. I say that it was not counted.

Q. 46. Mr. Wilson had 123 votes without this being counted on the night of the canvass?—A. I would not say that positive. I do not think that was counted, for when we compared the votes there was one more for Wilson. We tried to rectify it. I remember that that vote that was thrown out made it balance.

Q. 47. When you made the comparison and found one less vote than voters, as shown by the poll-book, did you take into account either the township ticket or the Democratic ticket in which it was wrapped up?—A. Neither of them.

Q. 48. You now find the township part of that ticket in the box to-day?—A. Yes, sir, I think I do.

Q. 49. Isn't it probable that the Democratic is here?—A. Yes, sir; it may be here, but I cannot identify it. I think that I could if I could see it. I do not know whether it was here or not. I don't believe that it is here, honestly.

Q. 50. What is your judgment as to the count that was made on the night of the election? Was it correct or not?—A. My judgment was that it was correct. We were all satisfied that everything was right, with the exception of that one ticket that was rolled up.

Q. 51. That night, as I understand it, you did not take into account either of these two tickets that were rolled up?—A. No, sir.

Q. 52. In throwing both out you found a discrepancy of one ballot?—A. Yes, sir.

Q. 53. If one of these ballots are here to-day and there is still a discrepancy, how

do you account for that?—A. I only counted for the loose ticket; it is not here and it is not counted here; if this count is as I think it is; then the one that was rolled up was counted to-day, but there is a little more to that; I would not remark very positive that such is the case; it was a ticket just like that; there are other tickets here that it would fit, but there are tickets voted with the township ticket that was not voted at the same time; I do not think that that has anything to do with this case.

Q. 54. How many votes did you find and count, how many ballots did you find and count them for Wilson on the night of the election?—A. Well, my understanding is 123.

Q. 55. Do you think it was possible that any mistake was made in the count?—A. I was satisfied at the time that there was no mistake made.

Redirect:

Q. 56. You did not count the ballots on the night of the election, did you, any further than call them?—A. I counted them from the books, and one of the judges counted them too, and thought that the clerks kept a correct account. We compared afterwards and counted the tickets, and every one of the judges counted them and they corresponded.

Q. 57. There was one ticket there that was a Democratic ticket that was thrown out?—A. It was supposed so.

Q. 58. After that Democratic ticket was any other name than Frederick's on making 61 votes in all?—A. Does the book appear to show that there were 60 cast on the night of the election?

Q. 59. Yes, sir.—A. Then he should have had 61.

Q. 60. Wilson appears to have had one more if that one is counted?—A. Yes, sir.

Q. 61. Wilson appears to have had one more vote counted to him than he would have had unless you counted that scratched ticket?—A. Without that ticket that was counted that night?

Q. 62. Let me ask you if there were any other persons that voted a township ticket without any other?—A. I don't remember of any such vote occurring.

Q. 63. Cannot this township ticket you refer to have been attached to some other ticket at the same time it was voted before separately?—A. It might be.

Q. 64. You do not pretend to say that this township ticket that was thrown out is a ———?—A. No, sir, but a ticket just like it; I think that it was the same ticket; I am not positive of that.

Q. 65. This ticket that was thrown out was a Democratic ticket with Frederick's name on it, with township ticket blank, and township ticket when it was passed to the judges by the voter making one entire ticket only, if it had been attached?—A. Yes, sir; one entire ticket in two separate tallies.

Q. 66. It was received by the judges, and the judge threw it out?—A. Yes, sir.

Q. 67. You only find 122 ballots with Wilson's name now in the box; did you accept that scratched ticket (referring to Exhibit H)?—A. I did not count in these two tickets that have been counted here, I understand you 122, and threw that one out; I claim that that ticket was thrown out the night of the election.

Q. 68. The same number of ballots appear in the ballot-box that were put in on the night of the election; when you came to compare the ballots, you then had one short?—A. Yes, sir; the whole number of votes polled.

Q. 69. Without throwing out this Democratic ticket, if you had counted that it would have made your list full?—A. Yes, sir; it would have.

Q. 70. Then suppose on the night of the election the clerks had counted one of the too many votes for Wilson, would not that make your count correct with the count to-day, not counting these scratched tickets?—A. It seems so.

Q. 71. Who was the other clerk of the election besides Mr. Sunderland, and where does he live?—A. I don't know; I think he lives in Cedar Township.

Q. 72. Were the members of the board of the election, the clerks in that township, all Republicans?—A. Yes, sir.

Q. 73. Do you remember the name of the voter that voted that ticket that was thrown out?—A. Yes, sir.

Q. 74. Who was he?—A. His name is Mr. Hatch; I don't know his given name; he was a young man.

Q. 75. The judges did not tell him that they would throw that ticket out if he voted it that way?—A. I was not there at the time of the dispute.

Q. 76. They did not tell him at the time he voted it that it would be rejected because he did not have that attached?—A. No, sir.

Q. 77. Did you see the ticket after it was voted that night, that double ticket?—A. Yes, sir; I saw it, and I saw the heading of the Democratic ticket, but that is all I saw till after it came out again; then the other judge found it and passed it to me; says he, "here is his ticket;" he identified it, and I found it just as I thought that it was.

Q. 78. You regarded it as a double ticket, and threw it out on that account; that

it was a double ticket?—A. Yes, sir; being two ballots voted, the dispute was that it should have been voted in one ticket, should have been attached to the other; the judge threw it out on that account.

Q. 79. You are not sure but what it is in the ballot-box now?—A. No, sir; I am not positive, but I think that it is not.

Q. 80. But this ticket he referred to as Exhibit H is one of those blanks you found to-day?—A. Yes, sir; it is one of them.

Q. 81. Then if this is counted in among these blanks that would be only 122 for Wilson?—A. Is that the way of it?

Q. 82. Yes, sir; that is the way of it.—A. That is not right, according to my understanding.

BROWN. That is right according to the count to-day.

Q. 83. Now, do you know whether or not there was more than one township, more than this one township ticket, which was rolled up in the Democratic ticket, voted on the day of the election?—A. Not to my knowledge; there were voted tickets on that count, but they were printed on.

Q. 84. Your best judgment is that this is the township ticket found rolled up in the Democratic ticket?—A. Yes, sir; I believe it is the one.

Q. 85. Then if the vote is one short of the number of voters, if the ballots found to-day are one short of the number of those who voted on the day of the election, don't you conclude that there is one ticket besides the Democratic ticket thrown out that is not here to-day that was voted on that day, counting this as one ticket?—A. No, sir; that is not my understanding; my understanding is that the tickets were all here that should have been here, that is, so far as the count is concerned.

Q. 86. But it is not possible that the ticket has been taken out of the box since the day of the election?—A. Yes, sir; it is possible.

Q. 87. Must it not be so if you count this township ticket as the ticket that was rolled up in the Democratic ticket, if there is one short of the number of voters?—A. No, sir; I think that a ticket that is counted to-day only the other part is not here; I think that it is not.

Q. 88. If they were both here and you counted both it would make one more than the number of voters?—A. Yes, sir; well, I don't know that it would make more, but there would be one ticket more; but if I could find that I could not count it that way, but as I cannot find it, and as we counted, I think we have counted one more to-day than we counted that night, because that ticket was rolled up.

Q. 89. This ticket now in dispute being among the blanks, that leaves Wilson only one short?—A. It seems so, but it is——

Q. 90. You do not get my idea of it?—A. Well, I have an idea; I think that I know just how it was if I can find it, and explain it.

Q. 91. You have explained it in your way; if both tickets were counted it would make one more than the number of voters?—A. Yes, sir.

Q. 92. If you had this ballot it would be a Wilson ballot?—A. If there was only another Democratic ticket the box would balance.

Q. 93. Well, if you put this in then the Wilson ticket would make the Wilson vote the same as that; also, your number of ballots the same. If you had any more tickets in that box you would have more than the number of people voted; as it stands now, there is a Republican ticket gone.

Redirect:

Q. 94. Is that a Democratic or Republican township ticket you find there, and that you think that was rolled in that ticket?—A. I know that it was gotten by a Democratic.

Q. 95. Yes, sir; this one was.—A. This is one of those very tickets that that young man voted; he got up this ticket, that young man.

Q. 96. Are you positive that there was a name written on the ticket not printed he voted?—A. No, sir; but those that voted after this young man had it printed, but the assessor was not printed on this ticket; I cannot say whether he had that name on when he voted.

Q. 97. Are you positive that this is the ticket he voted?—A. No, sir; not positive of that.

Q. 98. This ticket may have been on some other Republican ticket and not separate?—A. Yes, sir; it is possible, but that could be destroyed—the half of the ticket.

Recross-examination:

Q. 99. One idea we cannot mutually understand in that count to-day; you find 122 for Wilson, don't you?—A. Yes, sir.

Q. 100. You find 60 for Frederick?—A. Yes, sir.

Q. 101. You find 7 for Platner?—A. Yes, sir.

Q. 102. You find 6 blanks?—A. Yes, sir.

Q. 103. That makes 195 in all, don't it?—A. Yes, sir.

Q. 104. The night of the election you had 196. Look at the returns of your poll book.

(Examines poll-book.)

A. Yes, sir.

Q. 105. In this return you gave Wilson 123?—A. Yes, sir.

Q. 106. Now, one of Wilson's ballots are gone?—A. Yes, sir.

Q. 107. Still this ballot-box has as many ballots in as on the night of the election?—A. That is my impression, that there was.

Redirect cross-examination:

Q. 108. When you came to compare the ballots on the night of the election, didn't you find one ballot less in the box than voters on the list by throwing out this Democratic ballot?—A. It was so expressed.

Q. 109. Isn't it your understanding that that Democratic ballot that was thrown out was not strung at all?—A. My impression is that it was not strung, although it might have been strung after all; I don't know about that.

Q. 110. Your impression is that it was not strung?—A. My impression is that it was not strung on account of our not being able to find it here, althongh it may be here; I looked for it; I found a Greenback ticket in the shop up there; but he didn't vote the Greenback ticket; that is where I am bothered.

Q. 111. Then, if the State ticket was not strung, the township ticket was not strung, was it; you didn't count the township ticket either; you didn't count either part?—A. It would not be reasonable that it would be strung.

Q. 112. Now, didn't you find all the tickets strung to-day? Look at it and see.—A. No, sir; it was not strung.

Q. 113. Then you have not found anything of that ballot that was thrown out in your judgment to-day, have you?—A. I am not positive that I have.

Q. 114. Then all the ballots that were not yet cast that night for Wilson, you have found in the box that these parts of ballots correspond, do they not?—A. No, sir; we are one short.

Q. 115. Who for?—A. For Wilson.

Q. 116. You don't find that the ballot is gone; you find the same part of ballots in the box, as you ought to have, don't you? In counting the one out that was voted for Frederick, what do you say to that? There is a miscount of one for Wilson on the night of the election.—A. I do not know; I am not able to find out if there is a mistake.

Q. 117. There was one ticket short on the night of the election, and you know that was a Democratic ticket, don't you?—A. That was so reported; when the last count was made there might have been a mistake in that count; one of the judges made the final count, and that was one short of the names, but where or what ticket I don't know.

Q. 118. You don't wish to be understood that one of Mr. Wilson's tickets have been taken out of the box?—A. No, sir.

Q. 119. What do you mean, that there was a miscount of Mr. Wilson, as I know that the ballots to-day don't agree with your returns within one?—A. No, sir; it don't seem to agree within one ballot.

Q, 120. Then, if the clerk had tallied one too many for Wilson, your ballots to-day would be right?—A. Yes, sir; if they were counted right.

Q. 121. If the clerk tallied one too many for Wilson, that would be all right to-day?—A. It seems so.

Re-examination:

Q. 122. If one had been taken out it would account for it?—A. Yes, sir.

($1.75 paid as fee by contestant.)

A. KILE.

STATE OF IOWA,
Benton County, ss:

E. M. EVANS, being recalled and sworn before G. W. Burnham, notary public for Benton County, on this 15th day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant and Nicholls & Burnham on the part of contestee):

Q. 1. Have you the poll-books of Cedar Township, Benton County, Iowa?—A. Yes, sir.

Q. 2. Have you an abstract of the returns made by the board of county canvassers to the board of State canvassers of the election of Nov., 1882, for the office of Representative in Congress?—A. Yes, sir; I have.

Q. 3. How many were returned for Wilson from Cedar Township, and how many for Benj. T. Frederick?—A. What township would be in this large abstract here? (Witness examines.) For Wilson, 123 votes; Frederick, 60 votes; David Planter, 7 votes.

Q. 4. You may state how many votes are shown by that abstract to have been returned to the board of State canvassers for Homer Township, Benton County, Iowa, for the same offices.—A. Homer Township, for James Wilson, 66 votes; B. J. Frederick, 35 votes.

Q. 5. How many votes were returned from that township for the other Democratic candidates who were on the Democratic ticket at the Nov. election, 1882; also, Gaston for sec. of state?—A. For Walker, candidate for sec. of state, is 67; for treas., 67; for auditor of state, 67; for Palmer, 67.

Q. 6. State how many votes Republican candidates received for these same offices, secretary and others.—A. Hull, sec. of state, 34; treas., 34; attorney-general, McPherson, 34; for judge of supreme court, 34; clerk of the supreme court, 34; reporter of supreme court, 34; Representative, James Wilson, 66; district judge, 34.

($0.85 paid as fee by contestant.)

E. M. EVANS.

STATE OF IOWA,
Benton County, ss:

WILLIAM ENGLEDON, being produced and sworn before G. W. Burnham, notary public for Benton County, Iowa, on this 15th day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant and Nicholls & Burnham on the part of contestee):

Q. 1. Where do you reside?—A. Cedar Township, Benton County, Iowa.

Q. 2. How long have you resided there?—A. In Cedar Township with the exception of three years; been in Benton County most of the time since '53.

Q. 3. Did you vote at the election in November, 1882, in Cedar Township, Benton County, Iowa, for the office of Representative in Congress?—A. Yes, sir; I did.

Q. 4. For whom did you vote for the office of Representative?—A. I voted for Mr. Frederick.

Q. 5. For Benj. T. Frederick?—A. Yes, sir; I did.

Q. 6. Now, you may state whether the name was written or printed on the ballot.—A. It was written on mine very poorly.

Q. 7. With colored ink?—A. It was a rather pale red-colored ink.

Q. 8. What are your political opinions?—A. Republican. I did not vote for any township officer in the township except for Mr. Lamb; his name was on the bottom of the ticket; he is the only township I voted for.

Q. 9. You may look in the ballot-box and see if you can find it.—A. Yes, sir; I find the ticket in the box, but the ink is not all the same color.

($0.75 paid as fee by contestant.)

WILLIAM ENGLEDON.

STATE OF IOWA,
Benton County, ss:

I, Eldon Moran, a notary public and commissioner agreed upon to take testimony in this cause, in pursuance of the annexed agreement, attached to the testimony of J. L. Adams, whose testimony was taken Feb. 22nd, 1883, do truly certify that on the 15th day of March, 1883, in pursuance of the notice hereunto annexed, I took the depositions of the following-named witnesses: H. G. Lamb, A. Kile, E. M. Evans, Wm. Engledon, whose testimony is set forth in the following manner:

Each witness was by me duly sworn, or caused to be sworn in my presence, as provided by law, and when sworn, the questions were propounded to him by the respective parties—Benj. T. Frederick, contestant, and James Wilson, contestee—by their respective att'ys, and the same by me read to the witness, who answered the same, and his answer in the language of the witness by me taken down under each question propounded, and reduced to writing, till the deposition was completed.

I further certify that when the testimony of each witness was taken I carefully read the same over to the witness, who corrected the same, and each correction noted, and said testimony was then signed by the witness, and sworn to by him before me.

I further certify that T. Brown and Carney appeared as counsel for the contestant, Benj. T. Frederick and Nichols & Burnham appeared as counsel for the contestee, James Wilson.

In witness whereof I have set my hand and seal notarially, this 15th day of March, 1883.

[SEAL.]

ELDON MORAN,
Notary Public for Johnson County, Iowa, and
Commissioner agreed upon to take testimony.

No. 3.

STATE OF IOWA,
Benton County, ss:

Deposition of witnesses produced before me, Eldon Moran, a notary public and commissioner agreed upon to take testimoy, and duly sworn by John Baum, a notary public for Benton County, on this 19th day of April, 1883, at Center School-house, in pursuance of the notice hereunto attached, in a proceeding pending before the House of Representatives of the United States of America, in a contested election for the office of Representative in Congress, in which proceeding Benj. T. Frederick is contestant and James Wilson contestee. Brown and Carney for contestant, and Nichols and Burnham for contestee.

The following testimony was taken before me:

STATE OF IOWA,
Benton County, ss:

THOMAS COLLINS, being produced and sworn before me, John Baum, a notary public in and for Benton County, on this 19th day of April, 1883, and examined before me, testifies as follows (Nichols and Burnham appearng on the part of contestant, and T. Brown on the part of contestee):

Q. 1. Where do you reside?—A. Homer Township, Benton County, Iowa.
Q. 2. Do you know Michael Driscoll?—A. Yes, sir.
Q. 3. Did you attend the Nov. election, 1882, in Homer Township, Benton County, Iowa, in which the electors voted for Representative in Congress?—A. Yes, sir; I did.
Q. 4. Did you know how Michael Driscoll voted?—A. Yes, I did.
Q. 5. How did he vote?—A. I filled out his ticket for him. I came right up to the box with him. I filled out tickets for Daniel McGraw, also. I was looking after them.
Q. 6. What ticket did he vote?—A. Democratic ticket.
Q. 7. For whom did he vote for Reprepresentative in Congress?—A. For B. T. Frederick.
Q. 8. Daniel McGraw voted the same ticket, did he?—A. Yes, sir, he did.
Q. 9. They both voted in that Township in your presence at that election?—A. Yes, sir; they did.

THOMAS COLLINS.

THOMAS COLLINS recalled:

Q. 1. Did you know Justice Nelhaus, last witness?—A. Yes, sir.
Q. 2. Did you give him a ticket last November election?—A. Yes, sir.
Q. 3. Did the ticket you gave him have Frederick's name on for Representative in Congress?—A. Yes, sir; it did.
(Excused.)

THOMAS COLLINS recalled:

Q. 1. Did you attend the November election in Homer Township, Benton County, Iowa, 1882?—A. Yes, sir.
Q. 2. When did you first know of the bogus tickets, or in other words Democratic tickets, with Wilson's name on? What time of day did you first know of these tickets?—A. I can not tell you the hour exactly, but I believe I noticed it in the forenoon, but I can't tell the hour exactly.
Q. 3. When did you first have a talk about it?—A. Well, I don't know; David Smith and I had some talk about it some time at the door there; came up to me and I heard that Wilson's and Smock's name was on the ticket, so I handed it back to the German; he tore it up and threw it away. Here is a straight ticket, said he; I took that and voted it.
Q. 4. Now, was there such a discussion there about these bogus tickets; everybody knew of it at the time?—A. No, sir; not many. They could not all hear. We talked about it.
Q. 5. Wasn't the tickets given to men who voted, without your seeing it?—A. I expect lots of them.
Q. 6. Did you know of Smith telling the voters that they were straight Democratic tickets.—A. I don't know whether he said they were straight tickets or not; I have heard them say so to some of them; he would give Republican tickets; they would not take it; then he would say here is another kind, a Democratic ticket; I heard him say that.
Q. 7. Were you present when we took testimony in the school house near your place of residence?—A. Yes, sir.
Q. 8. Did you hear Mr. Smith say that he could not remember what the stories were told at the time of the election?—A. Yes, sir.

Q. 9. That he did not consider himself responsible for what lying he did?—A. Yes, sir; I heard it.

Q. 10. Neither did you consider yourself responsible for the lying you did on the day of the election?—A. I expect we all had to lie a little on election day.

Q. 11. You did it all around, didn't you?—A. I told the other man just what I thought. I never pressed a man to vote; I said, here is a straight Democratic ticket, you can vote it if you want to. I didn't lie to anybody as I know of; of course, we joked about a great many things, but that had nothing to do with the election.

(Excused.)

STATE OF IOWA,
Benton County, ss:

BEN SICKERT being produced and sworn before me, John Baum, a notary public of Benton County, on this 19th day of April, A. D. 1883, and examined before me, testifies as follows (Nicholas and Burnham appearing on the part of contestant and T. Brown on the part of contestee):

Q. 1. Where do you reside—in what township?—A. In Homer Township.

Q. 2. What county?—A. In Benton County.

Q. 3. Did you vote in the November election held in Homer Township?—A. Yes, sir, I did.

Q. 4. At the general election held November 7th—at the last general election?—A. Yes, sir, I did; that is the election at which I voted.

Q. 5. What ticket did you vote?—A. Straight Democratic ticket.

Q. 6. Did you vote for Benjamin T. Frederick for Representative in Congress?—A. Yes, sir, I think that I did.

Q. 7. You intended to do so, did you?—A. Yes, sir.

Q. 8. Who gave you the ticket?—A. I guess I got it from Tom Collins.

BEN SICKERT.

$1.05 paid as fee by contestant.

STATE OF IOWA,
Benton County, ss:

THOMAS PETERSON being produced and sworn before me, John Baum, a notary public in and for Benton County, on this 19th day of April, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant and Nichols and Burnham on the part of contestee):

Q. 1. In what township do you live?—A. Homer.

Q. 2. What county?—A. Benton.

Q. 3. Did you vote at the Nov. election, 1882?—A. Yes, sir.

Q. 4. What township did you vote in?—A. Moor Township.

Q. 5. Whom did you vote for for Representative in Congress?—A. I intended to vote for Mr. Frederick.

Q. 6. Whom did you get your ticket of?—A. Mr. David Smith.

Q. 7. Did he tell you that it was a Democratic ticket?—A. Yes, sir; he said it was a Democratic ticket.

Q. 8. Straight Democratic ticket?—A. I do not remember.

Q. 9. Did he tell you any Republicans on it?—A. Not that I know of.

Q. 10. You intended to vote for B. T. Frederick?—A. Yes, sir.

Q. 11. Did you read your ticket?—A. Yes, sir; but Mr. Wilson's name was on there; I know that.

Q. 12. Did you suppose he was Democratic candidate from what Mr. Smith told you?—A. I do not remember Smith telling me anything about it; I think I rubbed his name out and put Mr. Frederick's name on; I intended to, if I did not.

Cross-examination:

Q. 13. What is your best recollection as to whether you did rub out this Mr. Wilson's name?—A. I do not understand that.

Q. 14. Did you rub out Mr. Wilson's name and put Mr. Frederick's on?—A. I think I did, but I am not certain of it.

Q. 15. You knew Mr. Wilson's name was on that ticket?—A. Yes, sir.

Q. 16. You read it?—A. Yes, sir; I can read English.

Q. 17. You read your ticket?—A. Yes, sir.

Q. 18. Did you know whom you voted for?—A. Well, I read it; I suppose I am not certain of it.

Q. 19. Do you remember testifying that Wilson's name was on the ticket?—A. Yes, sir.

Redirect:

Q. 20. You think you voted for Frederick?—A. I think that I did; I intended to, anyway.

THOMAS PETERSON.

85 cts. paid as fee by contestant.

STATE OF IOWA,
Benton County, ss:

H. KRAMER, being produced, and sworn before me, John Baum, a notary public, in and for Benton County, on this 19th day of April, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant and Nicholas and Burnham on the part of contestee):

Q. 1. Where do you live?—A. Half a mile from here, formerly.
Q. 2. In this township?—A. Yes, sir; section 16, Benton Co., Iowa.
Q. 3. Now, have you a son who was living here last spring?—A. Yes, sir; August; cannot tell how he voted.
Q. 4. What are your son's politics?—A. He is a Democrat; just what I am.
Q. 5. Did he go to the election to vote last fall?—A. I think he was at the election; I was not there; my son was not there; my son was here in March.
Q. 6. Where has your son gone to?—A. He told me that he had gone to Missouri; I can't tell what time he left home.

H. CRAMER.

85 cts. paid by contestant.

STATE OF IOWA,
Benton County, ss:

CHARLES KUSSEL, being sworn before me, John Baum, a notary public in and for Benton County, and examined before me on this 19th day of April, A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant, and Nichols and Burnham on the part of contestee):

Q. 1. You reside in Homer Township?—A. Yes, sir.
Q. 2. Benton County, Iowa?—A. Yes, sir.
Q. 3. Did you vote at the Nov. election, 1882?—A. Yes, sir.
Q. 4. What ticket did you vote, Democratic or Republican?—A. I voted the Democratic ticket.
Q. For whom did you vote for Representative in Congress?—A. I did not vote for any one.
Q. 6. You did not vote for that office?—A. No, sir.
Q. 7. Have you the ballot-box of this township in your possession?—A. Yes, sir.
Q. 8. Has anybody opened that box since election?—A. No, sir.
Q. 9. Does it contain the same votes put in at election?—A. Yes, sir; I never knew it to be opened. I had the key in my box where I kept my papers. Unless some one has opened it, the box has been kept shut.
Q. 10. Any one there to open it?—A. There was a man there, but I did not open it.
Q. 11. Who was the party that came there to open it?—A. Mr. Smith came here to see it opened. I told him I would not open it till the board called for it.
Q. 12. You may now open the box in the presence of the commissioners, count the ballots, and tell how many were cast.
Witness, assisted by D. W. Shoemaker and Moran, the commissioner, proceeded to make an examination of the ballots.
Q. 13. Have you canvassed the votes cast for Representative in Congress at the general election, Nov. last?—A. Yes, sir; I have counted them.
Q. 14. Did you count them correctly?—A. Yes, sir. Our township clerk, Mr. Morgan, also.
Q. 16. Well, who kept it just now?—A. Mr. Shoemaker, and Mr. Moran, the commissioner.
Q. 17. Did he call the votes correctly?—A. Yes, sir; he did.
Q. 18. You may now select out all the Democratic tickets in that box that have Wilson's name printed on. First, did you hear the tally announced every time?—A. Yes, sir.
Q. 19. How many votes did each of the candidates receive?—A. I do not remember that.
Q. 20. Well, you may look at the paper of the clerk.—A. 66 for Wilson, and 35 for Frederick, and one for B. Frederick.
Q. 21. You may now go over the ballots and ascertain how many Democratic tickets have Wilson's name printed on them as Representative in Congress.
(Having made examination.)
A. 28.
Q. 22. Please attach one of these tickets and make an exhibit of your answer; that is, one of the Democratic tickets that has Wilson's name on it, marked Exhibit F. *vs.* W. "A."

EXHIBIT A.

DEMOCRATIC STATE TICKET.

For Secretary of State,
T. O. WALKER,
of Davis County.

For Auditor of State,
WILLIAM THOMPSON,
of Humboldt County.

For Treasurer of State,
JOHN FOLEY,
of Chickasaw County.

For Attorney General,
J. H. BREMERMANN,
of Des Moines County.

For Judge of Supreme Court,
CHARLES E. BRONSON,
of Delaware County.

For Clerk of Supreme Court,
H. F. BONORDEN,
of Johnson County.

For Reporter of Supreme Court,
L. A. PALMER,
of Henry County.

For Representative in Congress, 5th District,
JAMES WILSON,
of Tama County.

JUDICIAL TICKET.

For District Judge, 8th Judicial District,
GEORGE W. BALL,
of Johnson County.

For District Attorney, 8th Judicial District,
J. H. PRESTON,
of Linn County.

COUNTY TICKET.

For Clerk District and Circuit Courts,
C. B. HAYDEN.

For Recorder,
JAMES W. SMOCK.

For Supervisor,
HENRY DAVIS.

TOWNSHIP TICKET.

For Clerk,
(In pencil:) I. SMITH.

For Justices of the Peace,
(In pencil:) D. L. SMITH.
(In pencil:) H. HARMON.

For Constables,
(In pencil:) B. KING,
(In pencil:) M. WILLSON,

For Trustee,
(In pencil:) F. HANSON,
(In pencil:) As'es., H. MEYER.

Q. 23. You may now state if you find a Democratic ticket with the name of B. T. Frederick written on it?—A. Yes, sir; there is one here.

Q. 24. Please attach that here, as Exhibit "B" to your deposition, same marked Exhibit F *vs.* W., "B."

EXHIBIT B.

DEMOCRATIC STATE TICKET.

For Secretary of State,
T. O. WALKER,
of Davis County.

For Auditor of State,
WILLIAM THOMPSON,
of Humboldt County.

For Treasurer of State,
JOHN FOLEY,
of Chickasaw County.

For Attorney-General,
J. H. BREMERMANN,
of De Moines County.

For Judge of Supreme Court,
CHARLES E. BRONSON,
of Delaware County.

For Clerk of Supreme Court,
H. F BONORDEN.
of Johnson County.

For Reporter of Supreme Court,
L. A. PALMER,
of Henry County.

For Representative in Congress, 5th District,
JAMES WILSON (erased),
(In pencil:) B. FREDERICK.
of Tama County

JUDICIAL TICKET.

For District Judge, 8th Judicial District,
GEORGE W. BALL,
of Johnson County.

For District Attorney, 8th Judicial District,
J. H. PRESTON,
of Linn County.

COUNTY TICKET.

For Clerk District and Circuit Courts,
C. B. HAYDEN.

For Recorder,
JAMES W. SMOCK.

For Supervisor,
HENRY DAVIS.

TOWNSHIP TICKET.

For Clerk,
(In pencil:) IRVING SMITH.

For Justices of the Peace,
(In pencil:) H. HARMON,
(In pencil:) D. L. SMITH.

For Constables,
(In pencil:) M. WILSON,
(In pencil:) BERIAH KING.

For Trustee,
(In pencil:) F. HANSON.
(In pencil:) A'sessor, H. J. MEYER.

EXHIBIT I.

REPUBLICAN STATE TICKET.

For Secretary of State,
JOHN A. T. HULL,
of Davis County.

For Treasurer of State,
EDWIN H. CONGER,
of Dallas County.

For Auditor of State,
JOHN L. BROWN,
of Lucas County.

For Attorney-General,
SMITH McPHERSON,
of Montgomery County.

For Judge of the Supreme Court,
WILLIAM H. SEEVERS,
of Mahaska County.

For Clerk of the Supreme Court,
GILBERT B. PRAY,
of Hamilton County.

For Reporter of the Supreme Court,
EZRA C. EBERSOLE,
of Tama County.

REPUBLICAN CONGRESSIONAL TICKET.

For Representative in Congress, Fifth District,
JAMES WILSON,
of Tama County.

REPUBLICAN JUDICIAL TICKET.

For District Judge, Eighth Judicial District,
JAMES D. GIFFEN,
of Linn County.

For District-Attorney, Eighth Judicial District,
MILTON REMLEY,
of Johnson County.

REPUBLICAN COUNTY TICKET.

For Clerk District and Circuit Court,
ARAD THOMPSON.

For Recorder,
JAMES W. SMOCK.

For Supervisor,
JOHN L. YOUEL.

TOWNSHIP TICKET.

For Justices of the Peace,
ROBERT MACKIE,
PHILIP TRIEM.

For Constables,
P. G. LUPTON,
NATHAN ABLES.

For Trustee,
HENRY STRUVE.

For Clerk,
HENRY J. LAMB.

For Assesor,
GEORGE H. WALKER.

Q. 25. How many tickets were cast at the Nov. election in this district altogether?—A. I do not know, but I think there were 102 cast altogether.

Q. 25. Have you the poll-book of the Nov. election, 1882?—A. Yes, sir; here it is.

Q. 26. What is the return for the office of Representative in Congress? Read it.—A. For Wilson 66, for Frederick 35; that is what the book says here.

Q. 28. Did you find that there were 36 votes actually cast for Frederick by a recount of the ballots?—A. Yes, sir.

Q. 29. Has the ballot-box been unlocked since the election?—A. No, sir.

Q. 32. Are the tickets cast at that election the identical tickets you have counted to-day?—A. Yes, sir.

Q. 33. How many votes appear by the poll-books to have been cast at that election? (Witness examines the book.)

A. 102.

Q. 34. In what room in your house has the box been kept?—A. Up stairs in the bed room.

Cross-examination:

Q. 35. How many votes do you find for Mr. Wilson on actual count?—A. By the book here?

Q. 36. You counted them to-day?—A. Yes, sir; I counted them to-day.

Q. 37. Do you know how many were counted to-day for Mr. Frederick?—A. So far as they counted them is all that I know; I do not know personally.

Q. 38. How many of the Democratic ballots, how many of the straight Democratic ballots had the name of James W. Smock printed on them?—A. I do not know that.

Q. 39. Well, you will have to count them over in the box. Take these straight tickets, straight Democratic, and see how many of them have the name of James W. Smock on them.

(Witness counts the tickets.)

A. 27.

Q. 40. Now I ask you to look at the tickets, Exhibits A and B. Is it printed on there?—A. Yes, sir; it is on both of them.

Q. 41. Do you know James W. Smock?—A. Yes, sir; I do.

Q. 42. Do you know whether he holds any official position in Benton County? Do you know whether or not he is county recorder?—A. Yes, sir; he is recorder.

Q. Do you know what his politics are, whether they are Democratic or Republican?—A. I do not know; I do not talk about politics. I have always heard he is Republican.

Q. 44. I will ask you if you knew the name of Smock as not on the regular Republican ticket in 1882 for recorder in Benton?—A. I would have to look at that and see. Yes, sir; I find it here.

Q. 45. I will ask you if that is not the same name that is found on the Democratic ticket, James W. Smock?—A. Yes, sir; it is the same name.

Q. 46. You find the same name on the Republican ticket in the same election?—A. Yes, sir.

Q. 47. I will ask you if it was not voted at the same election with the Democratic tickets on which you find the name of James Wilson?—A. Yes, sir.

Q. 48. Deposited in the same ballot-box?—A. Yes, sir.

Q. 49. On the same day?—A. Yes, sir.

Q. 50. You were one of the judges of the election?—A. Yes, sir.

Q. 51. Also one of judges that received the ballots?—A. Yes, sir.

Q. 52. Deposited them in the ballot-box?—A. Yes, sir; I put them in myself.

Q. 53. Can you state now from the count that was made to-day, how many votes were cast for B. T. Frederick?—A. I think that was 35.

Q. 54. How many votes from the count to-day were cast for James Wilson?—A. Sixty-six.

Q. 55. Did you find any Democratic tickets on which the name of Frederick was printed where his name was scratched off, and the name of Wilson written in?—A. Yes, sir.

Q. 56. How many?—A. I have two, if I remember; I am not sure.

Redirect:

Q. 57. You may state if there is one ticket besides that 35 with B. Frederick's name on it?—A. I do not know that there is. I do not know for sure whether that one is counted in.

Q. 58. There are 36 with that, according to the clerk's announcement.—A. Well, I do not know; I cannot say as to that.

Q. 59. Did you not find Democratic tickets with Wilson's name printed in and then erased and Frederick's name written in?—A. Yes, sir; I did.

Q. 60. How many?—A. I can not remember whether one of them or two. I do not know. I find some of them that way.

Recross-examination:

Q. 61. On the night of the election you counted every ticket marked B. Frederick for Frederick, did you not?—A. I do not remember any more; according to that last I did not.

(Evidence of this witness to be continued.)

STATE OF IOWA,
Benton County, ss:

JOHN SCHARNBERG, being produced and sworn before John Baum, a notary public for Benton County, on this 19th day of April, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Nichols and Burnham on the part of contestee):

Q. 1. Where do you reside?—A. In Homer Township, Benton County.
Q. 2. Did you vote in the Nov. election, 1882?—A. Yes, sir.
Q. 3. Did you vote for the office of Representative in Congress?—A. Yes, sir.
Q. 4. Whom did you vote for for the office of Representative in Congress?—A. Ben. Frederick.
Q. 5. Who gave you your ticket?—A. Mr. Collins.

Cross-examination:

Q. 6. Did you read the ticket?—A. Yes, sir; I did.

JOHN SCHARNBERG.

95 cents paid as fee by contestant.

STATE OF IOWA,
Benton County, ss:

CHARLES SCHARNBERG being produced and sworn before John Baum, a notary public in and for Benton County on this 19th day of April, A. D., 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Nichols and Burnham on the part of contestee):

Q. 1. Where do you live?—A. Homer Township, this co.
Q. 2. Did you vote at the Nov. election 1882?—A. Yes, sir.
Q. 3. Whom did you vote for, for Representative in Congress?—A. I did not read the ticket, but I voted the ticket that I got from Mr. Collins; John says it was for Frederick.
Q. 4. You got your ticket from Thomas Collins?—A. Yes, sir.
Q. 5. Did you intend to vote for Mr. Frederick?—A. Yes, sir; I did.
Q. 6. You voted a straight Democratic ticket as you supposed, did you?—A. Yes, sir.

Cross-examination:

Q. 7. Did you read the ticket?—A. No, sir; I did not.
Q. 8. You can read, can you not?—A. Yes, sir; but there is a good many words that I cannot make out.

CHARLIE SCHARNBERG.

95 cts. paid as fee by contestant.

STATE OF IOWA,
Benton County, ss:

LOUIS ILLIAN, being produced and sworn before me, John Baum, a notary public in and for Benton County, on this 19th day of April, A. D., 1883, and examined before me, testifies as follows (Nichols and Burnham appearing on the part of contestee, and T. Brown on the part of contestant):

Q. 1. Where do you reside?—A. Homer Township, Benton County, Iowa.
Q. 2. Did you vote at the Nov. election, 1882?—A. Yes, sir.
Q. 3. What ticket did you vote, Democratic or Republican?—A. Democratic.
Q. 4. Did you vote for B. T. Frederick for Representative in Congress?—A. Yes, sir.
Q. 5. Whom did you get your ticket from?—A. From Tom Collins.
Q. 6. Did you see Mr. Frederick's name on it?—A. Yes, sir.

LOUIS ILLIAN.

$1.00 paid as fee by contestant.

LOUIS ILLIAN, recalled:

Q. 1. Do you know Hans Peterson?—A. Yes, sir.
Q. 2. Do you know whether he attended the November election in Homer Township?—A. Yes, sir.
Q. 3. Did you see him there?—A. Yes, sir; I came with him.

Q. 4. Do you know whether he voted Democratic or Republican ticket?—A. Democratic ticket.
Q. 5. Did you see him vote?—A. Yes, sir.
Q. 6. Do you know for whom he voted for Representative in Congress?—A. Yes, sir.
Q. 7. Who was it for?—A. For Frederick.
Q. 8. Who made out his ticket?—A. We made out our tickets, and one was myself, Gahagan, and Hans Peterson.

Cross-examination:

Q. 9. Did you see his ticket after it was made out?—A. Yes, sir.
Q. 10. Was the name of Frederick written in?—A. No, sir; it was a ticket we got of Collins.
Q. 11. Was it printed in?—A. Yes, sir.
Q. 12. How long after you made out the ticket was it until he voted?—A. Well, we came here in the morning and went home at noon.
Q. 13. Where were you and he all the time until the tickets were made out?—A. We were right here.
Q. 14. Did you keep your eye on him all the time?—A. No, sir.
Q. 15. Well, did you see him vote it?—A. We talked the matter over. He said: "This is the ticket I want," and that he was going to vote the ticket. I could not swear that it was the same one.
Q. 16. He might have got one of somebody else?—A. I don't think so.
Q. 17. You didn't have your eye on that ticket?—A. Can you have your eye on other folks' tickets and keep it in them also?
Q. 18. I am asking you?—A. I am asking you. You see, I cannot swear that it is the same one; you can go and find out; Peterson lives in Clay County.
Q. 19. I want to find out by you?—A. You cannot do it; it is impossible now for me to tell just what his ticket was; we talked the matter over; we all said that we were going to vote that ticket; that is all I know about the matter; I saw him vote; I don't pretend to keep my eye on other folks' tickets.
Q. 20. That is what I want to get at.—A. That is what I told you in the start; if you want to find out whether he voted that same ticket, telegraph to him in Clay County; he will see to it quick, I tell you.
Q. 21. Did you know when Gahagan voted?—A. Yes, sir.
Q. 22. Were you present when he voted?—A. Yes, sir.
Q. 23. How long was it after Gahagan voted until Peterson voted?—A. I don't know that.
Q. 24. I am asking you a question; I want to know if you have any recollection of how long it was after Gahagan voted that Peterson voted?—A. No, sir; I don't know that. If I would have known it I would have watched them.
Q. 25. Did you know when Gahagan voted?—A. I saw him vote; yes, sir.
Q. 26. Do you know when Peterson voted?—A. Yes, sir; it was in the afternoon.
Q. 27. Was it at least 5 hours from the time Gahagan voted until Peterson voted?—A. Yes, sir.
Q. 28. Where were you when you had conversation with Peterson?—A. Right here in this house.
Q. 29. Who else was here?—A. Gahagan.
Q. 30. Anybody else?—A. I suppose David Smith was here.
Q. 31. Anybody else?—A. Kussel. I think Meyer was here.
Q. 32. The room was pretty full, was it?—A. No, sir; not full.
Q. 33. What did Peterson do with his ticket after he filled it out?—A. I suppose he put it into the ballot-box.
Q. 34. I asked you what you knew?—A. I don't know; I expect he put it into the ballot-box.
Q. 35. Do you know whether he put it into his pocket or not?—A. I don't know that.
Q. 36. How long was it from the time you filled it out until you supposed he put it into the ballot-box?—A. I don't know.
Q. 37. Was it a half a day?—A. We came in the morning, and went home at noon.
Q. 38. What time in the morning was it that you fixed up your tickets?—A. I suppose it must have been 8 or 9 o'clock.
Q. 39. What time did you vote?—A. In the forenoon.
Q. 40. What time in the forenoon?—A. That is nobody's business; I voted on election day.
Q. 41. What time in the forenoon did you vote?—A. In the forenoon.
Q. 42. What time in the forenoon?—A. Between 7 and 12 o'clock.
Q. 43. Can't you answer me any other way than that?—A. No, sir.
Q. 44. Is that the best answer you can give?—A. Yes, sir; that is the best I can give.
Q. 45. Between 7 and 12 o'clock?—A. Yes, sir.

Q. 46. Did you know what time of day Peterson voted?—A. Some time between 7 and 12 o'clock.

Q. 47. What time did Gahagan vote?—A. I think about the same time. I did not keep the time, of course, but I know that he voted that forenoon.

Q. 48. Did you see him when he voted?—A. Yes, sir.

Q. 49. Did he vote the same ticket you did? Were you watching him?—A. No, sir; then I would have known.

Q. 50. Were you watching Peterson?—A. No, sir.

Q. 51. Did you follow Peterson around to see when he put his ticket in?—A. No, sir.

Q. 52. As a matter of fact, you did see him put it into the ballot-box?—A. Yes, sir.

Q. 53. Who did he get it of?—A. A Mr. Kussel.

Q. 54. Who was the other fellow that was there?—A. The other trustee, I suppose.

Q. 55. Who was he, and what was his name? Do you refuse to give your best recollections to the time of day when they voted?—A. I gave you the best I have.

Q. 56. Did you vote before you fixed up those tickets?—A. No, sir.

Q. 57. Then it was after nine o'clock when you voted?—A. Yes, sir; after the box was open.

Q. 58. Then you can answer me somewhere nearer than by saying between 7 and 12 o'clock?—A. I thought that was near enough.

Q. 59. I did not think that it was. You can answer me better than that.—A. I don't know exactly what time it was when we put in votes. I know that it was between these hours.

Q. 60. It was after 9 o'clock, was it?—A. I know it was between these hours.

Q. 61. What did you do afterwards?—A. We came here and appointed township officers.

Q. 62. After the ballots were fixed up?—A. No, sir; before that.

Q. 63. What did you do after you had fixed up your ballots?—A. Peddled out tickets.

Q. 64. Did Peterson peddle tickets also?—A. No, sir.

Q. 65. What was he doing?—A. He was voting.

Q. 66. What did he do then?—A. Standing around like the most of us.

Q. 67. Were you not watching him?—A. No, sir.

Q. 68. Do you know whether he had any talk with anybody else?—A. With David Smith, I am certain.

Q. 69. Did he talk with Henry Meyer?—A. Yes, sir.

Q. 70. With Fred. Henson?—A. I suppose so.

Q. 71. Were you watching him when you were talking with them?—A. No, sir.

Q. 72. Do you know that he did not get a ticket from one of these men?—A. No, sir.

Q. 73. You know that you fixed up the ticket, and that some time after that he voted?—A. Yes, sir; that was all I know about it.

Redirect:

Q. 74. Do you remember, after you fixed up your tickets, how long after you last saw his ticket before you went up and voted?—A. He had them in his hand; I did not watch him.

Q. 75. It was a short time, wasn't it?—A. Gahagan and I talked the matter over, whom we were going to vote for; we fixed up the tickets, and that was all the watch I kept of them.

Q. 76. You are sure that he voted the Democratic ticket?—A. Yes, sir; that is what he said he was going to vote.

(Paid.)

LOUIS ILLIAN.

STATE OF IOWA,
Benton County, ss:

HENRY SELK, being produced and sworn before me, John Baum, a notary public in and for Benton County, on this 19th day of April, A. D. 1883, and examined before me, testifies as follows (N. Brown appearing on the part of contestant and Nichols and Burnham on the part of contestee):

Q. 1. Where do you live?—A. In Homer Township, Benton County, Iowa.

Q. 2. Did you vote at the Nov. election, 1882, in Homer Township?—A. Yes, sir.

Q. 3. Did you vote the Democratic or Republican ticket?—A. Democratic.

Q. 4. From whom did you get your ticket?—A. I guess from Henry Myer.

Q. 5. Whom did you intend to vote for for Representative in Congress?—A. For Frederick.

Q. 6. Do you know whether his name was on the ticket or not?—A. No, sir.

Q. 7. Can you read?—A. No, sir.

Q. 8. Did they tell you it was a straight Democratic ticket?—A. Yes, sir.

Cross-examination:

Who told you it was a straight Democratic ticket?—A. I do not know.
Q. 10. Who told you that it was a straight Democratic ticket?—A. I do not know.
Q. 11. Did anybody tell you?—A. I do not understand you.
Q. 12. Who gave you that ticket?—A. Henry Meyer.
Q. 13. Did he tell you it was a Democratic ticket?—A. 13. Yes, sir.
Q. 14. Did he tell you it was a straight Democratic ticket?—A. Yes, sir.
Q. 15. Did he tell you that James W. Smock's name was on there?—A. I do not know.
Q. 16. Did he tell you that Frederik's name was on there?—A. Yes, sir.
Q. 17. Did he tell you that James Wilson's name was there?—A. No, sir.
Q. 18. Whose name did he tell you was there besides Frederick's?
Q. 19. He did not tell you that anybody was there besides Frederick?—A. I do not know.
Q. 20. Was there any name on there besides Frederick?—A. I do not know.
Q. 21. Did you know that his name was on your ticket?—A. Well, I cannot say that.
Q. 22. Did you inquire of Mr. Myer whose name was on the ticket?—A. He told me that Frederick's name was on the ticket.

HENRY SELK.

$1.15 paid as fee by contestant.

STATE OF IOWA,
Benton County, ss:

J. WOHL, being produced and sworn before me, John Baum, a notary public in and for Benton County, on this 19th day of April, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Nichols and Burnham on the part of contestee):

Q. 1. Where do you live?—A. Homer Township, Benton County.
Q. 2. Did you vote at the November election, 1882?—A. Yes, sir.
Q. 3. What ticket did you vote, Democratic or Republican?—A. Democratic.
Q. 4. Who give you your ticket?—A. Kussel.
Q. 5. Did you vote for Benjamin T. Frederick for Representative in Congress?—A. Yes, sir.
Q. 6. Did you read the ticket?—A. No, sir.
Q. 7. Were you told that it was a State Democratic ticket?—A. Yes, sir.

Cross-examination:

Q. 8. Who told you that it was a straight Democratic ticket?—A. Charles Kussel.

J. WOHL.

$1.25 paid as fee by contestant.

STATE OF IOWA,
Benton County, ss:

PETER SEEK, being produced and sworn before John Baum, a notary public in and for Benton County, on this 19th day of April, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Nichols and Burnham on the part of contestee):

Q. 1. Where do you live?—A. Homer Township, Benton County, Iowa.
Q. 2. Did you vote at the November election, 1882?—A. Yes, sir; I did.
Q. 3. Did you vote Democratic or Republican ticket?—A. Democratic.
Q. 4. Who gave you your ticket?—A. Fred Hanson.
Q. 5. Whom did you vote for for Representative in Congress?—A. For Wilson.
Q. Did you suppose he was a Democrat?—A. No, sir.

PETER SEEK.

$1.20 paid as fee by contestant.

STATE OF IOWA,
Benton County, ss:

P. M. THEISSON, being produced and sworn before me, John Baum, a notary public in and for Benton County, on this 19th day of April, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Nichols and Burnham on the part of contestee):

Q. 1. Do you not live in Homer Township?—A. Yes, sir.
Q. 2. How long have you lived there?—A. About 14 years.
Q. 3. Did you vote at the Nov. election, 1882?—A. Yes, sir.
Q. 4. Did you vote the Democratic or the Republican ticket?—A. Democratic ticket.

Q. 5. Whom did you vote for for Representative in Congress?—A. For Wilson.
Q. 6. Did you know that he was a Republican?—A. No, sir.
Q. 7. Did they tell you that he was a Democrat?—A. No, sir; I voted for him. He was on the Democratic ticket.
Q. 8. Did you intend to vote for a Democrat?—A. Yes, sir.
Q. 9. Did you suppose he was a Democratic candidate for Congress?—A. Yes, sir.
Q. 10. You voted for him on that account?—A. Yes, sir.
Q. 11. Who told you that he was a Democrat? Were you told that that was a straight Democratic ticket?—A. Yes, sir.
Q. 12. Who gave you that ticket and told you that?—A. Hansen.

Cross-examination:

Q. 13. You knew that you voted for Wilson?—A. Yes, sir.
Q. You intended to vote for him, did you?—A. I voted for a Democrat.
Q. 15. You voted for Wilson?—A. Yes, sir.
Q. How long have you been in Homer Township?—A. 14 years.
Q. 17. Did you ever see Mr. Wilson?—A. No, sir.
Q. 18. You have heard of him?—A. Yes, sir
Q. 19. Did he live in Tama County?—A. Yes, sir.
Q. 20. You knew that he was a Republican, did you not?—A. I do not understand you.
Q. 22. Did you not know that Mr. Wilson has been in Congress?—A. Yes, sir.
Q. 23. And that he was a Republican?—Yes, sir.
Q. 233. You voted for him?—A. Yes, sir.

Redirect, by interpreter:

Q. 25. You did not intend to vote then for a Democrat? You may state whether you intended to vote for a Democrat or Republican.—A. For a Democrat.
Q. 26. Did you think that Wilson was a Democrat or a Republican?—A. I intended to vote the Democratic ticket.
Q. 27. Were you told that your ticket was a straight Democratic ticket?—A. I do not know whether it was a straight Democratic ticket.
Q. 28. Ask him if he was told that he was voting a straight Democratic ticket?—A. He gave me a ticket and said that that was a Democratic ticket.
Q. 29. If you had had any notion that Wilson was a Republican, would you have voted for him?—A. No, sir; he says that he would not have voted for Wilson.

Recross-examination:

Q. 30. You say that Wilson lives about Traer, you know?—A. Yes, sir.
Q. 31. You know that he has been in Congress?—A. Yes, sir.
Q. 32. You know that he went there as Representative; did you not?—A. Yes, sir.
Q. 33. You knew that this was the same man that you were voting for?—A. Yes, sir.

Redirect:

Q. 34. Ask him if he intended to vote for a Republican?—A. He says that he did not know that Wilson was a Republican at that time; that is, at the time of the election.

P. M. THEISSON.

$1.20, paid as fee by contestant.

STATE OF IOWA,
Benton County, *ss*:

GEORGE THODE, being produced and sworn before me, John Baum, a notary public in and for the county of Benton, on this 19th day of April, A. D. 1883, and examined before me, testified as follows (T. Brown appearing on the part of contestant, and Nichols and Burnham on the part of contestee):

Q. 1. Where do you reside?—A. Homer Township, Benton Co., Iowa.
Q. 2. Did you vote at the Nov. election, 1882?—A. Yes, sir.
Q. 3. Whom did you vote for for Representative in Congress?—A. For Wilson.
Q. 4. Are you a Democrat or Republican?—A. I had a Democratic ticket, but voted for Wilson.
Q. 5. Did you intend to vote for Wilson?—A. Yes, sir.
Q. 6. You knew that you were voting for him as Representative, did you not?—A. Yes, sir.
Q. 7. How did you know that you voted for Wilson; did you read the ticket, or did somebody tell you since?—A. I knew that he was in Congress before, and I thought he was the best man.
Q. 8. Have you talked with any one since you voted?—A. Not much.

Q. 9. Whom did you talk to since, about how you voted; did you talk to Mr. Smith here?—A. He was talking here about it on the day of election.

Q. 10. He got you to vote for Wilson; well, you have talked since the day of election about it?—A. No, sir; I voted the Democratic ticket with Wilson's name on it.

GEORGE THODE.

$1.15 paid as fee by contestant.

STATE OF IOWA,
Benton County, ss:

H. ALBERS, being produced and sworn before me, John Baum, a notary public in and for the county of Benton, on this 19th day of April, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Nichols and Burnham on the part of contestee):

Q. 1. Where do you reside?—A. Homer Township.

Q. 2. Did you vote at the last election held in Homer Township, Benton County, Iowa?—A. Yes, sir.

Q. 3. What ticket did you vote?—A. Democratic.

Q. 4. Whom did you get your ticket from?—A. From Fred Hansen.

Q. 5. Did you vote the clear Democratic?—A. Yes, sir.

Q. 6. Who did you vote for for Representative in Congress?—A. I guess Wilson was on there, but I thought he was Democratic.

Q. 7. Did he tell you it was a Democratic ticket?—A. Hansen told me that it was a Democratic ticket.

Q. 8. You did not intend to vote for a Democrat, did you?—A. No, sir.

Q. 9. What did Hansen tell you about this?—A. He did not tell me anything about that. I did not look the ticket over at all. He said to vote that ticket for the reason that it was the best.

Cross-examination:

Q. 10. Did you know that Wilson's name was on the ticket?—A. Did not look it over at all.

Q. 11. He simply handed you a ticket and told you that it was the best?—A. Yes, sir.

Q. 12. Did he ask you to vote it?—A. Yes, sir; but I would not have done it if I had known that it was for Wilson, a Republican.

Q. 13. He told you he thought it was the best ticket?—A. Yes, sir.

Q. 14. Did he tell you that Wilson's name was on the ticket?—A. I guess so, but I do not know whether he told me or not.

Q. 15. You voted that ticket because Mr. Hansen told you that it was the best ticket?—A. Yes, sir; but I did not want to vote for any Republican.

Redirect:

Q. 16. Did you know that Wilson's name was on it when you voted it?—A. No, sir; I did not read it.

Q. 17. You would not have voted the Republican ticket at all?—A. No, sir; I never heard of Frederick or Wilson before.

Q. 18. You did not intend to vote for Wilson when you voted?—A. No, sir.

Q. 19. You did not know that his name was there at all until you voted it?—A. No, sir.

Q. 20. If you voted for a Republican, you were fooled in doing so, were you not?—A. Yes, sir.

Recross-examination:

Q. 21. You tell us that you voted for a Republican. You knew that Hansen was voting that ticket?—A. Yes, sir; I knew that. All those other men said was so.

Q. 22. He told you that it was the best ticket. He gave you his judgment. You took his opinion?—A. Yes, sir.

Q. 23. You know Hansen to be a man that you respect?—A. I guess so.

Redirect:

Q. 24. Did you know that when he gave you the ticket, that he was st——ing until afterwards?—A. No, sir; I did not know anything about it. I just wanted to vote a straight Democratic ticket.

Q. 25. He gave you a ticket as such and you voted it, and afterwards learned that he was working for Wilson?—A. Yes, sir; I would not vote for Republican Congressmen

Recross-examination:

Q. 26. You do not know now that you did vote for Wilson?—A. Yes, sir; I do.

Q. 27. How do you know?—A. Because the other men said they voted for Wilson and they got their tickets from Hansen.

Q. 28. Your impression in regard to the ticket that you voted is what you heard these men say about it?—A. Yes, sir.

Q. 29. Have you been spoken to by anybody as to the ticket you voted?—A. No, sir.

Q. 30. You have talked to somebody about the ticket he was peddling?—A. No, sir; not before the election.

Q. 31. I mean since the election.—A. Yes, sir; I heard that Hansen voted for Wilson.

Q. 32. You suppose that because you got your ticket from him that you voted that ticket too?—A. Yes, sir.

Q. 33. You voted that ticket because Hansen told you to?—A. Yes, sir.

Redirect:

Q. 34. Hansen called himself a Democrat?—A. Yes, sir.

Q. 35. You suppose that he was peddling Democratic tickets?—A. Yes, sir.

Q. 36. You did not suppose he was peddling bogus tickets?—A. No, sir.

Q. 37. You say that you would respect him?—A. Yes, sir.

Q. 38. You would not respect him so much now, since he has fooled you?—A. No, sir.

Recross-examination:

Q. 39. Hansen used to be Republican?—A. I do not know.

Q. 40. You testified that he was Democratic.—A. I saw a Democratic ticket when he voted. He gave me a ticket and I read Democratic ticket on the top of it. I can read that much.

Q. 41. You could read your own ticket?—A. Yes, sir; I could have read it.

HARTWIG ALBERS.

85 cts. paid as fee by contestant.

STATE OF IOWA,
Benton County, ss:

PETER BRANT, being produced and sworn before John Baum, a notary public in and for the county of Benton, on this 19th day of April, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant and Nichols and Burnham on the part of contestee):

Q. 1. Where do you live?—A. Homer Township.

Q. 2. Did you vote in the Nov. election in Homer Township, Benton County, Iowa?—A. Yes, sir.

Q. 3. What ticket did you vote, Democratic or Republican?—A. Straight Democratic ticket.

Q. 4. Whom did you get your ticket from?—A. Collins.

Q. 5. Did you vote for Frederick for Representative in Congress?—A. Yes, sir.

Cross-examination:

Q. 6. You can read English?—A. No, sir.

Q. 7. Do not read any English?—A. No, sir.

PETER BRANT.

1.35 as fee by contestant.

STATE OF IOWA,
Benton County, ss:

HENRY W. KUSSEL, being produced and sworn before John Baum, a notary public in and for the county of Benton, on this 19th day of April, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant and Nichols and Burnham on the part of contestee):

Q. 1. Where do you reside?—A. Homer Township.

Q. 2. Did you vote at the Nov. election, 1882, in Homer Township, Benton County, Iowa?—A. Yes, sir.

Q. 3. Did you vote the Democratic or the Republican ticket?—A. Democratic ticket.

Q. 4. Whom did you get your ticket from?—A. D. S. Smith.

Q. 5. Did he tell you that the ticket you voted was a Democratic ticket?—A. Yes, sir; part of it was Democratic.

Q. 6. Who did you vote for for Representative in Congress?—A. Frederick.

Q. 7. Did he tell you that Frederick's name was on the ticket?—A. It was not on, but I put it on.

HENRY W. KUSSEL.

95 cts. paid as fee by contestant.

STATE OF IOWA,
Benton County, ss:

T. F. GOKEN, being produced and sworn before John Baum, a notary public in and for the county of Benton, on this 19th day of April, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Nichols and Burnham on the part of contestee):

Q. 1. Did you vote at the Nov. election, 1882, in Homer Township, Benton County, Iowa?—A. Yes, sir.

Q. 2. Did you vote the Democratic or Republican ticket?—A. I guess I voted the Democratic ticket.

Q. 3. Did you intend to vote the Democratic ticket?—A. Yes, sir.

Q. 4. Whom did you get your ticket from?—A. Smith gave me a ticket, and Collins gave me a ticket, and then Smith gave me another. He told me that they were the same. I saw Smock's name on and Myers name, and I threw it into the box.

Q. 5. Did he tell you that it was a straight Democratic ticket?—A. Yes, sir.

Q. 6. Did he tell you that Frederick's name was on it for Congressman?—A. I did not look for the name of Congressman.

Q. 7. Did you intend to vote for a Democrat for Congress?—A. I did not count on that, but I calculated to vote the straight Democratic ticket.

Cross-examination:

Q. 8. You saw Smock's name on the ticket?—A. Yes, sir; below.

Q. 9. You wanted to vote for him?—A. Yes, sir; I liked him.

Q. 10. He was a Republican.—A. I do not care what it was; it had on Myers' name.

Q. 11. You do not care about the other names?—A. No, sir.

Q. 12. For governor of the State, secretary of state, &c.?—A. No, sir; only for county officers.

Q. 13. You can read plain English?—A. Not plain.

Q. 14. You can read English enough to read the ticket, can you not?—A. Yes, sir; but I did not care to read it all.

Q. 15. You read all you cared to read? You looked over for Frederick's name and found it there?—A. Yes, sir; I told him that it was there.

Q. 16. This was all you cared for?—A. Yes, sir.

Redirect:

Q. 17. You intended to vote a clear Democratic ticket for the State officers?—A. Yes, sir; I wanted to vote straight Democratic ticket.

T. F. GOKEN.

1.05 paid as fee by contestant.

STATE OF IOWA,
Benton County, ss:

A. R. GAGHAGEN, being produced and sworn before John Baum, a notary public in and for the county of Benton, on this 19th day of April, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant and Nichols and Burnham on the part of contestee):

Q. 1. Did you vote at the Nov. election in Homer Township, Benton County, Iowa?—A. Yes, sir.

Q. 2. What ticket did you vote, Democratic or Republican?—A. Democratic.

Q. 3. Whom did you get your ticket of?—A. Mr. Collins, I think, if I recollect right.

Q. 4. Did you vote for Ben. T. Frederick for Representative in Congress?—A. Yes, sir; I did.

A. R. GAGHAGEN.

1.10 paid as fee by contestant.

STATE OF IOWA,
Benton County, ss:

M. E. HOWARD, being produced and sworn before me, John Baum, a notary public in and for the county of Benton, on this 19th day of April, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Nichols and Burnham on the part of contestee):

Q. 1. Did you vote in Homer Township, Benton County, Iowa, at the Nov. election, 1882?—A. Yes, sir; I did.

Q. 2. Did you vote the Democratic or Republican ticket?—A. I voted the Democratic ticket.

Q. 3. Whom did you get your ticket from?—A. From that man there—pointing to Collins; also one from Sandy Smith, as he is called.

Q. 4. Which one did you vote?—A. The one that I got from Collins.
Q. 5. And did you vote for Ben. T. Frederick for Congress?—A. Yes, sir; I did.

M. E. HOWARD.

1.00 paid as fee by contestant.

STATE OF IOWA,
Benton County, ss:

JACOB LANTGREBE, being produced and sworn before me, John Baum, a notary public in and for Benton County, on this 19th day of April, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant and Nichols and Burnham on the part of contestee):

Q. 1. Did you vote at the Nov. election in Homer Township, Benton County, Iowa?—A. Yes, sir.
Q. 2. Did you vote the Democratic or Republican ticket?—A. Democratic.
Q. 3. Did you vote for B. T. Frederick for Representative in Congress?—A. Yes, sir; for Frederick.
Q. 4. Who did you get your ticket from?—A. I think from Kussel.

JACOB LANTGREBE.

1.10 paid as fee by contestant.

STATE OF IOWA,
Benton County, ss:

P. F. DEPPE, being produced and sworn before John Baum, a notary public in and for the county of Benton, on this 19th day of April, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Nichols and Burnham on the part of contestee):

Q. 1. Did you vote at the election held in Homer Township, Benton Co., Iowa?—A. Yes, sir.
Q. 2. Did you vote the Democratic or Republican ticket?—A. Democratic.
Q. 3. Whom did you get your ticket from?—A. Mr. Collins.
Q. 4. Did you vote for Frederick for Representative in Congress?—A. Yes, sir.

Cross-examination:

Q. 5. Did you read your ticket?—A. Yes, sir.

P. F. DEPPE.

85 cts. paid as fee by contestant.

STATE OF IOWA,
Benton County, ss:

JOHN HORSTEIN, being produced and sworn before John Baum, a notary public in and for Benton County, on this 19th day of April, A. D. 1883, and examined before me, testifies as follows, (T. Brown appearing on the part of contestant, and Nichols and Burnham on the part of contestee):

Q. 1. Did you vote at the Nov. election, 1882, in Homer Township, Benton Co., Iowa?—A. Yes, sir.
Q. 2. Did you vote the Democratic or Republican ticket?—A. Democratic.
Q. 3. Who did you vote for, for Representative in Congress?—A. Mr. Frederick.
Q. 4. Who did you get your ticket from?—A. Mr. Collins.

Cross-examination:

Q. 5. Did you read your ticket?—A. Yes, sir.

JOHN HORSTEIN.

85 cts. paid as fee by contestant.

STATE OF IOWA,
Benton County, ss:

CHAS. ALBRIGHT, being produced and sworn before John Baum, a notary public in and for Benton Co., on this 19th day of April, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Nichols and Burnham on the part of contestee):

Q. 1. Did you vote at the Nov. election held in Homer Township, Benton Co., Iowa, 1882?—A. Yes, sir.
Q. 2. What ticket did you vote?—A. Democratic.
Q. 3. Did you vote for Frederick for Representative in Congress?—A. Yes, sir.
Q. 4. Who did you get your ticket from?—A. From Collins, and one from Kussel.

Cross-examination:

Q. 5. Did you read your ticket?—A. Yes, sir.

CHAS. ALBRIGHT.

$1.25 cts. paid as fee by contestant.

STATE OF IOWA,
Benton County, ss:

MARTIN ALBRIGHT, being produced and sworn before John Baum, a notary public in and for Benton County, on this 19th day of April, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Nichols and Burnham on the part of contestee):

Q. 1. Did you vote at the Nov. election, 1882, in Homer Township, Benton Co., Iowa?—A. Yes, sir.
Q. 2. What ticket did you vote?—A. Democratic.
Q. 3. Whom did you get your ticket from?—A. Collins.
Q. 4. Did you vote for Frederick for Congress?—A. Yes, sir.
Q. 5. You intended to do this?—A. Yes, sir.

Cross-examination:

Q. 6. How old are you?—A. 22.
Q. 7. Did you read your ticket?—A. Yes, sir.

MARTIN ALBRIGHT.

$1.25 paid as fee by contestant.

STATE OF IOWA,
Benton County, ss:

HENRY RIPPLE, being produced and sworn before John Baum, a notary public in and for Benton County, on this 19th day of April, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Nichols and Burnham on the part of contestee):

Q. 1. Did you vote at the Nov. election, 1882, in Homer Township, Benton County, Iowa?—A. Yes, sir.
Q. 2. What ticket did you vote—Democratic or Republican?—A. Democratic.
Q. 3. Whom did you get your ticket from?—A. Collins.
Q. 4. Did you vote for B. T. Frederick for Representative?—A. Yes, sir.

Cross-examination:

Q. 5. Did you read your ticket?—A. No, sir.
Q. 6. How do you know that you voted for Frederick? Did you know that Frederick's name was on the ticket?—A. Yes, sir.
Q. 7. How did you know?—A. I saw it on there.
Q. 8. You saw it by the ticket?—A. I saw Frederick's name on there.
Q. 9. You read English, of course?—A. No, sir.

Redirect:

Q. 10. You intend to vote for a Democrat—for Frederick?—A. Yes, sir.
Q. 11. And you say that the ticket was a straight Democratic ticket?—A. Yes, sir.
Q. 12. You could read English enough to read Frederick's name?—A. Yes, sir.

HENRY RIPPLE.

$3.25 paid as fee by contestant.

STATE OF IOWA,
Benton County, ss:

John Kenhabuhus, interpreter.

JOHN JOHNSON, being produced and sworn before John Baum, a notary public in and for Benton County, on this 19th day of April, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Nichols and Burnham on the part of contestee):

Q. 1. Did you vote at the Nov. election, 1882, in Homer Township, Benton County, Iowa?—A. Yes, sir.
Q. 2. What ticket did you vote, Democratic or Republican? Who did you vote for for Representative in Congress?—A. I do not know.
Q. 3. Who did you get your ticket from?—A. From Henry Meyers.
Q. 4. Were you told it was a straight Democratic ticket?—A. Yes, sir; Henry Myers gave me a ticket, but did not tell me what kind of a ticket it was.
Q. 5. Ask him if he told Henry Myers what kind of a ticket he wanted to vote?—A. No, sir; he did not.

Q. 6. Did he tell you whether he wanted you to vote the Democratic or Republican ticket or not?—A. Yes, sir; he said to Henry Myers that he wanted a Democratic ticket.

Q. 7. And Henry Myers gave him that for a Democratic ticket?—A. Yes, sir; he said that Henry Myers gave him a ticket, and he thought that it was a Democratic ticket.

Q. 8. Ask him if he had known that a Republican member of Congress was on it if he would have voted it?—A. He says that he wanted to vote a Democratic ticket.

Cross-examination:

Q. 9. Ask him if Mr. Myers told him who was running for Congress?—A. Yes, sir; he says that he told him that Wilson and Frederick were running for Congress.

Q. 10. Ask him if Mr. Myers told him which he thought was the best man?—A. He says that Myers wrote the name on the ticket—the best man.

Q. 11. Ask him if Myers wrote the name on the ticket that he told him to write?—A. He did not see any name.

Q. 12. Ask him if he told Myers to write the man's name down that he thought was the best man?—A. Yes, sir; he says that he did.

Q. 13. Now ask him if Myers gave him that ticket, and if he voted it?—A. Yes, sir; he says that he did.

Q. 14. Ask him if he told the man to write down the name of the man that he thought was the best man?—A. He had the ticket, and Henry Myers was going to fix my ticket, and I voted that ticket.

Q. 15. Ask him if he voted that ticket because Myers told him that he thought it was the best ticket?—A. He says that he voted that ticket because he had confidence in Henry Myers.

Q. 16. Ask him if he had faith in Henry Myers' judgment as to its being the best?—A. Yes, sir; he says it was the best, whatever Henry Myers said.

Redirect:

Q. 17. Ask him if he intended to vote for a Democratic Congressman?—A. Yes, sir.

Q. 18. Ask him if he would have voted for Mr. Wilson and not for a Democrat?—A. He says that he wanted the ticket to make the thing sure. He says that he thought that he could put confidence in Henry Myers. He voted that ticket because he thought Henry Myers put the right name on the ticket. He says that he did not know either Frederick or Wilson, but he put confidence in Henry Myers when he voted that ticket.

Q. 19. Did the witness ask Henry Myers for a Democratic ticket?—A. No, sir; he says that he thought that he could see that it was a Democratic ticket.

Q. 20. Would he have it if he had known that it was a Republican ticket?—A. No, sir; he says that he would not.

Recross-examination:

Q. 21. Ask him if he knew if Smock's name was on the ticket?—A. Yes, sir.

Q. 22. Ask him if he knew that Smock was a Republican?—A. No, sir.

Q. 23. Ask him if he was not trying to vote for the best man?—A. Yes, sir; he thinks so.

Redirect:

Q. 24. Ask him if he did not think that the best man was in the Democratic party?—A. Yes, sir.

Recross-examination:

Q. 26. Ask him if he thought a Republican was a better man than a Democrat, if he would not have voted for the Republican instead of the Democrat?—A. He says that he did not know what he voted for; but his man that he voted for he thought was the best.

Q. 26. Ask him if he would not have voted for a Republican, if he had thought that the Republican was a better man than the Democrat?—A. He says that he always voted for what was best.

JOHN JOHNSON.

$1.15 paid as fee by contestant.

STATE OF IOWA,
Benton County, ss:

CLAUS HAACK, being produced and sworn before John Baum, a notary public for Benton County, on this 19th day of April, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, Nichols and Burnham on the part of contestee):

Q. 1. Where do you reside?—A. Homer Township.

Q. 2. Did you vote at the election in Homer Township, Benton County?—A. Yes, sir.

Q. 3. Did you vote the Democratic or Republican ticket?—A. Democratic.
Q. 4. For whom did you vote for Representative in Congress?—A. I think Wilson.
Q. 5. Did you know that you were voting for Wilson when you voted?—A. No, sir.
Q. 6. From whom did you get your ticket?—A. Henry Myer.
Q. 7. Did he tell you that it was a Democratic ticket?—A. Yes, sir; and gave it to me as a Democratic ticket.
Q. 8. Can you understand English?—A. No, sir; not very well.
Q. 9. Did you intend to vote for Democrat or Republican for Representative in Congress?—A. For Democrat.
Q. Did you intend to vote for a Republican Prohibitionist, for a Republican candidate for Congress, and for a Prohibitionist, or strict temperance man?—A. No, sir; surely not.
Q. 11. Were you told or made to believe that it was a straight Democratic ticket when you voted it?—A. I do not know what the ticket was; I got the two, but I wanted a Democratic ticket.
Q. 12. Did the witness ask for a Democratic ticket?—A. Yes, sir.
Q. 13. Ask him if he could read the ticket?—A. Not all of it.
Q. 14. Does the witness read English?—A. No, sir.

Cross-examination:

Q. 15. Ask him if Henry Myers is an American or a German?—A. German.
Q. 16. Ask him if he speaks German?—A. Yes, sir.
Q. 17. Ask him whether he is a Democrat or a Republican?—A. He does not know.
Q. 18. Ask him if he knows what Myers' politics are?—A. He says he does not know.
Q. 19. Ask him if Mr. Myers told him who the men were that were candidates for Congress?—A. Cannot tell.

CLAUS HAACK.

$1.50 paid as fee by contestant.

STATE OF IOWA,
Benton County, ss:

GEORGE HAACK, being produced and sworn before John Baum, a notary public in and for the county of Benton, on this 19th day of April, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant and Nichols and Byrnham on the part of contestee):

Q. 1. Did you vote at the November election, 1882, in Homer Township, Benton Co., Iowa?—A. Yes, sir.
Q. 2. What ticket did you vote?—A. Democratic.
Q. 3. Did you intend to vote for a Democrat or a Republican for Representative in Congress?—A. Democrat.
Q. 4. Who gave you your ticket?—A. Mr. Myer.
Q. 5. What did he tell you as to its being Democrat or Republican?—A. I do not know.
Q. 6. Do you understand me?—A. Yes, sir.
Q. 7. Did he tell you that it was a Democratic ticket?—A. No, sir.
Q. 8. What did he tell you? Did you ask him for a Democratic ticket?—A. No, sir.
Q. 9. What did you say to him?—A. Nothing.
Q. 10. How do you know that you voted the Democratic ticket?—A. [By the same interpreter.]. He says that he understands you.
Q. 11. Did you read your ticket?—A. No, sir.
Q. 12. Can you read English?—A. Yes, sir.
Q. 13. Can you read English well or only a little?—A. Just a little.
Q. 14. Would you not have voted for a Republican Congressman if you had known it?—A. I do not know.
Q. 15. Did you not know that you were voting for Wilson for Congressman?—A. I do not know.
Q. 16. Did you suppose you had voted a Democratic ticket when you had voted?—A. Yes, sir.
Q. 17. Was the ticket that Mr. Myers gave you open or folded up?—A. No, sir.
Q. 18. It was so that you could have seen the names on the ticket if you had looked at it?—A. Yes, sir.
Q. 19. You can read English enough to make out the ticket, can you not?—A. Yes, sir.
Q. 20. Did you not know that Mr. Wilson's name was on the ticket?—A. No, sir; I did not.
Q. 21. You have a great deal of confidence in Mr. Myers, who gave you the ticket have not you?—A. Yes, sir.

Q. 22. Did he say anything about whether he thought that was the best ticket?—A. No, sir.

Q. 23. He just handed you the ticket, and you folded it up and voted it?—A. Yes, sir.

Redirect:

Q. 24. Did you see when you voted whether it was Democratic or Republican?—A. Yes, sir; I say that it was Democratic.

Q. 25. On that account I suppose that the men that you voted for were Democrats?—A. I do not know.

Q. 26. Did you expect to vote for Democrats?—A. Yes, sir.

GEORGE HAACK.

1.20 paid as fee by contestant.

STATE OF IOWA,
Benton County, ss:

JOHN KRUG, being produced and sworn before John Baum, notary public for Benton County, on this 19th day of April, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Nichols & Burnham on the part of contestee):

Q. 1. Did you vote at the November election, 1882, in Homer Township, Benton County, Iowa?—A. Yes. sir.

Q. 2. What ticket did you vote?—A. Democratic.

Q. 3. Whom did you get your ticket from?—A. Mr. Collins.

Q. 4. Did you vote for Frederick for Democratic Representative in Congress?—A. Yes, sir.

Q. 5. Did you read your ticket?—A. I looked it over.

($1.05 paid as fee by contestant.)

JOHN KRUG.

STATE OF IOWA,
Benton County, ss:

MARCUS WITT, being produced and sworn before John Baum, notary public for Benton County, on this 19th day of April, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Nichols and Burnham on the part of contestee):

Q. 1. Did you vote at the November election in Homer Township, Benton County, Iowa?—A. Yes, sir.

Q. 2. What ticket did you vote?—A. Democratic.

Q. 3. Who gave you your ticket?—A. I don't know who gave it to me.

Q. 4. Did you read it?—A. Yes, sir, I did.

Q. 5. Did you vote for Frederick for Representative in Congress?—A. No, sir; Wilson's name was on it.

Q. 6. Did you suppose that Wilson was a Democrat?—A. No, sir.

Q. 7. Did you understand that he was a Democrat from the fact that his name was on the ticket?—A. Yes, sir.

Q. 8. Did you expect to vote a Democrat ticket?—A. Yes, sir.

Q. 9. Did you suppose that Wilson was a Democrat?—A. I supposed so at the time.

Q. 10. Did the person that gave you the ticket tell you that Wilson was a Democrat?—A. No, sir.

Q. 11. Would you have voted for him if you had known that he was a Republican?—A. No, sir; I would not.

Cross-examination:

Q. 12. You knew that Wilson's name was on the ticket?—A. Yes, sir.

Q. 13. You read it over?—A. Yes, sir.

Q. 14. You saw Smock's name also?—A. Yes, sir.

Q. 15. You know him—recorder in Vinton?—A. Yes, sir.

Q. 16. A one-legged man?—A. Yes, sir.

Q. 17. You meant to vote for him?—A. Yes, sir.

Q. 18. And for all the men on that ticket?—A. Yes, sir.

Redirect:

Q. 19. You didn't intend to vote for a Republican Congressman?—A. No, sir.

($1.15 paid as fee by contestant.)

MARCUS WITT.

STATE OF IOWA,
Benton County, ss:

JUSTICE MEHLHAUS, being produced and sworn before John Baum, notary public for Benton County, on this 19th day of April, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Nichols and Burnham on the part of contestee):

Q. 1. Did you vote at the November election, 1882?—A. Yes, sir.
Q. 2. What ticket did you vote—Democratic or Republican?—A. Democratic.
Q. 3. Whom did you get your ticket from?—A. From Collins.
Q. 4. Did you vote for B. T. Frederick for Representative in Congress?—A. I cannot tell you that; I was so late I got my pencil; Collins came to me and told me that he had some filled out; I saw Mr. Collins take a ticket and give it to me; I threw the ticket in.

Cross-examination:

Q. 5. How long have you been in this country?—A. 8 years last spring.
Q. 6. When were you naturalized?—A. It must be 5 or 6 years ago.
Q. 7. How long had you been in this country when you got your papers?—A. I was in Illinois. I got here on the 7th of March.
Q. 8. Where did you get your papers?—A. In Vinton.
Q. 9. When did you get them?—A. I think, 5 or 6 years ago.
Q. 10. Did you get your papers before that?—A. I got the first ones there; I got the rest here, I believe.
Q. 11. Did the clerk give you papers, when you got last papers?—A. Yes, sir; I have papers at home; I also had a witness.
($1.05 paid as fee by contestant.)

JUSTICE MEHLHAUS.

STATE OF IOWA,
Benton County, ss:

S. THEISSON, being produced and sworn before John Baum, notary public for Benton County, on this 19th day of April, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Nichols and Burnham on the part of contestee):

Peter Schuerman sworn as interpreter.

Q. 1. Did you vote at the November election?—A. Yes, sir.
Q. 2. What ticket did you vote, Democratic or Republican?—A. Democratic.
Q. 3. Whom did you vote for for Representative in Congress?—A. For Frederick.
Q. 4. Whom did you get your ticket from?—A. L. Illian.
($1.25 paid as fee by contestant.)

S. THEISSON.

STATE OF IOWA,
Benton County, ss:

PETER SCHUERMAN, being produced and sworn before John Baum, notary public for Benton County, on this 19th day of April, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Nichols and Burnham on the part of contestee):

Q 1. Did you vote at the November election, 1882?—A. Yes, sir.
Q. 2. What ticket did you vote?—A. Democratic.
Q. 3. Whom did you get your ticket from?—A. Thomas Collins, I guess; I had a whole pile of them there.
Q. 4. Did you vote for Frederick for Representative in Congress?—A. Yes, sir.
($1.30 paid as fee by contestant.)

PETER SCHUERMAN.

STATE OF IOWA,
Benton County, ss:

NIC. SCHUEHERMAN, being produced and sworn before John Baum, notary public for Benton County, on this 19th day of April, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Nichols and Burnham on the part of contestee):

Q. 1. Did you vote at the November election?—A. Yes, sir.
Q. 2. What ticket did you vote?—A. Democratic.
Q. 3. For whom did you vote for Congressman?—A. Frederick.
Q. 4. From whom did you get your ticket?—A. At Keystone; I didn't suppose that there would be any here.

Q. 5. Did you read your ticket?—A. Yes, sir.
Q. 6. You know you voted for Frederick?—A. Yes, sir.
($1.30 paid as fee by contestant.)

N. G. SCHUEHERMAN.

STATE OF IOWA,
Benton County, ss:

HENRY THIESSON, being produced and sworn before John Baum, notary public for Benton County, on this 19th day of April, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Nichols and Burnham on the part of contestee):

Q. 1. Did you vote at the November election, 1882?—A. Yes, sir.
Q. 2. What ticket did you vote? –A. Democratic.
Q. 3. For whom did you vote for Representative in Congress?—A. Frederick.
Q. 4. From whom did you get your tickets?-- A. L. Illian.
Q. 5. Did you read it?—A. No, sir.
Q. 6. They told you that it was a straight Democratic ticket?—A. Yes, sir.

Cross-examination:

Q. 7. How old are you?—A. 25 years old.
($1.25 paid as fee by contestant.)

HENRY THIESSON.

STATE OF IOWA,
Benton County, ss:

HENRY STEIN, being produced and sworn before John Baum, notary public for Benton County, on this 18th day of April, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Nichols and Burnham on the part of contestee):

Q. 1. Did you vote at the November election, 1882?—A. Yes, sir.
Q. 2. What ticket did you vote, Democratic or Republican?—A. I intended to vote Democratic.
Q. 3. From whom did you get your ticket?—A. Dave Smith.
Q 4. What Smith; is he this man here?—A. Yes, sir.
Q. 5. What is his name?—A. Dave Smith.
Q. 6. For whom did you intend to vote for Congressman?—A. I intended to vote the straight Democratic ticket.
Q. 7. Did you ask for a straight Democratic ticket?—A. No, sir.
Q. 8. What did he tell you about the ticket?—A. Nothing. I asked him for a Democratic ticket, or for a ticket. He gave me a Democratic ticket; I don't know whether it was straight or not.
Q. 9. Can you read English?—A. Yes, sir.
Q. 10. Did you read it?—A. No, sir.
Q. 11. Did they tell you that it was a straight Democratic ticket?--A. No, sir.
Q. 12. You asked for a Democratic ticket?—A. Yes, sir; I asked for a ticket.
Q. 13. Did he tell you anything about the ticket?—A. No, sir; not that I know of.
Q. 14. You just asked for a Democratic ticket, and he gave you that ticket, and you put it in?—A. Yes, sir.
Q. 15. You intended to vote the Democratic ticket?—A I always do; I intended to vote the straight Democratic ticket.

Cross-examination:

Q. 16. Was the ticket open when he gave it to you?—A. Yes, sir.
Q. 17. You could read it, could you?—A. Yes, sir.
Q. 18. Who folded it up?—A. I did myself.
Q. 19. The ticket was spread out the whole length when he gave it to you?—A. I looked at the ticket to see whether it was a Democratic that I had.
Q. 20. Mr. Smith did not make any revisions about the ticket at all for you?—A. Not that I know of.
Q. 21. He did not deceive you in any way; did not make any revisions, did he; that it was any different from what it actually was, did he?—A. No, sir.

Redirect:

Q. 22. You asked for a Democratic ticket?—A. Yes, sir.
Q. 23. What were the words you said to Mr. Smith? Just state them.—A. I asked him for a ticket; that is all I know of.
Q. 24. Did you ask him for a Democratic ticket?—A. Yes, sir.
Q. 25. Now, if you had known that that ticket had Wilson's name on it would you have voted it?—A. No, sir.

Recross-examination:

Q. 26. You would have seen it for yourself?—A. Yes, sir; it may have been straight for all that I know.

Q. 27. He handed you the ticket and you folded it up and put it in the box? You knew that Smith was a Republican, did you?—A. Yes, sir.

Q. 28. You knew that he was working for Wilson, did you?—A. No, sir; not at the time I voted.

Q. 29. Didn't you know that he was working for the whole Republican ticket?—A. Not when I came here; I came late.

Q. 30. How long have you known Mr. Smith?—A. 8 years.

Q. 31. He has been a Republican all the time?—A. Yes, sir.

Q. 32. When he handed you that ticket did you know that Smock's name was on the ticket; that one-legged man in Vinton?—A. Yes, sir; I knew that.

Q. 33. You intended to vote for him?—A. Yes, sir; I intended to vote the straight Democratic ticket.

HENRY STEIN.

$1.25 paid as fee by contestant.

STATE OF IOWA,
Benton County, ss:

D. W. SHOEMAKER, being produced and sworn before John Baum, notary public for Benton County, on this 19th day of April, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Nichols and Burnham on the part of contestee):

Q. 1. Are you township clerk?—A. Yes, sir.

Q. 2. Did you assist in counting the ballots in this township to-day?—A. Yes, sir.

Q. 3. What is the result of the count for the office of Representative in Congres?—A. 34 Republican tickets, 1 Greenback ticket, 3 straight Democratic tickets, 66 votes for Wilson, 35 for Frederick.

Q. 4. What do you mean by bogus Democratic tickets?

(Contestee objects for the reason that there is a ticket noticed, and that it is not the best evidence.)

Q. 5. What do you mean by bogus Democratic tickets?—A. That they were mixed.

Q. 6. That they had Wilson's and Smock's name on them?—A. Yes, sir.

Q. 7. Democratic otherwise, except that they had Wilson's and Smock's name printed on?—A. Yes, sir.

Q. 8. I will call your attention to Exhibit "B;" is this the kind of a ticket you denominate bogus Democratic ticket?

(Witness examines it.)

A. Yes, sir; that is the bogus ticket with Smock's and Wilson's name on it.

Q. 9. How many ballots were cast for the straight Democratic tickets?—A. 67.

Q. 10. How many straight Republican tickets cast?—A. 34.

Cross-examination:

Q. 11. Did you find straight Democratic tickets there with Frederick's name scratched off and Wilson's name put on in this recount?—A. Yes, sir; 3 of them were.

Q. 12. Is there a single ticket in the box with all the names on from top to bottom that are Democratic?—A. Well, I don't know.

Q. 13. From the fact that you live there, and know these people, I want to find out is there a single straight Democratic ticket in that box?—A. Yes, sir; 35, I believe.

Q. 14. Well, is there a straight Democratic ticket in that box?—A. I don't know about the last.

Q. 15. Did you find David Smith's name on some tickets for justice of the peace?—A. Yes, sir.

Q. 16. Was he elected?—A. Yes, sir.

Q. 17. Elected justice of the peace for this township?—A. Yes, sir.

Q. 18. Did you then find a single straight Democratic ticket from top to bottom voted by the people in this election; now look?—A. I don't know whether they were straight Democrats or not; I don't know what they claim to be.

Q. 19. Is David Smith a Democrat?—A. Well, sir, he is a stranger to me.

Q. 20. How long have you been there?—A. 14 months; I don't know their politics at all; if I could know their politics I could testify different.

Q. 21. You are the present township clerk?—A. Yes, sir.

Q. 22. You keep the township records now, and have them in your possession?—A. Yes, sir.

Q. 23. Did you know that Mr. D. L. Smith was elected, was qualified, is now acting as justice of this township?—A. I saw it so recorded in the book, for I was one of the

supervisors here. I didn't see anything where he said that he was qualified; nothing to show to that effect.

Q. 24. There was notice given him of his election; didn't the records show that?—A. No, sir; the records didn't show that he was notified.

Q. 25. How long has he been acting as township clerk?—A. 2 months, about.

Q. 26. Well, the David L. Smith elected justice of the peace; is he the same man who was there peddling tickets on the day of the election?—A. He was a stranger to me.

Q. 27. Were you in there yourself?—A. No, sir; I wasn't there; he may have been there, I don't know him.

D. W. SHOEMAKER.

$1 15 paid as fee by contestant.

STATE OF IOWA,
Benton County, ss:

C. O. BYAM, being produced and sworn before G. W. Burnham, notary public for Benton County, on this 19th day of April, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Nichols and Burnham on the part of contestee):

Q. 1. Where do you reside?—A. Homer Township, Benton County, Iowa.

Q. 2. Were you present at the November election, 1882, at the general election?—A. I was here part of the day.

Q. 3. What part of the day was you here?—A. Well, from half-past twelve, while the polls were opened in the afternoon until after they were closed and the vote all counted out at night. I came right after dinner.

Q. 4. Do you know whether there was any particular discussion and controversy about any particular candidates for any offices?—A. The main point was on Wilson and Frederick, on Smock and McAllister, these men, the two that wanted the most help; for, as we understood it, they were the weakest candidates.

Q. 5. State whether or not the matter was talked publicly.—A. I think so; there was plenty of men on each side.

Q. 6. On which side did Tom Collins talk?—A. He worked faithful and true for Mr. Frederick.

Q. 7. Did you know anything of Mr. Collins making an explanation to voters, telling them who Wilson was?—A. I heard Collins say repeatedly, whenever Smith showed a Democratic ticket, "Hold on, boys, that is a bogus ticket, don't vote that; here is the true blue."

Q. 8. State whether Collins stated at that time, in your presence, and in the presence of those parties, that Smith was electioneering for Wilson and Smock; that the names had been printed on the Democratic tickets.—A. He told them that they were not straight Democratic tickets; that is the understanding I got from him.

Q. 9. Tom was working here in the afternoon?—A. He was here all the time I was here. I know that he stayed until the votes were all counted out. They had some little jokes and fun about it. I think that he was here when I came.

Q. 10. Didn't Tom generally make his appearance whenever any other fellows were trying to get votes for Wilson?—A. Yes, sir; I think that Tom worked faithfully.

Q. 11. Can you remember any particular person that he talked to?—A. I don't know that I can in particular. Whenever there was a voter coming up, that is, one that that was anywhere doubtful, that he thought he could pull over, he always made for them. He generally got two together, you know.

Q. 12. From your observation do you know whether the matter was fully explained by these men, that is, to the voters, as to the looks of these tickets?—A. I heard it explained to most of them; I won't say all of them, because some of the men voted before I came here.

Q. 13. I mean after you came?—A. Not much excitement in only a few votes after dinner.

Q. 14. Were you present all the time taking part in the electioneering men to vote from the time you came until the polls were closed?—A. Yes, sir; I staid here and tried to get all the voters for Wilson and Smock as I could fairly. I didn't deceive anybody. I polled the straight Republican tickets. Those were the only tickets I tried to poll that day. I knew that other tickets were there.

Q. 15. You knew there were; Collins said that he knew that those tickets were split tickets that Smith had?—A. Yes, sir; he knew that.

Q. 16. Did they talk it publicly?—A. Yes, sir; of course he knew it just as well as I did, that there were tickets here with Wilson's and Smock's name on; I heard him say "that is a bogus ticket"; I heard him tell a good many that these were not straight tickets.

Cross examination:

Q. 17. You only polled Republican tickets?—A. I polled straight Republican tickets.

Q. 18. Let me here ask you if you heard Tom speak to other men that you talked with? Did you hear Tom Collins talk?—A. No, sir; I didn't pretend to say that; I don't pretend to say that he absolutely knew that there were Democratic tickets that were split tickets. I heard him say that Smith had such tickets.

Q. 19. What time of day was it?—A. Afternoon; I came at half-past 12 o'clock.

Q. 20. Do you know whether he told them in the first or latter part of the afternoon?—A. Right along all the time; I heard it.

Q. 21. Do you know whether he said anything about it until the middle of the afternoon, at least?—A. To the best of my recollection he mentioned it right off.

Q. 22. You are positive of that, are you?—A. I am just as positive of it, that he knew it in the start, and I think that he knew it right along.

Q. 23. Did you hear men inquire of those men that had bogus tickets for Democratic tickets, and got one of these tickets?—A. Those Wilson and Smock tickets?

Q. 24. Did you hear men asking for straight Democratic tickets and get one of these Wilson and Smock tickets?—A. I heard men asking for straight Democratic tickets, and after talking with them awhile they would take one of those other tickets and vote it.

Q. 25. You don't know what was said to them?—A. I understood some of that talk; it was German.

Q. 26. There are a good many foreigners here, are there not?—A. Yes, sir; some of them in favor of that ticket.

Q. 27. Can they understand English very well?—A. Yes, sir; but not all intelligently.

Q. 28. Do you know that men received that Democratic ticket with Wilson and Smock's name on them, and thought that there were no Republican names on them?—A. I don't understand you.

Q. 29. Didn't you know that men got those tickets with Smock's and Wilson's names on without knowing but they were straight Democratic tickets?—A. I did not know of anybody in that case.

Q. 30. You don't know that these men that testified here to-day were honestly deceived, do you?—A. No, sir; of course I did not; I could not see every voter.

Q. 31. You do not feel as though it was fair to have Democratic tickets and have 2 or 3 Republican names on, do you?—A. Well, I do not think it was fair; I did not see anything wrong about it. What is the difference whether you write it or print it in?

Q. 32. You don't think it was right to impose on the men?—A. I would not ask a man to vote unless I would tell him that I believed that Mr. Wilson was the best man. I worked for Mr. Wilson because I thought he was the best man.

Q. 33. Did not try to deceive anybody about it, neither?—A. No, sir.

Redirect:

Q. 34. Do you believe as a matter of fact that they were deceived?—A. No, sir; I don't believe that they were deceived.

Recross-examination:

Do you know Henry Tluisson?—A. Yes, sir; I think that is the name.

Q. 36. Do you know Henry Steen?—A. Yes, sir.

Q. 37. Were these honorable men and good citizens?—A. Yes, sir; first-rate men.

Q. 38. You believe what these men say?—A. I won't say all of them, but I will say Jacob Schellerman.

Q. 39. If he said he was deceived, or any of them were deceived, would you believe it?—A. If Jacob Schellerman should say he was deceived I would believe him; I would not say the same of all of them.

Q. 40. You don't know all of them as well as you know him?—A. I know enough to say that I would not take all of their word; I don't want you to question me any more as to that.

Redirect:

Q. 41. How long have you lived in the township?—A. 15 years.

Q. 42. Do you know those men pretty well?—A. Yes, sir; I have polled votes up there every election.

Q. 43. You are satisfied with the publicity of those ballots; that everybody must have known about it?—A. They had an extra good chance to know. A man might come up in a hurry, vote, and not know of it; but then there was too much excitement over it. For there was so much talk at the election; they were quarreling about it all the time.

Q. 44. They quarreled about those votes?—A. Yes, sir; that was the main fight.

Q. 45. Collins was trying to prevent it?—A. Yes, sir; that is the fight.

C. O. BYAM.

$1.05 paid as fee by contestant.

C. O. BYAM recalled.

Q. 1. Can you say that there was a single straight Democratic ticket voted that day?—A. D. L. Smith was elected justice of the peace; I don't know of another.

Q. 2. Smith was known to be a Republican?—A. Yes, sir; always as far as I know.

By Frederick:

Q. 3. Was any one voting for township officers on the Democratic ticket?—A. There was no opposition at all; they just picked out who they wanted, and nobody ran against them. If we didn't like them we scratched them; there was no real township ticket.

Wilson:

Q. 4. Did a good many of these men that had formerly voted the Republican ticket?—A. Yes, sir.

Q. 5. A change on the account of the liquor question?—A. Yes, sir; that is the way I understood it.

Frederick:

The same with the Democrats and the same with Republicans; they would pick out from the township wherever they could get a good man; some times it depended on whether they would serve.

(Excused.)

STATE OF IOWA,
Benton County, ss:

CLAUS YOUNG CLAUS, being produced and sworn before John Baum, a notary public for Benton County, Iowa, on this 19th day of April, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Nichols and Burnham on part of contestee):

Q. 1. Did you vote at the Nov. election, '82, for the office of Representative in Congress?—A. Yes, sir.

Q. 2. Did you vote the Democratic or Republican ticket?—A. I voted the Democratic ticket.

Q. 3. For whom did you vote for Representative in Congress, Frederick or Wilson?—A. I intended to vote for the Democratic candidate, whoever that was.

Q. 4. From whom did you procure that ticket?—A. From Tom Collins; he said it was a straight Democratic ticket.

($.75 paid as fee by contestant.)

CLAUS YOUNG CLAUS.

STATE OF IOWA,
Benton County, ss:

JAMES STOREY, being produced and sworn before John Baum, a notary public in and for Benton County, on this 19th day of April, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Nichols and Burnham on the part of contestee):

Q. 1. Where do you live?—A. In Homer Township.

Q. 2. How long have you lived in Homer Township?—A. 13 years.

Q. 3. Were you present at the election November, 1882?—A. Yes, sir.

Q. 4. Did you hold any official position at that time?—A. Yes, sir.

Q. 5. What was it?—A. I am one of the trustees.

Q. 6. Were you present all the time the polls were open that day, and did you hear any controversy or discussion about the candidate for Representative in Congress?—A. Yes, sir.

Q. 8. Did you hear the question raised as to there being Democratic tickets with Wilson's and Smock's name on?—A. Yes, sir.

Q. 9. Who did you say was mentioned on the Democratic side?—A. I heard Mr. Collins frequently speak of it.

Q. 10. What id he say about it?—A. He said it was a bogus ticket, and warned others not to vote it.

Q. 11. Collins was very active there, was he?—A. Yes, sir; apparently.

Q. 12. Was there any one else active on the Democratic side beside Collins?—A. I don't now remember exactly.

Q. 14. What did you hear Collins say about these bogus tickets as you call them?—A. He mentioned that Mr. Wilson's name was on the ticket.

Q. 15. Do you know who was handling these Democratic tickets with Wilson's and Smock's names on?—A. Yes, sir; Mr. Smith.

Q. 16. Anybody else?—A. Not that I recollect.

Q. 17. Did you hear Mr. Collins, in the presence of Mr. Smith, make any statements in reference to it about any one?—A. Yes, sir.

Q. 18. Do you remember the person's answer; you may state whether it was repeated.—A. Yes, sir; it was.

Q. 19. Was Mr. Collins generally present when they were trying to get men to vote his ticket?—A. Yes, sir; Mr. Smith was flying around too. They are about alike, I guess; pretty well matched.

Q. 20. Smith tried to get votes for his man, and Collins for his man?—A. Yes, sir.

Q. 21. Do you know about any misrepresentations made about Smith?—A. No, sir; I do not know of any.

Q. 22. Who were they that were generally in controversy; were they Germans?—A. Yes, sir; very often.

Q. 23. They did not have any controversy over their Irish brethren, did they?—A. No, sir; I guess they were——

Q. 24. Did you know any one voting Smith's ticket after Collins had expostulated?—A. I don't know whether they voted that or not; I saw them take them.

Q. 25. It was in the room, was it, where the voting was done?—A. Yes, sir.

Q. 26. Did you peddle any tickets yourself?—A. No, sir; I did not.

Cross-examination:

Q. 27. Were you one of the judges at the election?—A. Yes, sir.

Q. 28. You did not enter into the controversy?—A. No, sir.

Q. 29. Do you remember what time in the day the controversy came as to the bogus tickets?—A. Different times of the day.

Q. 30. Can you fix the time?—A. I am certain the polls were open in the afternoon; it may have been before that time; I am not positive.

Q. 31. Did you hear Smith say to the voters, "Here is a State Democratic ticket"?—A. No, sir.

Q. 32. You did not hear what conversation he had with the men, how many he deceived, did you?—A. I don't know.

Q. 33. You don't know but he might have deceived a great many, do you?—A. I can't tell.

Redirect:

Q. 34. You don't know that he deceived anybody?—A. No, sir.

Q. 35. Didn't you know that it was one of the warmest fights ever had in your township?—A. Yes, sir; it appeared to be.

Q. 36. Both parties were very active in examining the situation?—A. Certainly they were.

Q. 37. Did not Smith also explain the situation as to why he voted for Wilson and Smock?—A. Yes, sir.

Q. 38. You are one of the trustees?—A. Yes, sir.

Q. 39. Did you help count the ballots?—A. Yes, sir.

Q. 40. Help to count them in the box?—A. Yes, sir.

Q. 41. Didn't throw out any?—A. Yes, sir.

Q. 42. Made what you considered a correct count?—A. Yes, sir.

Q. 43. Made a correct return according to the count, as near as you could make it?—A. Yes, sir.

Q. 44. There was no ticket refused to be counted for somebody?—A. No, sir; none refused.

Q. 45. What is your recollection as to the No. of votes cast for Wilson?—A. I can't tell at present. I remember a number of Republican votes, but how many I can't remember.

Recross-examination:

Q. 46. How many times did you count the tickets over?—A. Twice.

Q. 47. Did you count them then?—A. Yes, sir.

Q. 48. Did you count them all?—A. Yes, sir.

Q. 49. You did not say, but you might have made a mistake in counting the votes?—A. The three trustees counted the same number.

Q. 50. What kind of light did you have?—A. Kerosene lamps.

Q. 51. You can't say but that the clerks in counting might have made a mistake?—A. The No. of ballots corresponded.

Q. 52. You can't tell but what they made a mistake in tallying?—A. I don't see how they could.

Q. 53. You don't know but what they made a mistake in some votes where there were split tickets like those for Representative in Congress; how many times did you go over them; you don't see but what the man might have put down one for Frederick when the name of Wilson should have been tallied, according to the call?—A. Of course, the tallies work.

Q. 54. How many straight Democratic tickets were there on the State ticket?—A. I can't remember at present.

Q. 55. Do you remember how many Republican there were?—A. Yes, sir; there were 35 State Republican tickets.
Q. 56. How many ballots cast altogether?—A 102.
Q. 57. The ballots were State Democratic tickets, were they not?—A. I cannot say whether they were Democratic tickets or not. There was a Greenback ticket, I believe.
Q. 58. There were 35 straight Republican tickets?—A. Yes, sir.
Q. 59. Might you not be mistaken about there being 35?—A. I don't think there could be.
Q. 60. Were you here when they were counting?—A. Yes, sir. I helped to count the ballots twice.
Q. 61. Did you help to make up the poll-book?—A. Yes, sir; I signed it.
Q. 62. You were here until it was all finished up; did you sign both papers?—A. No, sir; I did not.
Q. 63. You were not here, then, until it was all finished?—A. No, sir; not until it was all finished.
Q. 64. You were positive there were 35 tickets cast for the State Republican ticket?—A. Yes, sir.

Redirect:

Q. 65. Did the number of ballots correspond with the number of voters?—A. Yes, sir.
Q. 66. There are so many men voted?—A. Yes, sir.
Q. 67. So many names on the book?—A. Yes, sir.
Q. 68. And then the No. corresponded?—A. Yes, sir.

JAS. STOREY.

1.15 paid as fee by contestant.

STATE OF IOWA,
Benton County, ss:

FRED. HANSON, being prodnced and sworn before, John Baum, a notary public in and for the county of Benton, on this 19th day April, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Nichols and Burnham on the part of contestee):

Q. 1. Where do you live?—A. Homer Township, Benton Co., Iowa.
Q. 2. How long have you lived in Homer Township?—A. About 15 years.
Q. 3. Were you present at the election in Nov., '82?—A. I was.
Q. 4. Did you occupy any official position?—A. I was one of the trustees.
Q. 5. Were you present all day, from the time the polls were opened until the polls were closed?—A. Yes, sir; I was.
Q. 6. You remember there being any discussion during the day about the candidates for Representative in Congress; there was a pretty warm controversy at first over that particular office?—A. Yes, sir; on both sides.
Q. 8. Do you remember of Thos. Collins being here?—A. Yes, sir.
Q. 9. Did he have anything to say?—A. He worked for Frederick.
Q. 10. Did he engage in securing votes for Frederick?—A. I saw him hand out tickets.
Q. 11. Do you know Mr. Smith?—A. Yes, sir; I do.
Q. 12. He was trying to get men to vote, too?—A. Yes, sir.
Q. 13. You remember Collins asking about there being Democratic tickets that had Wilson's name printed in; was it at one of the elections you have had here?—A. Yes, sir.
Q. 14. Do you remember Tom. showing 2 bogus tickets?—A. No, sir; I don't remember it.
Q. 15. Who were the trustees?—A. Jas. Storey and another man.
Q. 16. I would ask you whether there was any other Fred. Hanson here that day besides yourself?—A. There is a voter here by that name.
Q. 17. Was he here electioneering, the other Fred Hanson?—A. I did not know that he was.
Q. 18. What were his politics?—A. I don't know positive. I don't know whether he was here or not.
Q. 19. Did you give out tickets for or to any one that day?—A. I gave tickets, and, in the morning before we opened the polls, I handed a ticket to a man. Then I had some other tickets to give to the men when the polls were open.
Q. 20. Did you electioneer to vote; did you talk to your German friends to get them to vote, before the polls were opened?—A. No, sir.
Q. 21. Did you hand tickets to any one that day with Mr. Wilson's name printed in, Democratic tickets with Mr. Wilson's name printed in, and tell any one that they

were straight Democratic tickets?—A. No, sir; I said Democratic tickets. I handed them to them without saying a word.

Q. 23. Did you hand your tickets to them in bunches, to peddle around?—A. Yes, sir.

Q. 24. Did you not solicit any one to vote yourself?—A. No, sir.

Q. 25. After the polls were open, did you take any part in peddling tickets and soliciting votes?—A. I cannot say for sure; I may have handed out a very few tickets.

Q. 26. I suppose there were tickets of all kinds lying on the table when you were holding the election?—A. Yes, sir.

Q. 27. So that a man could get whatever kind he wanted?—A. Yes, sir.

Q. 28. Printed so that a man could read it plainly?—A. Yes, sir.

Cross-examination:

Q. 29. Did you vote the Republican ticket?—A. No, sir, I voted the Democratic ticket; that is, one of those bogus tickets.

Q. 30. You understood what you were voting?—A. Yes, sir; I understood it.

Q. 31. Who got you to vote that ticket?—Well, I always vote what I want to.

Q. 32. Were you employed by any one for electioneering?—A. No, sir.

Q. 33. Let me ask you, did you attend election all day?—A. Yes, sir.

Q. 34. What time did Jas. Storey go away; when did he sign the poll-book, that night or the next day?—A. I do not know when he signed them.

Q. 35. Did you object to his signing them that night?—A. No, sir; he did not sign them that night at the election.

Q. 36. He went away before the poll-books were signed, did he?—A. Yes, sir.

Redirect:

Q. 37. Can you read English yourself?—A. Yes, sir.

Q. 38. Can the most of the Germans here that you are acquainted with read English?

Q. 39. Are they intelligent men?—A. Yes, sir.

Q. 40. Can they read English?—A. Yes, sir: they can read their name anyway. Most any one I know can read the name on the ticket.

Q. 41. They are good enough men to know that much?—A. Yes, sir.

Q. 42. Do you believe from your knowledge of the election that day that men were deceived by the tickets?

(Objection, hearsay, leading; asking for the opinion rather than the fact.)

Q. 42. Do you know these people?—A. Yes, sir.

Q. 43. Are they intelligent people; people that can read any other than their own language, most of them?—A. Yes, sir.

In English can they read the name on the ticket?—A. Yes, sir, I guess they can.

Q. 45. You take proper names as Fred. Hanson, as it is ordinarily printed in German or in English either, must a man be an English or a German scholar in order to read it?—A. It is just the same in our language; the only difference is in spelling.

Q. 46. Now take the name of Jas. Wilson, as it is printed on those tickets in large letters, would it not be printed substantially in the same characters in German?—A. Yes, sir; in Wilson, we put in E instead of O.

Q. 47. In Frederick, in German, the characters would be substantially in the same?—A. Yes, sir; the same.

Q. 48. So that if a man could read Frederick in German he could read it in English, could he not?—A. Yes, sir.

Q. 49. So if you take candidates whose names are on the tickets, if a man could read them in German he could read them in English, could he not?—A. Yes, sir.

Q. 50. Those people can all read English?—A. Yes, sir.

Q. 51. Most of them read English?—Yes, sir; such as the names.

Recross-examination:

Q. 52. Are you acquainted with these men who have testified here to-day; for instance, are you acquainted with Charles Malerbrook?—A. I just know him by sight.

Q. 53. Do you know Henry Slake?—A. Yes, sir.

Do you know Jas. Wohl?—A. Yes, sir.

Q. 55. Do you know Peter Seek?—A. Yes, sir.

Q. 56. Do you know Geo. Thode?—A. Yes, sir.

Q. 57. Do you know F. F. Goken?—A. Yes, sir; I know him.

Q. 58. Now are all these responsible people?

(Contestant objects, as not proper cross examination, and also that there has been no attempt to impeach the character of any of these parties; also that it is not a proper manner of showing reputation, character.)

Q. 59. Are these responsible people?—A. I think so.

Q. 60. If they swore they could not read those names, would you believe them?

(Contestee objects to the question, as for the reason that it calls for an opinion as to the question of veracity.)

Q. 61. You don't know but some of those men could not read those names.—A. I think that every man could read every name.

Q. 62. Did you ever hear them read names?—A. No, sir.

Q. 63. You don't know absolutely that they can read names or pronounce them in English?—A. No, sir.

Q. 64. You don't want to swear that those men can read those names.—A. I do not swear anything about that.

Q. 65. You are a very good scholar in your own language, are you not?—A. I count myself fair.

Q. 66. Some of those men who have not had so much scholarship as you might not be able to pronounce as well as you.—A. That is hard to say.

Q. 67. You say there is another Fred. Hanson?—A. Yes, sir; another in the township; I don't know for sure whether he was here that day to vote.

Q. 68. You did not hear Jas. Collins say anything about bogus tickets that forenoon?—A. No, sir.

Q. 69. You do not remember that he said anything about it that forenoon?—A. No, sir; I know that they had some talk about it; I did not pay much attention to it.

Q. 70. Did you make a correct count?—A. Yes, sir.

Q. 71. You counted all the ballots in the box?—A. Yes, sir.

Q. 72. Did the ballots in the box correspond to the number of men who voted?—A. Yes, sir.

Q. 73. You think you made a correct count?—A. Yes, sir; I counted them over twice.

Recross-examination:

Q. 74. You don't say but what you might have made a mistake when those tickets were scratched for some particular officer; you don't say that it would be possible for you to make a mistake as to some of the names on the tickets; you don't say that it was impossible to make a mistake?—A. No, sir; but I think we got it right.

Q. 75. Do you know that the clerks tallied right?—A. Yes, sir.

Q. 76. How do you know it?—A. That is, I read off all the names; they put it down; after we got through they corresponded with the number of tickets and the number of names. I think that that was right.

Q. 77. You don't pretend to know but when they called Frederick's name they might have made a tally for Wilson by mistake, do you?—A. No, sir; but I guess not; I cannot swear to that.

Q. 78. You tried to read them right, did you?—A. Yes, sir.

Q. 79. How many Republican tickets cast for the State, do you remember?—A. No, sir; I don't remember.

(Excused.)

FRED. HANSEN.

1.55 paid as fee by contestant.

STATE OF IOWA,
Benton County, ss:

H. A. MEYER, being produced and sworn before G. W. Burnham, a notary public in and for Benton County, on this 19th day of April, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Nichols and Burnham on the part of contestee):

Q. 1. Where do you reside?—A. In Homer Township.

Q. 2. How long?—A. Since '72.

Q. 3. Were you present at the Nov. election, '82?—A. Yes, sir.

Q. 4. Did you hold any official position?—A. I was township clerk.

Q. 5. Were you present all day?—A. Yes, sir.

Q. 6. What kind of an election was it, pretty warm?—A. Yes, sir; the hottest that I have ever seen in this township.

Q. 7. Who was general-in-chief on the Democratic side; Mr. Collins?—A. Yes, sir; that is, he was there.

Q. 8. Was there anybody else on the Democratic side except Mr. Collins taking particular part?—A. I guess not; I did not see anybody else.

Q. 9. Mr. Collins was all around here.—A. Yes, sir.

Q. 10. Whenever a man was coming up to vote Collins was after him?—A. Yes, sir.

Q. 11. Who was peddling on the other side?—A. David Smith.

Q. 12. Did he and Mr. Collins have any conversation during the day?—A. Well, they had a little fun sometimes, I guess.

Q. 13. What was it about?—A. I heard him say he had a bogus or a mixed ticket; a Democratic ticket with other names on it.

Q. 14. Was that talked public here?—A. Yes, sir.
Q. 15. What did Collins say about it?—A. I cannot say what he said about it.
Q. 16. They talked about it?—A. Yes, sir; they did,
Q. 17. A good many times during the day?—A. I could not tell you about it; I heard them talk about it, though.
Q. 18. Was it done publicly here, so that everybody could hear it?—A. Yes, sir.
Q. 19. What time of day was it that you heard it?—A. I don't know, but I guess it was in the afternoon.
Q. 20. Tom was here when the ballots were opened, was he not?—A. I cannot tell whether he was or not.
Q. 21. Did you know whether anything was said about it in the forenoon?—A. I believe in the afternoon, but I can't tell for certain which time it was.
Q. 22. Did you know whether Smith was there in the forenoon? How many ballots were polled in the forenoon?—A. I can't remember.
Q. 23. Were there only a few?—A. Not a great many.
Q. 24. Can you tell about how many were polled before noon? Give us your best recollection.—A. Well, I cannot tell; it is not in my mind; I guess about 30 votes in the forenoon.
Q. 25. Mr. Meyer, you are a German, are you not?—A. Yes, sir.
Q. 26. You are educated in the German language?—A. Yes, sir.
Q. 27. Now I will ask you to take the words Democratic State ticket, at the top of Exhibit A, which I hand you, and I will ask if the characters are not sufficiently alike so that the man who can read them in German can read them in English?
(Contestant objects, for the reason that it is asking for information requiring an expert.)
Q. 28. Now take Jas. Wilson. Suppose that was written in German, would not the characters be substantially as they are in that word, with the exception that you would spell "sen" instead of "son"?—A. Yes, sir; that is the way it is spelled in my language.
Q. 29. So that any person that could read it in English could read it in German?—A. Yes, sir.
Q. 30. Now take the name Henry Davis or S. Hock, and others, is not that true of all?—A. Yes, sir; I guess any one who could read it one language could read it in the other.
(Same objection to all the above questions, as leading, suggestive, &c.)
A. In our language we use roman letters, too, for proper names.
Q. 31. Now, in the word Bronson, you would spell it "sen," instead of "o"?—A. Yes, sir.
Q. 32. You use roman letters in proper names?—A. Yes, sir.
Q. 33. Take a ticket printed in this kind of letters, a German, you think, would be able to read it?—A. Yes, sir; if he wanted to.
Q. 34. Were you present when the count was made?—A. Yes, sir.
Q. 35. Were you tally-clerk?—A. Yes, sir.
Q. 36. How many times did you count the ballots over?—A. Twice.
Q. 37. What did you count them over the second time for?—A. I guess we counted them over three times. In the first place we only counted 101 ballots, but there was one Greenback ticket in it; we did not count that, and that is the reason. We overlooked it, I guess, and then counted again.
Q. 38. Did you make a correct count?—A. Yes, sir; we did.
Q. 39. Did the number of ballots you counted agree with the number of voters whose names were on the poll-books?—A. Yes, sir.
Q. 40. Now, did you explain to every person to whom you gave a ticket just what it was?—A. Yes, sir; I explained it to them.
Q. 41. Did you hand anybody Democratic tickets that had Wilson's name on it?—A. Yes, sir.
Q. 42. How many of them?—A. Five or six, I guess.
Q. 43. You may state whether you did, or did not, explain to the parties to whom you gave them just what those tickets were?—A. Yes, sir; I did.
Q. 44. Did you tell them why you wanted them voted?—A. Yes, sir; I gave the reason.
Q. 45. What reason did you give?—A. I told them that the reason is this: that I thought he would make a good Representative. Also, for the reason that he was an old farmer; that he would do better for the farmers in Congress.
Q. 46. You may state whether you deceived or attempted to deceive any of the men to whom you gave the tickets. Do you remember the names of the parties to whom you gave the tickets?—A. I guess I can remember some.
Q. 47. Please give the names you can remember.—A. I guess I gave the tickets to Haack, also to George Mohr.
Q. 48. Now, was there any single instance where you gave a ticket to any of your

German friends, in which you did not fully explain the nature of the ticket to him, and why you wanted him to vote?—A. Yes, sir; I explained to him just the reason why.

Q, 49. Do you remember an old man by the name of John Johnson?—A. Yes, sir.

Q. 50. Did you give him a ticket?—A. I do not know whether I did or not.

Cross-examination:

What explanation do you remember, now, given to John Johnson?—A. Well, I cannot tell.

Q. 52. Do you remember what conversation you had with John Johnson?—A. No, sir; I don't.

Q. 53. Do you remember what conversation you had with Mr. Mohr?—A. No, sir; I explained to him what kind of a ticket it was.

Q. 54. What words can you swear you used to Mr. Mohr?—A. I cannot say exactly.

Q. 55. What words can you say you told Mr. Haack?—A. I told him what ticket it was.

Q. 56. Did you tell him that it was a Democratic ticket?—A. Yes, sir; that there were two other names on it.

Q. 57. Did you tell him that those names were Republicans?—A. No, sir; I did not say Republicans, but Wilson and Smock.

Q. 58. You told him that they were Democratic tickets that had the names Wilson and Smock on them?—A. Yes, sir; I explained that I thought Wilson the best man.

Q. 59. You did not pretend to say you told him that Wilson was a Republican?—A. I do not remember that.

Q. 60. You did not say that Wilson was in Congress before?—A. Yes, sir.

Q. 61. And that he was a farmer?—A. Yes, sir.

Q. 62. And would do more for farmers for that than any others?—A. Yes, sir.

J. H. A. MEYER.

$1.05 fee, by contestant.

STATE OF IOWA,
Benton County, ss:

I, Eldon Moran, a notary public for Johnson County, and commissioner agreed upon to take testimony in this cause, in pursuance of the annexed agreement, attached to the testimony of J. L. Adams, whose testimony was taken Feb. 22, 1883, do truly certify that on the 19th day of April, 1883, in pursuance of the notice hereunto annexed, I took the depositions of the following witnesses: Thos. Collins, Ben Seikert, Thos. Peterson, H. Kramer, Chas. Kussel, John Scharenberg, Louis Illian, Henry Selk, J. Whol, Peter Seek, P. M. Theisen, George Thode, H. Albers, Peter Brandt, H. W. Kussel, T. F. Goken, A. R. Gaghagen, M. E. Howard, Jacob Landgrebe, P. F. Deppe, John Hornstein, Chas. Albright, Martin Albright, Henry Ripple, John Johnson, Claus Haack, Geo. Haack, John Krug, Marcus Witt, Justus Melhaus, S. Theisen, Peter Schoelerman, Nic Schoelerman, Henry Theisen, Henry Stein, D. W. Shoemaker, C. O. Byam, C. O. Byam (recalled), C. O. Byam (recalled), Claus Young Claus, James Storey, Fred Hansen, H. A. Myer; whose testimony is set forth in the following manner: Each witness was first by me duly sworn or caused to be sworn in my presence, as provided by law, and when sworn the questions were propounded to him by the respective parties, Benj. T. Frederick, contestant, and James Wilson, contestee, by their respective att'ys, and the question by me read to the witness, who answered the same, and his answer by me, in the language of the witness taken down under each question propounded, and reduced to writing, till the deposition was completed.

I further certify that when the testimony of each witness was taken, I carefully read the same over to the witness, who corrected the same, and each correction noted, and said testimony was then signed by the witness and sworn to by him before me.

I further certify that T. Brown & Carney appeared as counsel for the contestant, Benj. T. Frederick; and Nichols Burnham appeared as counsel for the contestee, James Wilson.

In witness whereof I have set my hand and seal hereunto, notarially, this 19th day of April, 1883.

[SEAL.]

ELDON MORAN,
Notary Public for Johnson County, Iowa, and
Commissioner agreed upon to take testimony.

(No. 7.)

No. 1.

UNITED STATES OF AMERICA,
State of Iowa, Iowa County, ss:

To James Wilson, or J. H. Feenan, his attorney:

You are hereby notified that at the office of A. J. Morrison, and before Eldon Moran, a notary public and commissioner agreed upon to take testimony, in Marengo, State of Iowa, on 9th day of March, A. D. 1883, at 1 o'clock p. m., your contestant, Benjamin T. Frederick, will take the testimony of the following-named witnesses residing in ——— township, in Iowa County:

J. B. Lyon, A. M. Henderson, with poll-book, ballot-box, and ballots voted at Nov. election, 1882; Jno. Saney, E. Tucker, B. F. Reno, all of Marengo Township, Iowa County, State of Iowa; Martin Hanson, Rob't Powell, Andrew Jacobs, with poll-book, ballot-box, and ballots cast at the Nov. election, 1882, at office above named, all of Hilton Township, Iowa County, State of Iowa; J. S. Wagner, with poll-book as returned of Nov. election, 1882, of Marengo, and Hilton Township, Iowa County, State of Iowa, whose testimony, when so taken and at the proper time, will be read in evidence before the House of Representatives of the United States, in the contest of your election as a member of the House of Representatives, between Benjamin T. Frederick, contestant, and you, James Wilson, respondent or contestee.

Dated at Marengo, this 8th day of March, A. D. 1883.

BENJAMIN T. FREDERICK,
His Attorneys and Counsellors.

I received this notice on the 8th day of March, 1883, and served the same on the same day, at 10 o'clock and five minutes a. m., on J. H. Feenan, as attorney for James Wilson, at Marengo, in Iowa County, Iowa, by reading this notice to him, and by delivering to him personally a true copy of the same.

Dated March 8th, 1883.

T. J. TALBOTT, *Sheriff*,
By S. A. WILSON, *Deputy*.

Fees:

Service	50
Copy	25
Mileage	10
	85

STATE OF IOWA,
Iowa County, ss:

Deposition of witness produced before me, Eldon Moran, a notary public and commissioner agreed upon to take testimony, and duly sworn by A. J. Morrison, a notary public in and for the county of Iowa, Iowa, on this 8th day of March, A. D. 1883, in pursuance of the notice hereunto annexed, in the town of Marengo, Iowa County, Iowa, in a proceeding pending before the House of Representatives of the United States of America, in a contested election for the office of Representative in Congress, in which proceeding Benjamin T. Frederick is contestant, and James Wilson, contestee; Brown & Carney appearing for the contestant, and A. H. Simpson and J. N. W. Rumple for contestee.

The following testimony was taken before me:

STATE OF IOWA,
Iowa County, ss:

J. B. LYON, being produced and sworn before A. J. Morrison, a notary public for Iowa County, on this 8th day of March, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, A. H. Simpson on part of contestee):

Q. 1. Did you go to New Mexico last spring?—A. Yes, sir.
Q. 2. When did you go?—A. Last Nov.
Q. 3. What time did you return here?—A. In Oct. last.
Q. 4. What day, do you know?—A. Went away on the 14th of Nov. and returned on the 14th of Oct.
Q. 5. 14th of Nov. and returned the 14th of Oct., 1882?—A. Yes, sir.
Q. 6. Are you a married man and have a family here?—A. No, sir; I am a single man.
Q. 7. Did you vote at the last general election?—A. Yes, sir; the straight Republican ticket clear through.

Q. 8. Did you vote for James Wilson for Representative in Congress?—A. Yes, sir, I did, for his name was on the ticket.
Q. 9. Did you look at the ticket?—A. Yes, sir.
Q. 10. Were you engaged in any kind of business while away; and, if so, what?—A. Yes, sir; cooking.
Q. 11. In New Mexico?—A. No, sir; not there all the time.
Q. 12. Out of the State of Iowa?—A. Yes, sir.

Cross-examination:

Q. 13. You regard this your place of residence?—A. Yes, sir; always did.
Q. 14. You have never made a residence anywhere else?—A. No, sir.
Q. 15. Never performed any act away from here that would interfere with your residence here?—A. I do not understand that.
Q. 16. No, sir; only when I was in the army.
Q. 17. Do your parents live here?—A. Yes, sir; they live here.
Q. 18. Are they in your charge, or are you in their charge? Do you make your home with them?—A. Yes, sir; I do.
($0.85 paid as fee by contestant.)

J. B. LYON.

STATE OF IOWA,
Iowa County, ss:

ED. TUCKER, being produced and sworn before A. J. Morrison, notary public for Iowa County, on this 8th day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant and A. H. Simpson on the part of contestee):

Q. 1. What is your name, age, and place of residence, and occupation?—A. My name is Ed. Tucker; live in Marengo, Iowa, and am a farmer, and my age is 53 years old.
Q. 2. You may tell if you have held, or now hold any official position in Iowa County, in 1882, when James Wilson, and B. F. Frederick were voted for, for the office of Representative in Congress, 5th district?—A. Yes, sir.
Q. 3. Did you help canvass that day?—A. Yes, sir; that night.
Q. 4. Did you help canvass them to-day again?—A. Yes, sir.
Q. 5. In your opinion are these the same tickets you canvassed that time?—A. I should not know but what they were, they look like them.
Q. 6. Do you not see any alteration about them that you know of?—A. No, sir; that double ticket looks as though it had been open and folded up a great many times.
Q. 7. You handled it that night then; opened it and folded it?—A. Yes, sir.
Q. 8. Do you remember whether that co. ticket was voted alone or with another ticket?—A. It is my impression that it was folded inside of another ticket—the State ticket—but I might be mistaken about that.
Q. 9. Had you ever heard Mr. Ernet announce positively that his was folded inside of another ticket?—A. To the best of my ability to see, I should think it was; Mr. Swaney counted the tickets out; I did not take so particular observation as if I had counted them myself.
Q. 10. Swaney counted them out?—A. Yes, sir.
Q. 11. Took them out of the box, you mean?—A. Yes, sir.
Q. 12. What did you do?—A. I strung them on a string.
($0.85 paid as fee by contestant.)

ED. TUCKER.

STATE OF IOWA,
Iowa County, ss:

A. M. HENDERSON, being produced and sworn before A. J. Morrison, notary public for Iowa County, on this 8th day of March, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, A. H. Simpson on part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. A. M. Henderson; age, 33; residence, Marengo; occupation that of cashier in a bank.
Q. 2. Did you reside in Marengo in Nov., '82?—A. Yes, sir.
Q. 3. What official position did you hold at the time, if any?—A. Township clerk.
Q. 4. Marengo Township?—A. Yes, sir.
Q. 5. Were you in attendance at the election held in Marengo on the 7th of Nov. last?—A. Yes, sir.
Q. 6. Act as township clerk there?—A. Yes, sir; I did.
Q. 7. Did you take into your custody the ballots and poll-books of that election?—A. I did.
Q. 8. Have they been in your charge ever since the election?—A. Yes, sir.
Q. 9. How have they been kept?—A. Kept in the ballot-box.
Q. 10. Was the box locked all the time?—A. Yes, sir.

Q. 11. Where is the ballot-box and ballots?—A. They are here (witness produces the box).

Q. 12. Will you please produce the ballots; and you may, assisted by two of the trustees, recount the ballots for Representative in Congress for Nov., 1882.

(Assisted by Messrs. B. F. Reno, Ed. Tucker, J. S. Swaney, recounts the votes.)

Q. 13. I will ask you now if you have recounted the ballots cast at the Nov. election last for Congressman, and also what the result is, and how it compares with the tally-list made at the time of the original canvass in Nov.?

(Contestee objects to the question for the reason that it has not been shown that the ballot-box was preserved inviolate, and that these were the identical ballots cast at the election.)

A. The result of the present count for Wilson, 263; for Frederick, 211; for Platner, 24; it differs from the original count in Frederick only, which was 209 according to the original count.

Q. 14. Now, I will ask you if you are satisfied that these are the same ballots that were cast at the Nov. election; the same ballots counted by you and the trustees at the Nov. election, '82?

(Contestee objects to the question for the reason that it has not been shown that the ballot-box has been preserved inviolate, and that these were the original ballots cast at the election.)

A. I am certain they are.

Q. 15. I will ask you if the ballot-box has been in your charge all the time since then and locked?—A. Yes, sir; it has been locked all the time where I keep my township records, in Squire Simpson's office; I have had the key.

Q. 16. Who, if any person, has handled these tickets since the last Nov. election?—A. Thomas Stapleton counted them; he is the only one since.

Q. 17. Who counted the tally?—A. I did.

Q. 18. And saw them counted?—A. Yes, sir; saw them counted.

Q. 19 Did you think it possible that there could have been any change made in any of the ballots during the time of the count that you and Stapleton made?

(Contestee objects to the question for the reason that it has not been shown that the ballot-box has been preserved inviolate, and that these were the same identical ballots cast at the election.)

A. I think not.

Q. 20. At the time you opened the ballot-box, when you and Stapleton recounted it, did you find the ballot-box in the same condition which you left it in, and the ballots in the same condition also?—A. Yes, sir; we did.

Cross-examination:

Q. 21. Mr. Henderson, did you act as clerk at the last election? -A. Yes, sir; I did.

Q. 22. You took possession of the ballot-box after the count was made?—A. Yes, sir.

Q. 23. What did you do with it?—A. I took it and left it at Squire Simpson's office; that is where I have the records and keep my ballot-box.

Q. 24. Were you doing business there?—A No, sir.

Q. 25. How long after you left it there did you see it again?—A. I did not open it all till within the last week or ten days.

Q. 26. How long after you left it there did you see the box again?—A. I cannot tell that; I have not been by the office only a few times

Q. 27. The box was in Mr. Simpson's office where you did not see it at all, that you remember of, until you went to have the vote recounted?—A. No. sir; I never examined it. I remember seeing it, but not more than once or twice, from the fact that I have not been in the office more than once or twice, or have had business there.

Q. 28. You saw them counted?—A. Yes, sir; saw them counted.

Q. 29. Do you think it possible that there could have been a change made in any of the ballots during the time of the count that you and Stapleton made?

(Contestee objects to the question for the reason that it has not been shown that the ballot-box was preserved inviolate, and that these were the identical ballots cast at the election.)

A. I think not.

Q. 30. At the time you opened the ballot-box—at the time you and Stapleton recounted—did you find the ballot-box in the same condition in which you left it, and the ballots in the same condition in which you left them also?—A. Yes, sir; I did.

Redirect examination:

Q. 31. Mr. Henderson, did you act as clerk at the last election?—A. Yes, sir; I did.

Q. 32. You took possession of the ballot-box after the count was made?—A. Yes, sir.

Q. 33. What did you do with it?—A. I took it and left it at Squire Simpson's office; that is where I have the records and keep the ballot-box.

Q. 34. Were you doing business there?—A. No, sir.

Q. 35. How long after you left it there until you saw it again?—A. I did not open it until within the last week or ten days.

Q. 36. How long after you left it there until you saw it again?—A. I do not know that I have been in the office but a few times.

Q. 37. The box then was in Mr. Simpson's office where you did not see it until—that you remember of—until you went to have the votes counted?—A. No, sir; I never examined it. I remember of seeing it, but no more than once or twice, from the fact I have not been in the office but once or twice, nor have had any business in the office.

Q. 38. Who last had access to the office?—A. Nobody but his boys, I guess. Well, I believe prior to the first of Jan. the office was kept by Gus Holms.

Q. 39. Do you know whether the door of the justice office was locked or not?—A. No, sir; I do not.

Q. 40. Did you say that Tom Stapleton counted these ballots?—A. Yes, sir.

Q. 41. Who is Mr. Stapleton; an att'y in town? You tallied?—A. Yes, sir.

Q. 42. He took the ballots into his possession and counted them out and you tallied?—A. Yes, sir.

Q. 43. In whose interest was he counting?—A. In Mr. Frederick's, I suppose.

Q. 44. Who else was present when this counting was done?—A. Squire Morrison.

Q. 45. Who else?—A. That was all.

Q. 46. Was Mr. Simpson present?—A. No, sir.

Q. 47. How did you get into his room?—A. Mr. Stapleton——

Q. 48. Stapleton had a key that opened into Mr. Simpson's room?—A. Yes, sir.

Q. 49. When Mr. Stapleton counted these ballots he took them all off the string, did he?—A. Yes, sir.

Q. 50. He strung them on again after he got through? Now what was the result?—A. The same as the original, with the exception that Mr. Frederick had 210.

Q. 51. You made one more for Frederick?—A. Yes, sir.

Q. 52. Did you count them once or twice?—A. Only twice.

Q. 53. You counted the votes over, and found 210?—A. Yes, sir.

Q. 54. One gain from the official count on the night of the election?—A. Yes, sir.

Q. 55. You say this ballot-box, with the ballots, has only been in your charge in a figurative sense; that is, you have not had them?—A. No, sir; not in my immediate possession.

Q. 56. What kind of a lock is on the box?—A. I do not know what you would call it; it is a peculiar lock.

Q. 57. Is it a cheap lock?—A. No, sir; only one key that will fit it that I know of, that will fit it; it is different from any lock I have ever seen.

Q. 58. You do not know whether the room was locked at night by the man that kept this room before Mr. Simpson?—A. No, sir.

Q. 59. Was the ballot-box sealed?—A. Yes, sir.

Q. In what way was it sealed?—A. In the top; with paper and mucilage is all.

Q. 61. That is to prevent other ballots from being put in?—A. Yes, sir.

Q. 62. Did he lock and then seal it, so as to tell whether it had been opened or not?—A. No, sir.

Q. 63. Was this second count had in the daytime or night?—A. In the daytime.

Q. 64. How long ago did you say that the count was made?—A. Last Sunday.

Redirect examination:

Q. 65. You were present all the time when these ballots were being counted?—A. Yes, sir.

Q. 66. Did you think it was possible for any one to take out or put in ballots without you saw them?—A. No, sir; I think not.

Recross-examination:

Q. 67. What position did you sit in while you were tallying?—A. I stood at the end of the table, and he stood at the side.

Q. 68. Did you have your eyes on the ballots?—A. Yes, sir; only when tallying.

Q. 69. You could not say but what one or two ballots could have been put in?—A. No, sir; but I was careful in that respect.

Q. 70. Were you present in the room at that time?—A. Yes, sir; I was.

Redirect examination:

Q. 71. Do you remember anything about two tickets that were folded together at the time of the election?—A. Yes, sir; there are two that are not counted in this count.

Q. 72. Who were they counted for?—A. I think that they were Democratic tickets, but I am not positive as to that.

Q. 73. Do you recollect any time during the day that the box was full and you put in a pencil to shove them down further?—A. Yes, sir; they did that to jar the box.

Q. 74. Then you think it might be possible one ticket might have been shoved down inside another?—A. No, sir. Well, I think that in this case they were both folded together.

Q. 75. Will you produce the tickets?—A. Yes, sir; here they are.

Q. 76. Please say whether or not you found these folds in them different from this when they were originally folded together.

(Witness examines them.)

A. Well, sir, as found in this box, they were found folded in that position.

Q. 77. Did you say that they had been folded different from what they were folded originally?

(Contestee objects to the question, for the reason that it is arswering something not proved.)

A. The ticket looks like it had been handled; perhaps there is one folded there.

Q. 78. I asked you whether or not you did not find either folds or creases in these tickets, showing that they were folded before they were folded when you found them together.—A. No, sir; I do not see any now.

Q. 79. Who were these tickets voted for on the Representative ticket, 5th district?—A. For Frederick—both of them. They were both straight Democratic tickets.

Recross-examination:

Q. 80. Have these tickets been handled a good deal?—A. No, sir; only since the election they have been handled by the trustees.

Q. 81. By different persons?—A. Only by the trustees; I think they examined them that night.

Q. 82. You did the tallying at the election?—A. Yes, sir.

Q. 83. Was it carefully done?—A. Yes, sir, as possible.

Q. 84. Made no mistakes as you went along?—A. No, sir; not that we know of.

Q. 85. You did not see the tickets as they were counted out?—A. No, sir.

Q. 86. You could not say whether they counted them; whether they called them correctly or not?—A. No, sir; nor I could not tell to-day or the other day whether the call was correct. I tallied the first call.

Q. 86. You kept them on the tally-sheet?—A. Yes, sir.

A. M. HENDERSON.

$0.85 cts. paid as fee by contestant.

STATE OF IOWA,
Iowa County, ss:

B. F. RENO, being produced and sworn before A. J. Morrison, a notary public for Iowa County, on this 8th day of March, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of the contestant, and A. H. Simpson appearing on the part of the contestee):

Q. 1. You may give your name, age, place of residence, and occupation.—A. Age 53, or very near it; groceryman; residence, Marengo, Iowa County, Iowa.

Q. 2. You may state whether you held any official position in 1882.—A. Yes, sir; one of my positions was trustee of Marengo Township.

Q. 3. Were you present at the election in 1882, wherein James Wilson and Benjamin T. Frederick were candidates for the office of Representative of the 5th Congressional district?—A. Yes sir.

Q. 4. You acted as one of the trustees?—A. Yes, sir.

Q. 5. You have recanvassed the ballots to-day that were cast at that election?—A. Yes, sir.

Q. 6. You think that those are the same ballots that were voted that day?—A. I snppose they are the same ballots.

Q. 7. Do you see any familiarity about them that tells you they are the same ballots?—A. I took out one ticket which I showed the gentleman, that was recognized by myself.

Q. 8. Have you any reasons to believe that they are the same ballots?—A. Well, Mr. Frederick, that is a hard question. I called off the ballots according to the tally that night. There were 209 for yourself, and 263 for Mr. Wilson.

Q. 9. Well, I will ask you if you might not have made a mistake that night?—A. All men are liable to mistakes. I have been very particular. I have been at this business 8 or 9 years; the first I recollect calling the tickets.

Q. 10. Perhaps the matter has not been brought to your mind, or it has not been looked up so closely. You believe that they are the same ballots, and that you might have made a mistake on that night, do you?—A. No, sir; I don t think that I made a mistake.

Q. 11. You don't think so?—A. No, sir.

Q. 12. But you might have made a mistake.—A. Yes, sir; I might.

Q. 13. You have helped recanvass the vote to-day.—A. Yes, sir.

Q. 14. How do you find it to-day?—A. There are 211 for Mr. Frederick, against 209 formally.

Q. 15. How many votes were polled at that precinct that day?—A. I don't recollect exactly. [Witness examines the poll book.] 500 votes.

Q. 16. It is 500?—A. Yes, sir; I recollect very well that I drew a ticket with Mr. Swaney as to who voted last. Mr. Swaney was one of the trustees.

Q. 17. Then you threw out one of those for a double ticket?—A. We didn't count that vote at all. If you will look at the ticket, you will see it is put on as for two tickets, and voted together. We did not count that vote at all; we virtually threw it out.

Q. 18. How do you find that as compared with the vote as you have tallied the votes to-day?—A. Well, the votes would exceed two.

Q. 19. Not counting the one you have here?—A. No, sir; not counting that.

Q. 20. Is not the man's name on the tally book who voted that doubtful ticket? Did you put any ticket in the box with nobody's name on?—A. Well, that would be rather strange if we had done it.

Q. 21. You must have counted that doubtful ticket with somebody's name on the register that voted it, didn't you?—A. It would be hard to vote in this way except in case of some man who didn't vote for Congress.

Q. 22. You would have their names on the tally-book, wouldn't you?—A. Yes, sir; the name of every one who voted.

Q. 23. Then the name must appear on the tally-list? That is, the name of the man that voted that double ticket.—A. Yes, sir.

Q. 24. Then you would have the name there that you didn't count?—A. No, sir; I don't think that we could get at it, because, as I say, there were men that voted for neither Congressman.

Q. 25. How many tickets were there in the box—that gentleman voted for neither Congressman?—A. I cannot tell that, but I will tell you who voted. You recollect that gentleman.

Q. 26. How many tickets are there that have not a Congressman on at all?—A. There were 263 voted for Wilson, 209 for Frederick, and 24 for Platner.

Q. 27. How many national tickets were there?—A. There were two gentlemen voted that did not vote for any Congressman; that is two polls.

Q. 28. Then there was one besides that first, a county ticket, wasn't there?—A. Well, I don't know; there was a county ticket in the State ticket box; sometimes it gets mixed.

Q. 29. If that man voted a county ticket, you would put his name on the poll-list, would you not, the same as if he voted another ticket?—A. Yes, sir.

Q. 30. Then there is a double ticket you have not counted?—A. Yes, sir; there is a double ticket.

Q. 31. Would you put that man's name that voted that also on the poll-list?—A. Yes, sir.

Q. 31. Then there are two national tickets?—A. Yes, sir; 263 for Wilson, and 209 for Frederick.

Q. 32. 211, you make it now?—A. Yes, sir.

Q. 34. There is no ticket voted for county officers, and one ticket you put down that did not have anybody. How many does that make?—A. That would make the tickets short about one vote; according to that, 499 votes; we polled 500.

Q. 35. You are positive that when you called the tickets at that election that there could not have been any mistake at all?—A. To my best knowledge and belief, I am.

Q. 36. Then there could not have been a mistake?—A. No, sir.

Q. 37. You called off the tickets yourself?—A. Yes, sir; every one.

Q. 38. Anybody else call any of them?—A. No, sir; not a man.

Q. 38 (a). Did you take them out in fives or tens in the tickets?—A. We took out the scratched tickets and called them off singly.

Q. 39. Were there many scratched tickets?—A. Quite a number.

Cross-examination:

Q. 40. Now, we want to settle this thing; you are sure there were 500 ballots polled?—A. Yes, sir.

Q. 41. 263 for Wilson?—A. Yes, sir.

Q. 42. On the night of the election?—A. Yes, sir.

Q. 43. How many for Frederick?—A. 209.

Q. 44. How many for Platner?—A. 24.

Q. 45. How many tickets did you find in the box with nobody on for Congress?—A. My recollection is two.

Q. 46. Then a county ticket with nobody on for Congress?—A. Yes, sir.

Q. 47. And a man voted two tickets you did not count?—A. Yes, sir.

Q. 48. That makes four names, does it not?—A. Yes, sir; it is equivalent to four names.

Q. 49. That makes four votes?—A. Yes, sir.

Q. 51. Where did these votes come from? Is it not evident that they were put in by some one?—A. Yes, sir.

Q. 52. You know they are there, and you know that there are not men enough to vote 502?—A. Yes, sir,

Q. 53. The box has increased two tickets since you counted them that night?—A. Yes, sir.

Q. 54. Did you count them carefully that night?

Q. 55. Explain the *modus operandi* of it.—A. Yes, sir. Mr. Swaney sat at my left; then Mr. Tucker took the ballots out of the box, or rather Mr. Swaney, I mean, took the ballots out of the box; he handed them to me as he took them out of the box. I called the names, and Mr. Tucker put them on the string.

Q. 56. How many of you, or, rather, did each of you trustees inspect each ballot?—A. Whenever there was anything of a question we all looked at the ticket.

Q. 57. You took them one at a time?—A. Yes, sir; one at a time.

Q. 58. You didn't count them in fives or tens?—A. Yes, sir; the straight tickets.

Q. 59. You examined each ticket?—A. Yes, sir, thoroughly; twice counted them over.

Q. 60. You are satisfied now, are you not, that there are two more ballots in that box than you believed voted at that election?—A. Yes, sir.

Redirect:

Q. 61. In counting tickets, you counted straight tickets by themselves?—A. Yes, sir.

Q. 62. Whether 40 or 80, you put them down in figures so many?—A. Yes, sir.

Q. 63. Could it not be possible for you to make a mistake in counting the tickets that way?—A. No, sir; we counted the tickets over each time; twice particularly; I counted them as I took them; then I counted them again before I handed them to the gentleman who put them on file.

Q. 64. Don't you remember that that county ticket that was voted there was rolled up inside of another ticket when you found it?—A. No, sir; I don't remember that.

Q. 65. According to the best of your impression was not that ticket inside of another ticket that had no county ticket on it?—A. No, sir; as Mr. Swaney said, here is a county ticket in this box without any head on it, or to that effect, when he handed me the ticket.

($0.85 paid as fee.)

B. F. RENO.

STATE OF IOWA,
Iowa County, ss:

J. S. SWANEY, being produced and sworn before A. J. Morrison, notary public for Iown County, on this 8th day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and A. H. Simpson on the part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. My name is J. S. Swaney; I am 62 years old; I live in Iowa County, Marengo Township; I am a farmer by occupation.

Q. 2. State if you held, or do hold, in 1882, any official position in Marengo Township, Iowa County?—A. I was trustee of the township.

Q. 3. You attended the general election in November, 1882?—A. Yes, sir.

Q. 4. What part did you take that day in canvassing the ballots?—A. I took the tickets out of the box, and unfolded them and laid them down separate, the Democratic from the Republican; kept them so as to count them out together; run on one awhile, and then on the other.

Q. 5. You found the tickets in the box together?—A. I found two together; I laid them back just as they were folded together, and afterwards called their attention to it.

Q. 6. Did you know who was voted for for Representative?—A. Yes, sir; after they were opened; they were Democratic tickets, both of them.

Q. 7. Do you know whether that county ticket was folded by itself or not?—A. Yes, sir; it was folded by itself. It was not an accident; it was put in that box, in the place of the county box.

Q. 8. Do you think, then, the party voting that ticket didn't vote the State ticket at all, or do you think that was torn off, and put in the county box at the same time with the other ticket, and was put in when the other State ticket was voted?—A. I think it was in there by mistake; it was folded by itself; it wasn't with any other tickets.

Q. 9. You think that the voter didn't have any intention of voting that by itself?—A. I don't think that it was intended to go in that box.

Cross-examination:

Q. 10. You do not recollect who voted that ticket, do you?—A. No, sir, of course not.

Q. 11. You do not know whether the man that voted that ticket, also voted another, do you?—A. No, sir I do not.

Q. 12. You are only supposing that it was put in there by mistake?—A. Well, that is the idea I have of it.

Q. 13. That is your best guess?—A. On account of its being alone.

Q. 14. Well, if he had voted two tickets, would he not have likely put them in the other box?—A. Well, that wasn't correct. I did not think that we found any such tickets in the county box.

Q. 15. Is it not probable that some one did not want to put in any more of the whole ticket, than just that in?—A. Yes, sir; there are some that did do that, only filled a part of the ticket.

Q. 16. Some voted more of the ticket than others, and in this case there was just this county part voted?—A. Well——

Redirect:

17. Did you have two places in the box to put ballots in?—A. We had a county and State box there; also had a township box, with the different road supervisors in that, so there were some 6 or 7 probably.

Q. 12. If a man gave you a ticket that said "State ballot," another "county ballot," what did you do with them?—A. We would put them in the boxes he told us.

Q. 19. One in the county box, another in the State box?—A. Yes, sir.

Q. 20 Your best opinion is that there was a mistake in putting that county ticket in the State box?—A. Yes, sir; I think it was a mistake.

Recross-examination:

Q. 21. You stated that some of the other tickets had part of them torn off?—A. Yes, sir.

Q. 22. Didn't you think that this man didn't desire to vote any more of the ticket than just that?—A. Well, I think it likely.

($0.85 paid as fee by contestant.)

J. S. SWANEY.

A. M. HENDERSON recalled:

Q. 1. Do you remember during the day of election, November 7th, 1882, while you were tallying, whether at any time during the day there was a discrepancy; whether at any time you disagreed in your tallies?—A. My recollection is that we agreed right along, all the time.

Q. 2. Any discrepancies in the tallies at any time?—A. No, sir.

Recross-examination:

Q. 3. You stated that Mr. Stapleton was not then counting?—A. Yes, sir.

Q. 4. What are Mr. Stapleton's politics?—A. Democratic.

Q. 5. He came in the interest of Frederick to do this work?—A. I believe so; he said he wanted to see them counted out.

Q. 5. He came, too, in the interest of Frederick to do this work?—A. I believe so; he said that he wanted to see it counted out.

A. M. HENDERSON.

ED. TUCKER recalled:

Q. 1. I want to know if, in your opinion, a man voting these two township or county tickets might not have also voted a State ticket?—A. The two county tickets? Yes, sir; he might have voted the State ticket and these at the same time. For instance, he wanted to vote the Republican or Democratic ticket—the State Democratic and the county ticket Republican—and might have torn off the county part, and then put the other county ticket with the State ticket, and voted them.

(Contestee objects that this is only the opinion of the witness.)

Q. 2. I will ask you if that is not the custom with a great many voting?—A. I do not know whether that is the custom or not.

Q. 3. You find that these two tickets, from the amount on your tally-list, over, do you?—A. Well, I don't know about that, either.

Q. 4. You find 500 names on your poll-list?—A. Yes, sir.

Q. 5. Counting these two tickets there are 502?—A. Yes, sir.

Q. 6. That would be two over and above your poll-list?—A. Yes, sir; it would be that much.

Q. 7. According to that, if there are 502 tickets, there are men who voted, whose names you did not put down.—A. Well, I do not know how that would agree; I am sure I do not know how it came.

Q. 8. According to the best of your judgment and belief, the men who voted these tickets also voted the State ticket.

(Objection; not proper, as asking the opinion of the witness.)

A. Well, I am sure I didn't see anybody to hinder a man voting in that way.

Q. 9. You don't see anything to hinder a man voting in that way?—A. No, sir; I don't.

Q. 10. Do I understand you to state, when I ask you whether a man could vote the county and State ticket together, that he could file each of them separately?—A. Yes, sir.

Q. 11. You mean that he might attach one to the other, two different tickets, and vote as a whole?—A. Yes, sir.

Q. 12. That is the condition in which these county tickets are found?—A. Yes, sir; that is what they say. I have the impression that they were folded up inside the State.

Q. 13. You are not the gentleman who took them out of the box?—A. No, sir; anyone, of course would know whether they were inside the State ticket or not.

Q. 14. In making your count to-day you find two more tickets than there are names on the poll-book?—A. Yes, sir; two more.

Redirect:

Q. 15. These two county tickets might have been rolled inside the State ticket, and voted, and they could get shaken out by shaking up the box, could they not?—A. Possibly they might, but I hardly think that they would in the same way these two tickets we folded together might have been shaken in together in the box, but I have no idea they were.

Q. 16. You are speaking now of these two Democratic tickets that were together?—A. Yes, sir; I think possibly, but I don't think they were, because they were folded tight together.

Q. 17. They might have in shoving them down into the box, one might have shoved right inside of the other?—A. That would hardly be possible to shove them so close together, when they were taken out.

STATE OF IOWA,
Iowa County, ss:

A. J. MORRISON, being produced and sworn before a notary public, for Iowa County, on this 8th day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and A. H. Simpson on the part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. A. J. Morrison; age, 52; residence, Marengo, Iowa County, Iowa; occupation is that of an agent.

Q. 2. State whether you are in public office now; are you not mayor of the city?—A. Yes, sir; I am.

Q. 3. Mr. Morrison, please state if you were present a few days ago when the ballots of Marengo Township, Iowa County, was canvassed by Mr. Stapleton and Mr. Henderson.—A. Yes, sir; I was.

Q. 4. State if you were present all the time they were handling them, and if you were looking on at the time Henderson was handling them.—A. Yes, sir.

Q. 5. In what position was Mr. Henderson then in?—A. Henderson wrote at the end of the table, about as you sit, and I was right opposite, on this side of the table; Henderson and Stapleton were only about a foot apart, anyway.

Q. 6. Were you looking at Stapleton all the time he was canvassing the the votes?—A. I could see all the time, of course; I might have taken my eyes off, for I was not watching.

Q. 7. You were standing towards him?—A. Yes, sir; sitting with my right towards him.

Q. 8. Do you believe that he had a possible chance of having changed any of these tickets; of taking any out, or to have put any in, without you having noticed him?—A. Well, there is a chance, of course; but would not say that he did not have a possible chance of doing it.

Q. 9. Do you believe that he could have done it without you seeing him?—A. No, sir; I do not believe he could have done it without Henderson or one of us seeing him, because one of us or both had eyes on him all the time; Henderson was keeping tally and looking over tickets at the same time; he would count out a pile of so many.

Q. 10. Then Henderson would look them over, and say whether right or not?—A. Yes, sir; Henderson would tally them.

Q. 11. You were looking them over at the same time?—A. I was sitting right at the opposite side of the table watching them.

Q. 12. One other question: Did you go up there at the solicitation of any one?—A. Well, I don't know of any one in particular; I knew that they were going to count them and so I went down. I don't think I was solicited by any one of them.

Cross-examination:

Q. 13. What are your politics?—A. I am a Democrat.

$0.85 paid as fee by contestant.

A. J. MORRISON.

STATE OF IOWA,
Iowa County, ss:

THOMAS STAPLETON, being produced and sworn before A. J. Morrison, notary public for Iowa County, on this 8th day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and A. H. Simpson on the part of contestee):

Q. 1. Were you present a few days ago when the tickets of Marengo Township were recounted?—A. Yes, sir.

Q. 2. Did you count them yourself?—A. Yes, sir; the first time I did.

Q. 3. Did you take out or put in, or change in any way these tickets?—A. No, sir.

Q. 4. Who were present when these tickets were recounted?—A. Mr. Henderson, township clerk, and A. J. Morrison.

Q. 5. You were present also when there was a recount in Hardin Township?—A. Yes, sir.

Q. 6. Did you handle the tickets there?—A. Yes, sir.

Q. 7. Who was present?—A. Mr. Jacobs, township clerk, and Mr. Shipton, one of the editors of the Marengo Messenger; also there were four or five, or six others in the room, besides members of Mr. Jacobs' family who were present; merely sat by and watched one way or another, that I knew of.

Q. 8. Were any ballots taken out, or others put in, or any change made in any shape or form during that time?—A. No, sir; not any to my knowledge.

Cross-examination:

Q. 9. You have been having this work done for Mr. Frederick, Mr. Stapleton?—A. Yes, sir; Mr. Frederick spoke to me about examining and having the ballots recounted.

Q. 10. Employed you to do it?—A. Well; yes, sir.

Q. 11. You have been making and doing this work there for Mr. Frederick. I want to know the nature of your connection with him.—A. Well, I have done part of it in Iowa County, and some others. I had Mr. Holms go to one place—Mr. Gus. Holms, of Marengo, Iowa.

Q. 12. Is this Mr. Holms that had the custody of this ballot-box before Mr. Simpson went into the room to do busines where it was kept?—A. Well, I don't know of my own personal knowledge whether Mr. Holms had the custody of it or not. Mr. Holms was in that room before Mr. Simpson came in.

Q. 13. Is that the same man?—A. Yes, sir; that is the same one.

Q. 14. He took an interest in having the count for Frederick, too, did he?—A. I don't know that he had any particular interest. I had him go down to the colony, because he could speak the German lauguage, and I could not. I thought that he could do the work more satisfactorily.

Q. 15. He looked through the ballots down there?—A. I don't know about that. In order to answer that question I will have to say this: Do you want me to tell what Mr. Holmes reported? He reported to him that the ballots down there had been destroyed; that they made no count at all; they made no recount of the votes.

Q. 16. Had all the colony folks destroyed the ballots?—A. It was this: That they were carelessly destroyed down there. I do not know that I can give the exact words.

Q. 17. I merely wanted to learn about the nature of Mr. Holmes' interest in this busines.—A. That is all. I requested him to go down there because he could speak the German language.

Q. 18. Did you request him or employ him?—A. I gave him two dollars and a half.

Q. 19. When was it he went down there?—A. I can't give the exact date.

Q. 20. Was it after Morrison became on occupant of your room where the ballot was?—A. It was since then; I will give you the date if I can; I will think a minute. I think it was two weeks ago last Friday.

Redirect:

Q. 21. Don't you remember when I employed you to look up this business I told you not to touch the ballots, to be careful to have a township clerk handle them, not to touch them yourself?—A. The best of my memory is like this: you told me to have a township clerk recount the vote; I cannot remember certain that you gave me strict orders not to touch the ballots. You might have said that and I might have forgotten it.

Q. 22. The best of your recollection is what, then?—A. That is the township clerk; I don't know whether you mentioned the trustees, too, that I should get the trustees to recount the vote, if convenient.

Recross-examination:

Q. 23. You say you handed the ballots?—A. Yes, sir; I did.

Q. 24. In Hardin Township also?—A. Yes, sir.

($0.85 paid as fee by contestant.)

THOMAS STAPLETON

STATE OF IOWA,
Iowa County, ss:

ANDREW JACOBS, being produced and sworn before A. J. Morrison, notary public for Iowa County, on this 8th day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant and A. H. Morrison on the part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. I reside in Hardin Township, Iowa County; my age is 33 years; my occupation is farming.

Q. 2. Did you hold any office in Hardin Township in the year 1882?—A. Yes, sir; I was township clerk.

Q. 3. Were you at the election in November?—A. Yes, sir; I was.

Q. 4. Did you act as township clerk there?—A. Yes, sir; I did.

Q. 5. You kept the poll-box and ballots since the election in November?—A. Yes, sir.

Q. 6. Have they all been in your care all the time?—A. Yes, sir; they have.

Q. 7. How did you keep them?—A. Up stairs in a box.

Q. 8. Was the box locked up?—A. Yes, sir; it was locked up.

Q. 9. You had possession of the key?—A. Yes, sir.

Q. 10. Have these ballots been recounted or handled by any one since they were counted in November last?—A. Yes, sir; Stapleton and Mr. Shipton, editor of the Messenger, were up there and counted them over.

Q. 11. When were they there?—A. I cannot tell you.

Q. 12. About how long since?—A. Inside of a week and a half or two weeks, something like that.

Q. 13. Did you assist in counting them over?—A. I did not, but I counted them after they counted them over.

Q. 14. You were present; they counted them and watched them?—A. Yes, sir; I was.

Q. 15. Do you think they could have taken out or put any ballots there without you having seen them at the time of the recount there?

(Objection as asking opinion of the witness.)

A. They could have done so, and possibly they did so; I was standing looking at them, but I was not watching them closely; I was not suspicious of any wrong doing, and they could have possibly have done such a thing.

Q. 16. Do you believe that they did change any on them—take any out or put any in?

(Objection to the question.)

A. I cannot answer that question.

Q. 17. I just want to know your belief?—A. Well, I cannot tell.

Q. 18. You don't know?—A. No, sir; I don't know.

Q. 19. Did you string the ballots on a string?—A. They were tied with a string around each package.

Q. 20. They were not strung on a string?—A. No, sir.

Q. 21. How did you find the ballots to compare with the tallies on your book when you recounted them?—A. We found one more than the number of polls cast in the township.

Q. 22. Who was that one more?—A. For Frederick.

Q. 23. How many votes did you have tallied on your book for Frederick?—A. 132.

Q. 24. How many did you find in the box for Frederick, on the recount; how many were found on the recount for Frederick?—A. I don't remember.

Q. 25. Were there any more found than there were tallies?—A. There was one more, both Democratic and Republican tickets, one more than we had tallied.

Q. 26. Any more for Wilson than we had tallied?—A. No, sir.

Q. 27. How many would that make; if 132, and one more found, would not that make 133?—A. Yes, sir; that is what it would make. There were some American tickets there; counting them in would make 133.

Q. 28. Were there any more votes for Frederick than you had tallied on your books?—A. Yes, sir.

Q. 29. Have you the tickets with you?—A. Yes, I have.

Q. 30. Will you please produce them?—A. Yes, sir.

(Witness produces ballot-box, and assisted by the trustee, Mr. H. Martin, makes a recount of the ballots; Frederick gets 55, Wilson 75.)

Q. 31. What was the vote as counted on the evening of the election; after the election, what was the result as shown by the poll-book?

(Witness examines poll-book.)

A. James Wilson has 75 votes, B. T. Frederick 54.

Q. 32. That is as shown by the poll-book?—A. Yes, sir.

Q. 33. Do you believe these to be the same identical tickets you counted at the time you wrote these tallies on the book?—A. They ought to be.

Q. 34. Do you believe them to be the same?—A. Yes, sir; I kept them in the box so, ever since the election.

Q. 35. You believe that these are the same identical tickets?—A. As far as I know they are not changed or been changed to my knowledge.

Q. 36. You now find one more for Frederick than found at that time?—A. Yes, sir; the way it is counted now.

Q. 37. How do you account for that vote?—A. I cannot tell.

Q. 38. Do you think that you made the mistake when you counted the votes on the evening of the election?—A. I cannot tell you that.

Q. 39. Is it possible that you might have made a mistake?—A. Yes, sir; possibly so.

Q. 40. What are your politics?—A. Republican.

Cross-examination:

Q. 41. Tell us how you counted the votes on the night of the election?—A. We counted them in this way; the judges counted out all the straight ballots, that is, straight ballots for the State and county.

Q. 42. Did they count them one by one?—A. At first we did, if I recollect right.

Q. 43. I mean did they examine each ballot?—A. We tallied for Wilson and Frederick; we tallied there; we did not see the heading of the page until we got started.

Q. 44. I mean did you examine each ballot when you took it out of the box, to see who was voted for?—A. No, sir; I was clerk.

Q. 45. You kept tally as the judges called them?—A. Yes, sir.

Q. 46. You returned 75 for Wilson in the poll-book?—A. Yes, sir.

Q. 47. 54 for Frederick?—A. Yes, sir.

Q. 48. Did you make a careful count?—A. Yes, sir; we were careful about it.

Q. 49. Were they counted more than once?—A. Yes, sir; they were counted several times.

Q. 50. To see that they came out right?—A. Yes, sir.

Q. 51. You numbered them out the same each time?—A. Yes, sir.

Q. 52. Now we find here 7 ballots with nobody on them for Congressman, were they not? Now, was each of these ballots found in the box when you opened it that night?—A. Yes, sir; they were in the box.

Q. 53. Were they tallied separately?—A. I could not answer that.

Q. 54. Now, you say Mr. Stapleton and Mr. Shipton came down to your house to count the ballots?—A. Yes, sir.

Q. 55. They counted them?—A. Mr. Stapleton and Mr. Shipton did, if I remember right.

Q. 56. They took them out of the box?—A. No, sir; I took them out of the box and laid them on the table.

Q. 57. They counted them?—A. Yes, sir.

Q. 58. You didn't tally?—A. No, sir.

Q. 59. You didn't count with your own hands?—A. No, sir.

Q. 60. Which one of them did the tallying?—A. Mr. Shipton did the tallying.

Q. 61. Who handled the ballots?—A. Mr. Stapleton.

Q. 62. Was that he who counted them, when they counted them over that night of the election?—A. Yes, sir.

Q. 63. Had they been, previous to that time, where nobody could get at them?—A. Yes, sir; they were locked up.

Q. 64. Were they in a room where nobody had access to it?—A. No, sir; I was frequently there myself; I was working up there.

Q. 65. Who else went up there?—A. My children did.

Q. 66. Any strangers?—A. Not that I remember of any strangers.

Q. 67. Was the box locked?—A. Yes, sir; it was.

Q. 68. Was it sealed; was any cover put over the hole at the top?—A. No, sir.

Q. 69. Any cover put over the key-hole?—A. No, sir.

Q. 70. Was it a common lock?—A. I guess so; I didn't examine it.

Q. 71. Was it kept in a bed-room up-stairs?—A. No, sir; it was kept in a new building I got; I have no bed or anything up there. I have some seed-corn up there.

Q. 72. Any strangers ever up there?—A. Not that I know of to my knowledge.

Q 73. Was the ballot-box ever brought down that you know of?—A. No, sir; not up to that time.

Q. 74. While those men were counting, you were about the house talking, I suppose?—A. Yes, sir; I was there.

Q. 75. Did you have your eyes on the ballots all the time?—A. No, sir; I did not.

Q. 76. They might have added a ballot without your seeing it?—A. Possibly they could.

Q. 77. How do you account for this discrepancy? You say that there was only 132 votes that day of the election?—A. Yes, sir.

Q. 78. And yet we find 5 more ballots than that; 137 instead of 132; can you account for that difference?

(Witness examines poll-books.)

A. I cannot tell you how that came.

Q. 79. The ballots were not strung together?—A. No, sir; they were tied with a string around each bunch; Democratic tickets by themselves; Republican tickets by themselves; torn tickets indicated with a pin run through them.

Q. 80. In this count, did you take them afterwards, and tie them in the same papers again, just as counted, and in a bunch instead of stringing them again?—A. When Mr. Stapleton looked them over?

Q. 81. I mean when Mr. Stapleton and Mr. Shipton looked them over?—A. No, sir; they were scattered around the table, so.

Q. 82. You left them scattered around the table?—A. Yes, sir.

Q. 83. Then they had to be searched out after they went away?—A. Yes, sir.

Q. 84. Well, how long were they there?—A. I cannot tell exactly; about an hour, I guess, or three-quarters of an hour.

Q. 85. Was it in the day time or in the night?—A. In the day time.

Redirect examination:

Q. 86. Do you remember tallying during the day, that you or the other clerk, one getting ahead of the other; that one of you tallied so as to keep up with the other?—A. Sometimes one of us was absent to get a drink, when we came up we would just put down the names we had voted.

Q. 87. I mean in the evening when all the voters had all voted, did either of you get ahead?—A. No, sir.

Q. 88. You always kept even right along?—A. Yes, sir.

Q. 89. No question of the count carried up?—A. No, sir.

Q. 90. When the tickets were counted they were poured out on the table, or taken out by hand?—A. I don't remember that.

Q. 91. You don't remember?—A. No, sir; I don't remember how they were taken out, but they were not poured out on the table; I can answer that.

Q. 92. Did you count these tickets over the same time Mr. Stapleton was there? Did you count them over yourself?—A. Yes, sir; just as we were ready to go they arose and were going to go when Stapleton requested me to count them.

Q. 93. You counted them?—A. Yes, sir; I did.

Recross-examination:

Q. 94. At the tallying in the evening of the 7th, when the tickets were called off, do you know who handled them at that time? Was it one of the trustees? Can you tell what he did with them? How he kept them?—A. It was handed to one of the trustees.

Q. 95. You may tell what he did with them, whether he put them in another place or laid them on the table?—A. The way they counted; they counted straight tickets; straight ballots by themselves; then those that were not straight by themselves.

Q. 96. What did they do with them immediately after they were counted; just after they were taken out of the box?—A. Well, I don't know; they went into possession of another judge or clerk.

Q. 97. Well, state whether or not there were any loose tickets lying around there; being around during the day; whether they were all entirely cleared away from the table?—A. Yes, sir; I think that they were.

Q. 98. You stated in the direct testimony that they could have been tampered with while the recount was being made?—A. Possibly so; I went into the room after the poll-book.

Q. 99. When you were gone they were alone?—A. No, sir, not exactly; my brother was there, and several others in the house were there.

Q. 100. Did they take any particular interest in it?—A. No, sir; not particular. I sat there awhile; also my brother sat close by there too.

Q. 101. While they were sorting out on the table—while they were counting—you went to get the poll-book?—A. Yes, sir; I did.

Q. 102. After they had counted them and left them on the table you counted them for the first time, and you found 55 instead of 54 for Frederick?—A. Yes, sir.

Redirect:

Q. 103. In counting them, that time, did they leave the tickets lying loosely over the table, or leave each party tickets in a pile by themselves?—A. I think that they laid them over, and just shoved them to one side to make room for the others.

Q. 104. You then piled them up in piles just about as they found them, did you? I understand you to say you recounted the ballots while they were there.—A. Mr. Stapleton was standing there looking at me at the time.

Q. 105. You made 55 of them?—A. Yes, sir.

Recross-examination:

Q. 106. That was after they had counted them?—A. Yes, sir.

Redirect:

Q. 107. Who asked you to go out of the room after the tally-sheet?—A. Nobody; I went myself.

Recross-examination:

Q 108. Did they want to ascertain what was on the tally-sheet?—A. I don't think that they requested me for anything at all that I can remember; Stapleton looked at it, as I can remember, after I brought it in.

($1.50 paid as fee by contestant.)

ANDREW JACOBS.

STATE OF IOWA,
Iowa County, ss:

MARTIN HANSON, being produced and sworn before A. J. Morrison, notary public for Iowa County, on this 8th day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant and A. H. Simpson on the part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. My name is Martin Hanson; my age is 40 years; I live in Hardin Township, State of Iowa, Iowa County; my occupation is that of a farmer.

Q. 2. State if now or in 1882 you held an official position in Hardin Township, State of Iowa.—A. I was township trustee.

Q. 3. You attended the election November, 1882?—A. Yes, sir.

Q. 4. Did you help recanvass the ballots?—A. Yes, sir.

Q. 5. What did you do during the day of the election?—A. Well, part of the time I was receiving the ballots and putting them into the box, and part of the time I was sitting around the table by the clerk.

Q. 6. Do I understand you to say that you didn't help recanvass the ballots in the evening?—A. Yes, sir; I did in the evening of the election.

Q. 7. What part did you take in the canvass in the evening of the election?—A. I read off the names of the ballots.

Q. 8. You have helped canvass them here this evening, havn't you?—A. Yes, sir.

Q. 9. What is the result you found now as compared with the result then; what is the difference?—A. As I understood it there was one more vote than our returns showed that night.

Q. 10. Do you think you could possibly have made a mistake on the evening of the election?—A. Such a thing might be, although we counted them over several times and we felt confident that we had them right.

Q. 11. In counting these ballots, did you count out all the straight Democratic tickets there were in a pile?—A. In the first place we separated them; I think it was Mr. Powell, the other trustee, who took the Democratic tickets; I took the Republican tickets and strung them out in our hands and put them in square packages; then we looked them over and saw how many straight tickets there were; then afterwards I read them off.

Q. 12. You told the clerk how many straight tickets there were?—A. Yes, sir.

Q. 13. He tallied them down on his book?—A. Yes, sir.

Q. 14. Do you remember how many straight Democratic tickets there were?—A. No, sir; I cannot remember.

Q. 15. Did you lay them out in piles of 5 or 10, or did you give him the whole list of straight tickets there were at one time?—A. He tallied them down; afterwards we read them over again to compare them.

Q. 16. Then you took the split tickets?—A. Yes, sir.

Q. 17. And read them over?—A. Yes, sir.

Q. 18. You believe them to be the same tickets voted November 7th, the ones you have canvassed to-night?—A. As far as I know; I have not seen them since; I cannot say for certain; we put them back into the box the evening of the election; we took the box and turned it over after we got them all out; we strung them and put them back in there.

Q. 19. Who took the tickets out that evening?—A. Myself and Mr. Powell.

Q. 20. How did you take them out; one at a time?—A. Yes, sir; one at a time; then strung them and made packages of them.

Q. 21. About how many straight Democratic tickets were there voted straight?—A. Well, I cannot tell you; I don't know; I don't remember how many there were; I did know that night, but I cannot tell now.

Q. 22. You believe these tickets to be the same tickets that you canvassed that night?—A. Yes, sir; they look like the same tickets.

Cross-examination:

Q. 23. You took the tickets out of the box when you commenced counting them?—A. I helped to take them out.

Q. 24. You examined them one by one to see whether Democratic or Republican?—A. Yes, sir.

Q. 25. Then you looked them over carefully and rapidly?—A. Yes, sir.

Q. 26. You are positive that you got them right?—A. Yes, sir; we thought we were pretty positive of it.

Q. 27. Now there are 7 tickets here that have no Congressmen on them by your count to-night; now in what shape did you find these tickets in the box?—A. The same number.

Q. 28. Were they folded or by themselves?—A. By themselves.

Q. 29. Each of these is where one man voted, and all the ticket he had a chance of voting?—A. Yes, sir.

Q. 30. How do you account for the fact that there are 132 men who voted there that day; is that the number?—A. Yes, sir.

Q. 31. You find 75 for Wilson?—A. Yes, sir.

Q. 32. You find to-night 55 for Frederick, which makes 130, and then there were 7 of these little tickets, which make 137?—A. Yes, sir.

Q. 33. And only 132 names on the poll-book?—A. Yes, sir.

Q. 34. Can you explain that?—A. I can't do it.

Q. 35. You are positive that you counted them right on the night of the election?—A. Yes, sir; we counted them over several times, and thought we had them right.

Q. 36. Did you count the ballots to see whether they corresponded with the names on the register?—A. Yes, sir; we compared them that night.

Q. 37. Did you find that they corresponded; 132 ballots, and 132 names on the poll-book?—A. That is the way we had it that night; yes, sir.

Q. 38. How did you find it that night?—A. There seems to be 5 more to-night.

Redirect:

Q. 39. You say positively that there were only 132 tickets in the box that night?—A. We compared the ballots with the figures that night.

Q. 40. Are you positive that there were only 132 ballots in the box that night when you counted them?—A. According to what we counted.

Q. 41. Is it not a fact that during the evening you had some trouble in counting these ballots?—A. I remember we counted them several times.

Q. 42. Did you not have some trouble, something about these American tickets, you didn't know what to do with them; that you had more names than you had on the tally-list?—A. Yes, sir; we did, but we kept on counting them until we got them straight,

Q. 43. How did you get it straight?—A. We counted the tickets over.

Q. 44. Isn't it a fact, sir, that you didn't get it straight at all; that you had more tickets; you did not know what to do with these two American tickets; you did not have tallies for them, or names on the poll-book for them?—A. I can't remember about that.

Q. 45. Don't you remember you had trouble about these tickets?—A. We counted them over several times.

Q. 46. Do I understand you to say that you are positive there were only 132 ballots in the box, counted the county ballots and American tickets? Are you positive there are only 132 ballots in the box?—A. Well, we counted; I know in the first place there was one of these State tickets in the township box, and, and I changed them, and counted them in.

Q. 47. Are you positive there are only 132 ballots in the box, counting all the tickets?—A. Well, I cannot say for certain; I know we counted them until we were positive we were right.

Q. 48. Then you can't say for certain that there were only 132 tickets in the box; did you have a good deal of trouble counting them?—A. No, sir; I don't know that we did; I know we counted them several times.

Q. 49. What was your object in counting them over several times?—A. To be sure that we had them right.

Q. 50. Didn't you make up your minds that some men voted county tickets; also voted State tickets with them that you did not count out as a full ballot?—A. There was some such, as we were talking about it at the time, before we found that ticket in the township box; when we found that we counted them over again. I think that we had it right according to the numbers on the book.

Q. 51. Then you are positive there are only 132 ballots in the box that night? Now wasn't it the tally-list you compared with on the books? Did you compare them with the tallies?—A. Yes, sir.

Q. 52. You didn't look back to see how many names had been tallied before you compared them with the tally-list?—A. Well, I don't know as I looked at the names; how many names, but I think the clerk said we had corresponded with the names; that is the best of my recollection.

Q. 53. You compared the tickets with the tally-lists?—A. Yes, sir.

Q. 54. That is the best of your recollection, is it?—A. Yes, sir; as near as I can recollect.

Recross-examination:

Q. 55. Whenever you are clear in your own mind that you counted over the tickets for every man for Congress, as you counted them; that you felt sure that you are right?—A. Yes, sir.

Q. 56. You didn't leave any ticket for anybody that you didn't count?—A. No, sir.

Q. 57. You are clear in your own mind that you are right?—A. Yes, sir.

Q. 58. You are a good deal surprised to find one more for Frederick to-night?—A. Yes, sir; I am.

Q. 59. You have no doubt in your mind but what you got these tickets for Congressman the proper number in each list?—A. I know that we tried to count them for the ones they belonged to; at least I always tried to. If they made a mistake it was not willingly on my part.

Redirect:

Q. 60. You are not positive that you did not make a mistake?—A. I am liable to make a mistake as well as anybody.

($1.50 paid as fee by contestant.)

MARTIN HANSON.

STATE OF IOWA,
Iowa County, ss:

C. L. SHIPTON, being produced and sworn before A. J. Morrison, notary public for Iowa County, on this 8th day of March, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and A. H. Simpson on the part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. Marengo is my residence; I am one of the publishers of the Marengo Messenger; I am 25 years old.

Q. 2. How long have you resided there?—A. About three months.

Q. 3. Were you present at Jacobs' when Stapleton and Jacobs were looking over the tickets a few days ago in Hardin Township, Iowa County?—A. Yes sir.

Q. 4. Where were you when this was being done?—A. I was in the room with them at the table.

Q. 5. Were you watching them?—A. Yes, sir; I was tallying.

Q. 6. Did you see them handle the tickets?—A. Well, we were handling them; yes, sir.

Q. 7. Do you believe or know whether there was a chance for a man to change the tickets, or take out any?

(Objection as being the opinion of the witness and not a fact.)

A. I think that I saw Mr. Jacobs bring the tickets into the room; they were tied up; I saw him untie them; I saw Stapleton take them up. I sat there and tallied; then—well, he counted them, for I followed him with my eye most of the time.

Q. 8. You didn't see any change, or any tickets being taken out or put in during the time?—A. No, sir.

Q. 9. Who else was in the room?—A. Andrew Jacobs, the clerk; John Jacobs, one of the trustees; also two other young men; also two women, the wives of Andrew and John Jacobs.

Q. 10. You think if there had been anything of that kind done, any change of the tickets, in either marking or erasing, or writing names in, that you would have seen them?

(Objection as asking for an opinion of the witness, rather than for a fact.)

A. Yes, sir; I think that I would.

Q. 11. You are most positive that there was nothing of that kind done?—A. I feel positive that there was not anything of that kind done.

Cross-examination:

Q. 12. You are the editor of the Messenger, are you?—A. Yes, sir; one of them.

Q. 13. Did you write for it?—A. Yes, sir.

Q. 14. Was it a political paper?—A. Yes, sir.

Q. 15. Frederick paper?—A. Yes, sir.

Q. 16. That is, against Wilson?—A. Yes, sir; as far as politics goes.

Q. 17. Does it pronounce decidedly in his favor, and has it through the canvass?—A. Yes, sir; as far as politics are concerned.

Q. 18. Are you the gentleman who writes the editorials?—A. No, sir; not that part.

Q. 19. What part did you?—A. Some of the local writing.

Q. 20. Did you do the writing as far as Frederick and Wilson were concerned?—A. No, sir; I never wrote any of them.

Q. 21. Politically you are the friend of Frederick?—A. Yes, sir.

Q. 22. You and Mr. Stapleton went down there to count these ballots?—A. Yes, sir.

Q. 23. You did the tallying; he did the counting.—A. Yes, sir.

Q. 24. Anybody else assist in the operation?—A. No, sir; there wasn't.
Q 25. Anybody else tallied?—A. Yes, sir.
Q. 26. Was it done rapidly?—A. Yes, sir; as rapidly as is commonly done.
Q. 27. Your attention was given to it.—A. Yes, sir.
Q. 28. He counted them off and you tallied.—A. Yes, sir.
Q. 29. Your eyes had to be on your business?—A. Yes, sir.
Q. 30. Your eyes had to be on your tallies; you could not see the tickets.—A. Yes, sir; I saw the tickets. I watched him as he laid them down, and made a mark each time.

Redirect:

Q. 31. At the time Stapleton was counting these tickets wasn't Mr. Jacobs watching him about all the time?—A. Yes, sir.
Q. 32. How long was Mr. Jacobs absent from the room?—A. I don't know. I believe he stepped out for a poll-book, and wasn't absent more than a minute or so. I don't know but what we had counted once. I don't recollect that, though my recollection is that the count had been made and the discrepancy discovered; he stepped out for the poll-book.
Q. 33. He went and got a poll-book to see how it compared with the count, did he?—A. Yes, sir; that is my recollection of it.
Q. 34. Neither of you knew what the count was on the poll-book until after the count was made of the tickets.—A. I don't know, sir.
Q. 35. You didn't hear any one say just what it was until after the poll-book was brought in.—A. No, sir; not that I recollect of.
Q. 36. You don't recollect of hearing any one say what the count of the poll-book was until after the poll-book was brought in after the count had been made.—A. No, sir; I don't recollect of having heard it at all.
($0.85 paid as fee by contestant.)

C. L. SHIPTON.

STATE OF IOWA,
Iowa County, ss:

JOHN S. WAGNER, being produced and sworn before A. J. Morrison, notary public for Iowa County, on this 16th of March, 1833, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and J. N. W. Rumple on the part of contestee):

Q. 1. Where do you reside?—A. Marengo, Iowa County, Iowa.
Q. 2. What official position do you hold, if any, in Iowa County?—A. Auditor of the county?
Q. 3. Were you auditor of the county in 1882?—A. Yes, sir.
Q. 4. Have you in your possession the poll-book of the general election for 1882, for Hilton Township?—A. Yes, sir.
Q. 5. You may turn to the poll-book for Hilton Township, and state to the commissioner how many ballots were returned to you as auditor for each of the candidates for the office of Representative in Congress for the 5th district?—A. James Wilson, 75; B. T. Frederick, 54.
Q. 6. Were there any other candidate voted for?—A. No, sir. No other votes cast for that office.
Q. 7. You may state how this corresponds with the recapitulation of the tally-list?—A. It is the same.
Q. 8. Have you in your possession the abstract of the votes cast in Iowa County at the November election?—A. Yes, sir.
Q. 9. Does this abstract show the vote of Iowa County at the election as returned by the county board of convassers to the State board of canvassers?—A. It does.
Q. 10. You may state now what that abstract shows the vote for different candidates for the office of Representative, 5th district, to have been?—A. James Wilson, 75 votes; B. T. Frederick, 54.
Q. 11. Any other candidates?—A. No, sir.
Q. 12. How does this compare with the returns in the tally-book for Hilton Township?—A. It is identical.
Q. 13. Have you in your possession the poll-book for Marengo Township?—A. Yes, sir.
Q. 14. You may refer to the tally-book for Marengo Township and state to the commissioners how many votes were cast for the various candidates for the office of Representative in Congress, 5th district, at the general election held in November, 1882.—A. For James Wilson, 263; for B. T. Frederick, 209; for David Platner, 24.
Q. 15. You may state how these figures correspond with the recapitulation of the tally-list?—A. They are the same.
Q. 16. You may refer to the abstract of the vote of Iowa County ticket at the general election in 1882, and state what it shows the vote of Marengo Township, Iowa

County, to have been for the candidate for the office of Representative in Congress, 5th district, at the general election in November, 1882?—A. James Wilson, 263; B. T. Frederick, 209; David Platner, 24.

Q. 17. Does this show the vote for Marengo Township, at the general election for 1882, as returned by the board of canvassers of Iowa County to the state board of canvassers?—A. Yes, sir; so far as it relates to the Representative ticket.

Q. 17. How does this correspond with the returns found in the poll-book of Marengo Township which has been made by the judges of the election to the county board of canvassers?—A. It is the same.

(No fee.)

J. S. WAGNER.

STATE OF IOWA,
Iowa County, ss:

I, Eldon Moran, a notary public and commissioner, agreed upon by the parties to take testimony in this cause, in pursuance of the annexed agreement, attached to the testimony of J. D. Adams, whose testimony was taken Feb. 22nd, 1883, do truly certify that on the 8th day of March, 1883, in pursuance of the notice hereunto annexed, I I took the depositions of the following-named witnesses: J. B. Lyon, A. M. Henderson, B. F. Reno, Ed. Tucker, J. S. Swaney, A. M. Henderson (recalled), Ed. Tucker (recalled), A. J. Morrison, Thos. Stapleton, Andrew Jacobs, Martin Hanson, C. L. Shipton, J. S. Wagner; and upon the same conditions as above mentioned, and at the same place, on the 16th day of March, the testimony of J. S. Wagner was taken, whose testimony is set forth in the following manner:

Each witness was first by me duly sworn, or caused to be sworn in my presence, as provided by law, and when sworn the questions were propounded to him by the respective parties, Benjamin T. Frederick, contestant, and James Wilson, contestee, by their respective attorneys, and the questions by me read to the witness, who answered the same, and his answer, in the language of the witness, was by me taken down under each question propounded, and reduced to writing until the deposition was completed.

I further certify that when the testimony was taken I carefully read the same over to the witness, who corrected the same, and each correction noted, and said testimony was signed by the witness and sworn to by him before me.

I further certify that T. Brown and Carney appeared as counsel for the contestant, and A. H. Simpson and J. N. W. Rumple appeared as counsel for James Wilson, contestee.

In witness whereof I have set my hand and seal notarially, this 16th day of March, 1883.

[SEAL.] ELDON MORAN,
Notary Public and Commissioner agreed upon to take testimony.

TESTIMONY FOR THE CONTESTEE.

No. 1.

TAMA COUNTY.

FREBERICK }
v. }
WILSON. }

STATE OF IOWA,
Tama County, ss:

Deposition of witnesses produced before me, Eldon Moran, a notary public and commissioner agreed upon to take testimony, and duly sworn before me, a notary public for Johnson County, Iowa, on this 30th day of March, 1883, at Gladbrook, in pursuance of the notice hereunto attached in a proceeding pending before the House of Representatives of the United States of America, in a contested election for the office of Representative in Congress, in which proceeding Benj. T. Frederick is contestant, and James Wilson contestee; Brown and Carney for contestant, and W. H. Stivers for contestee.

The following testimony was taken before me:

STATE OF IOWA,
Tama County, ss:

H. D. HAMANN, being produced and sworn before G. L. Wilber, a notary public for Tama County, on this 30th day of March, A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant, and W. H. Stivers on the part of contestee):

Ques. 1. State your name, place of residence, and age?—Ans. H. D. Hamann; Spring Creek Township, Tama County; age 61.

Ques. 2. Did you vote at the last Nov. election in Spring Creek Township, Tama County, Iowa, at which B. T. Frederick and James Wilson were candidates for Congress?—Ans. I voted for one of them.

Ques. 3. How many tickets or candidates were there at that election for Congress?—Ans. I guess only two; I don't know anything about it.

Ques. 4. Was there a Greenback candidate at that election?—Ans. I don't know anything about it.

Ques. 5. Did you vote the Democratic ticket at that election?—Ans. Yes.

Ques. 6. Whose name was on that Democratic ticket for Congress?—Ans. Mr. Frederick's.

Ques. 7. Where were you born?—Ans. Schleswig-Holstein.

Ques. 8. Have you your naturalization papers?—Ans. Yes.

Ques. 9. Where are they?—Ans. At my home.

Ques. 10. Where did you get them?

(Objected to, as the papers are the best evidence, and the witness was not subpœnaed to bring them in).

Ans. At Davenport, Iowa.

Ques. 11. How many set of papers; and when did you get the last ones?

(Objected to, as the records of the court and the papers are the best evidence.)

Ans. Two sets of papers; the last one obtained in 1855 or 1856.

Ques. 12. When did you first come to America?—Ans. 1848.

H. D. HAMANN.

STATE OF IOWA,
Tama County, ss:

G. W. SHERRY, being produced and sworn before G. L. Wilber, a notary public for Tama County, on this 30th day of March, A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant, and W. H. Stivers on the part of contestee):

Ques. 1. What is your age and place of residence?—Ans. Age 36; Gladbrook, Iowa.

Ques. 2. Did you vote at the last Nov. election held at Spring Creek Township, Tama County, Iowa, at which B. T. Frederick and James Wilson were candidates for Congress?—Ans. Yes.

Ques. 3. Did you vote the Democratic ticket or for any of the candidates running thereon?—Ans. No.

Ques. 4. Did you not state since the election that you voted at said election the Democratic ticket with Frederick's name off and Wilson's name thereon?—Ans. I might have done so, but I voted the straight ticket.

Ques. 5. Do you say you did so, as stated?—Ans. No, sir.

Ques. 6. Did you not tell W. S. McKensee and James Smith, at Gladbrook, Iowa, since said election, that you voted the Democratic ticket at said election, with Frederick's name scratched, and Wilson's put on?—Ans. I believe I told them that on the street.

Cross-examination:

Ques. 7. As I understood you, Mr. Sherry, you testify now that you voted the straight Republican ticket, including James Wilson, at the last Nov. election, 1882, in Spring Creek Township, Tama County, Iowa?—Ans. Yes.

Ques. 8. Where were you born?—Ans. Missouri.

Ques. 9. How long a resident here before the last Nov. election?—Ans. Came here in July.

Ques. 10. Came direct from Missouri here?—Ans. No, sir.

Ques. 11. When did you first come to the State of Iowa?—Ans. Came here at first in 1866.

Ques. 12. Where was your last residence previous to your coming to Gladbrook?—Ans. Clarinda; had lived there a year.

Ques. 13. Are you married, and did you move your household goods here?—Ans. Yes.

G. W. SHERRY.

STATE OF IOWA,
Tama County, ss:

ED. FITZGERALD, being produced and sworn before G. L. Wilber, a notary public for Tama Co., on this 30th day of March, A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant, and W. H. Stivers on the part of contestee):

Ques. 1. Where do you live?—Ans. At Gladbrook.

Ques. 2. What is your age?—Ans. About 70.

Ques. 3. Did you vote at the last Nov. election held at Spring Creek Township, Tama Co., Iowa, at which B. T. Frederick and James Wilson were candidates for Congress?—Ans. Yes, sir.

Ques. 4. Who did you vote for Congress?—Ans. I voted the Democratic ticket.

Ques. 5. Did you vote for B. T. Frederick?—Ans. I do not remember the name; I vote the Democratic ticket.

Ques. 6. How long have you lived at Gladbrook?—Ans. Since the fore part of September, I think.

Ques. 7. How many days before the Nov. election were you here; is there anything you can fix in your mind that will help you to recollect the day you came here?—Ans. I think I came here on the 7th of the month; I came here on the train.

Ques. 8. Where did you live prevous to your coming here?—A. In Taylor Co., and at Clarinda, Iowa, the winter before.

Ques. 9. Did you not state to the sheriff in town to-day that you had only been here about 30 days before the election?

(Objected to as an attempt to impeach contestee's own witness.)

Ans. I do not know as I did.

Ques. 10. Do you recollect that you told him anything about it?—A. We talked about it.

Ques. 11. Do you recollect anything you told him about it?—A. I don't recollect telling him anything about it.

Ques. 12. Whose house did you leave in Taylor Co. when you started to come here, and how many days were you on the road before you arrived here?—A. Thomas Fitzgerald's house. The shanty belonged to the railroad co., and Fitzgerald kept it. I was on the road two days.

Ques. 13. Where in Taylor Co. is this house situated?—Ans. On the railroad; at what part I cannot tell.

Ques. 14. What town or station is near it?—Ans. New Market.

Ques. 15. Which way is New Market from this house?—Ans. West.

Ques. 16. Have you been there since that time?—Ans. No.

Ques. 17. Was Tho. Fitzgerald's your home before you left there?—Ans. Yes, sir.

Ques. 18. How long have you lived with Tho. Fitzgerald?—Ans. Since the fall before.

Ques. 19. Do you visit around from place to place with your children, making their houses your home while with them?—Ans. Yes, sir.

Ques. 20. Previous to coming here did you live with Tho. Fitzgerald?—Ans. Yes, sir; with my son-in-law.

Ques. 21. When you came last fall did you come to live with Mr. Sherry awhile?—Ans. Yes, sir.

Ques. 22. Then where were you going?—Ans. I do not know where I will go.

Ques. 23. Where did you think of going?—Ans. I don't know as I have thought of going any place. I must think of that yet.

Ques. 24. Where were you born?—Ans. Ireland.

Ques. 25. Have you naturalization papers, and where are they?—Ans. At home.

his
ED. × FITZGERALD.
mark.

(Notice.—G. L. Wilber.)

GLADBROOK, IOWA, *Mar.* 18*th*, 1883.

I certify that the foregoing is a true statement of the testimony before me in the case of B. T. Frederick, contestant, and James Wilson, contestee, for the seat of the 5th dist. in Congress.

G. L. WILBER,
Notary Public in and for Tama Co., Iowa.

STATE OF IOWA,
Tama County, ss:

CLAUS SCHNECKLATH, being produced and sworn before Eldon Moran, a notary public for Tama County, on this 30th day of March, 1883 (Brown and Stivers appearing on the part of contestant, and W. H. Stivers on the part of contestee), testifies as follows:

Ques. 1. Where do you live?—Ans. Nicht verstehe.

Ques. 2. Here in town?—Ans. Yes, sir.

Ques. 3. How long have you lived here?—Ans. 14 years.

Ques. 4. Where did you come from here?—Ans. Davenport.

Ques. 5. Where were you born?—Ans. Nicht verstehe.

Ques. 6. Where?—Ans. In Holstein.

Ques. 7. Did you vote at the last November election held in Spring Creek Township, Tama County, Iowa, in which Benjamin T. Frederick and James Wilson were candidates for Congress?—Ans. I can't make it out. (C. Fink sworn as an interpreter.) Yes, sir; I voted at Spring Creek Township, Tama County, Iowa.

Ques. 8. What ticket did you vote?—Ans. He said that he don't know for sure.

Ques. 9. Who gave you the ticket?—Ans. I don't know for sure.

Ques. 10. Ask the witness to tell as nearly as he can.—Ans. He said that he don't know for sure the man that gave him the ticket.

Ques. 11. Ask him what political party he belongs to—Democratic, Greenback, or Republican?—Ans. Democratic.

Ques. 12. Ask him if he voted the Democratic ticket at that election?—Ans. Yes, sir.

Ques. 13. Ask him if he has naturalization papers.—Ans. Yes, sir; long ago; about 10 years ago.

Ques. 14. Where did he get them?

(Objection by the contestant that the papers are the best evidence.)

Ques. 15. Where did he get them?—Ans. In Toledo.

Ques. 16. In Tama County, Iowa?—Ans. Yes, sir; in Tama County, Iowa.

Ques. 17. How many papers did he get?—Ans. In the first place he took the first, and then 4 years ago he took the last.

CLAUS SCHNECKLATH.

STATE OF IOWA,
Tama County, ss:

CLAUS MAHRENS, being produced and sworn before Eldon Moran, notary public for Johnson County, on this 30th day of March, A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant, and W. H. Stivers on the part of contestee):

Ques. 1. Where do you live?—Ans. Spring Creek Township.

Ques. 2. Where were you born?—Ans. In Germany.

Ques. 3. Where were you naturalized?—Ans. I don't know; I don't understand what that means.

Ques. 4. You know what naturalization means?—Ans. No, sir.

Ques. 5. How long have you lived in Spring Creek?—Ans. 10 years.

Ques. 6. Lived in this county 10 years?—Ans. Yes, sir.

Ques. 7. Were you ever naturalized?—Ans. Where I lived before, you mean?

Ques. 8. No, sir; you know what naturalization means, don't you?—Ans. No, sir; I don't.

Ques. 9. You were twenty-one when you came to this county?—Ans. Almost 21.

Ques. 10. How old are you now?—Ans. 26.

Ques. 11. Where have you lived all this time?—Ans. Close to Davenport.

Ques. 12. How long there?—Ans. 2 years there.

Ques. 13. Rest of the time here?—Ans. No, sir; 2 years in Tama City; then lived in Davenport 2 years.

Ques. 14. And 2 years in Tama City?—Ans. No, sir; 3 years in Tama City.

Ques. 15. Balance of the time in Spring Creek?—Ans. Yes, sir.

Ques. You don't know what naturalization is?—Ans. No, sir.

Ques. 16. You never were naturalized that you know of, were you? Have you been in Tama County all the time since you came here?—Ans. Yes, sir.

Ques. 17. Have you left the county at all since?—Ans. No, sir.

Ques. 18. Were you ever in court?—Ans. Yes, sir.

Ques. 19. When?—Ans. At the court-house, you mean?

Ques. 20. Yes, sir.—Ans. Yes, sir.

Ques. 21. When was it?—Ans. I was down to get papers there.

Ques. 22. What papers—which papers was it?—Ans. Citizens' papers.

Ques. 23. When was that?—Ans. First time, I believe, was in '72.

Ques. 24. Where are those papers?—Ans. I don't know; I don't understand it all.

Ques. 25. Where are those papers you say you got there—you say you got papers there?—Ans. Yes sir.

Ques. 26. In '72? Of whom did you get them?—Ans. Court-house papers.

Ques. 27. Who did you get them of?—Ans. I can't understand him.

Ques. 28. You say you got citizens' papers?—Ans. Yes, sir.

Ques. 29. In '72?—Ans. In '72 I got the last; I got two different papers.

Ques. 30. Who did you get them of?—Ans. I don't know who of.

Ques. 31. You don't know who of?—Ans. I don't know what you mean by it.

Ques. 32. Where are the papers, can you tell me that?—Ans. I don't know what you mean.

Ques. 33. You know where they are?—Ans. In my house.

Ques. 34. Where is your house?—Ans. In this township.

Ques. 35. How far from here?—A. About 5 miles.

Ques. 36. Who were your witnesses when you got your papers?—Ans. I believe Harry Giehart.

Ques. 37. Who else?—Ans. I don't know who else I had.

Ques. 38. In '75?—Ans. Well, the first one, I believe, was John G. Haggert; I believe, but I am not sure.

Ques. 39. You say you can't tell who you got them from?—Ans. I don't know the name of the man; I got them in the court-house, that is all I know.

BRUCE MX

Cross-examination:

Ques. 40. Did you get them of the clerk of the court?—Ans. Yes, sir; I got them of the clerk; but I don't know his nam.

Ques. 41. You don't remember the man's name you got them of, but you are sure you got them?—Ans. Yes, sir; I am sure of that.

Ques. 42. How far is it from here?—Ans. 5 miles.

Ques. 43. You came here from Germany in what year to Davenport?—Ans. In '68.

Ques. 44. Well, you were 20 years old?—Ans. No, sir; 21.

Ques. 45. You were at least 21 years old; 20 or 21?—Ans. I had been 21; a little more than that.

Ques. 46. How old were you when you came over from Germany to Davenport?—Ans. I was born in '47.

Ques. 47. You came over in '68?—Ans. Yes, sir; I was 21.

Ques. 48. Did you vote in the last election in Spring Creek Township?—Ans. Yes, sir.

Ques. 49. Vote the Democratic, Greenback, or Republican ticket?—Ans. Democratic ticket.

Ques. 50. Did you vote for Frederick for Congress?—Ans. Yes, sir.

CLAUS MAREHNS.

No fee paid.

STATE OF IOWA,
Tama County, ss:

PETER FINK, being produced and sworn before Eldon Moran, notary public for Tama Co., on this 30th day of March, 1883, testifies as follows (T. Brown appearing on the part of contestant, and W. H. Stivers on the part of contestee):

Ques. 1. Where do you live?—Ans. Spring Creek.

Ques. 2. Did you vote last Nov. in Spring Creek Township?—Ans. Yes, sir.

Ques. 3. Did you vote the Democratic, Greenback, or Republican ticket?—Ans. Democratic ticket.

Ques. 4. Did you vote for Frederick for Congress?—Ans. I have forgotten the name.

Ques. 5. It was a Democratic ticket?—Ans. Yes, sir; Democratic ticket.

Ques. 6. You say you don't know who was on for Congress?—Ans. I don't know.

Ques. 7. Where were you born?—Ans. In Holstein.

Ques. 8. When did you first come to the U. S.?—Ans. I have been here 29 years—about 30 years July 4th.

Q. 9. When did you get your naturalization papers?—A. I don't know; I have forgotten the time; I have got them in my pocket; I will show them to you.

(Witness produces papers.)

Q. 10. Have you got any other naturalizations papers?—A. I don't know; I can tell you, for I have a second paper.

Q. 11. Did you have another?—A. Yes, sir; I got one more.

Q. 12. Before or after this?—A. Yes, sir; I have got it.

Q. 13. This is all the naturalization papers you have now?—A. Yes, sir.

Q. 14. Do you know Harry Fink?—A. Yes, sir.

Q. 15. He is your boy?—A. Yes, sir.

Q. 16. How old is he?—A. I don't know.

Q. 17. How old are you, Harry; 30 years and over?—A. I don't know how old.

Q. 18. He was born before you came to this country?—A. Yes, sir.

Q. 19. He was born where?—A. In Holstein.

Q. 20. You can tell what year he was born in?—A. What year? No, sir. I was 55 years when I came here.

Q. 21. You were naturalized in '68, were you not?—A. I don't know.

Q. 22. You were naturalized by the county judge of Tama County, were you not?

(Objection by the contestee; the papers are the best evidence it is suggested to refresh the witness's memory.)

Q. 23. Now, in '68 you got your State papers before the county judge in Tama County, Mr. Free?

(It is agreed between the parties that the naturalization papers of the witness were executed by T. S. Free, who was county judge of Tama County, Iowa.)

"UNITED STATES OF AMERICA,
"*State of Iowa, ss:*

"Be it remembered that at the term of the county court held in the said county, in the city of Toledo, 2nd day of Oct., A. D. 1868, was present Hon. T. S. Free, sole presiding judge of said court, when the following, among other proceedings were had, to wit: Naturalization of Peter Fink, a native of Holstein, of the Germanic Confederation, at present residing within said State, appeared in open court and makes appli-

cation to be admitted to become a citizen of the U. S., and appearing to the satisfaction of the court that he declared on oath before M. D. Schneider, clerk of the district court of Scott Co., Iowa, a court of record having a common law and jurisdiction and using a seal, two years at least before his admission, that it was bona fide his intention to become a citizen of the U. S., and to renounce forever all allegiance to any foreign prince, potentate, state, or sovereignty whatsoever, and particularly to King William of Prussia, of whom he was heretofore a subject, and said applicant having declared on oath before this court that he will support the Constitution of the U. S.; that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, state, potentate, or sovereignty, whatsoever, and particularly to King William of Prussia, of whom he was subject. The court being satisfied that the said applicant has resided within the U. S. a term of 5 years next preceding his admission, without being at any time during the said 5 years out of the territory of the U. S., and within this State one year at least, and it further appearing to the satisfaction of this, and during that he has behaved as a man of good moral character attached to the principles of the Constitution of the U. S., and disposed to the good order and happiness of the same, thereupon the court admitted the said applicant to become a citizen of the U. S., and ordered all the proceedings aforesaid to be entered on record, which was accordingly done by the clerk of this court.

"In testimony whereof I, Thomas S. Free, judge of the court aforesaid, have hereunto set my hand and fixed the seal of said court, in the city of Toledo and said county, this 1st day of Oct., A. D. 1868.

[SEAL.] "THOMAS S. FREE, *Judge.*"

PETER FINK.

STATE OF IOWA,
Tama County, ss:

HENRY FINK, being produced and sworn before Eldon Moran, a notary public for Johnson County, on this 30th day of March, A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant, and W. H. Stivers appearing on the part of contestee):

Ques. 1. Where do you live?—Ans. Spring Creek Township.
Ques. 2. How long have you lived here?—Ans. 14 years last Nov.
Ques. 3. Did you vote in Spring Creek Township at the last general election last Nov.?—Ans. Yes, sir.
Ques. 4. What ticket did you vote?—Ans. Democratic ticket.
Ques. 5. Who did you vote for for Congressman; Democratic candidate?—Ans. Yes, sir.
Ques. 6. You are a son of Peter Fink, are you not?—Ans. Yes, sir.
Ques. 7. You say you were born here?—Ans. Holstein.
Ques. 8. Ever naturalized?—Ans. Yes, sir.
Ques. 9. Where?—Ans. In the old country.

Cross-examination:

Ques. 10. Did you understand the last question where were you naturalized; have you ever been naturalized in this country, in the U. S. of America?—Ans. No, sir.
Ques. 11. You have never been?—Ans. Not that I know of; I think I have an understanding of it.
Ques. 12. Do you know what naturalization means? What it is to take citizen papers?—Ans. Yes, sir.
Ques. 13. Did you ever take any out in this country?—Ans. No, sir.
Ques. 14. How old did you say you were now?—Ans. Going on 35 years of age.
Ques. 15. Do you remember how old you were when you came to this country?—Ans. Yes, sir.
Ques. 16. How old was that?—Ans. I was not quite 5 years of age.
Ques. 17. How old were you when your father took his first papers to declare his intention of becoming a citizen of the U. S.?—Ans. I was about 13 years of age, as near as I can tell.

HARRY FINK.

STATE OF IOWA,
Tama County, ss:

EDWARD FITZGERALD, being produced and sworn before Eldon Moran, a notary public for Tama County, on this 30 day of March, A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant and W. H. Stivers appearing on the part of contestee):

(Recalled.)
Ques. 1. This paper produced is your naturalization paper, is it not?—Ans. Yes, sir.
Ques. 2. The only naturalization paper you have?—Ans. Yes, sir.

UNITED STATES OF AMERICA.

(Naturalization.)

STATE OF IOWA,
Wapello County, ss:

To all whom these presents shall come, send greeting:

Whereas at the term of the county court begun and held in the court-house, at Ottumwa, on the 11th day of October, A. D. 1859, in and for said county and State above mentioned, Edward Fitzgerald, an alien and a native of Great Britain and Ireland, the subject of the Queen thereof, personally came before the judge of said county court and made application to be naturalized under the laws of the United States, and it appearing by sufficient testimony to the satisfaction of said court that the said Edward Fitzgerald had made declaration of his intention to become a citizen by due form of law, at least two years before making application, that he had been a resident of the United States for at least five years, then last passed, and, also, that during that time he had behaved like a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same.

Whereupon, by order of the said court, the oath of allegiance was administered in due form of law to the said Edward Fitzgerald in open court, that he would support the Constitution of the United States, and that he absolutely and entirely renounced and abjured all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty whatsoever, and particularly to Queen Victoria, Queen of England and Ireland, of whom he was a subject.

And thereupon it was ordered by said court that the certificate of naturalization be granted to the said Edward Fitzgerald according to the form of statute in such cases made and provided, which by these presents is accordingly done; and that the said Edward Fitzgerald be therefore entitled to all the rights and privileges and immunities of citizenship.

In testimony whereof I, Joseph Hayne, clerk of said county and court, do here subscribe my name and affix the seal of said court, at Ottumwa, this 11th day of October, A. D. 1859.

JOSEPH HAYNE, *Clerk.*

STATE OF IOWA,
Tama County, ss:

H. H. WENTZENE, being produced and sworn before Eldon Moran, notary public for Johnson County, on this 30th day of March, A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant and W. H. Stivers on the part of contestee):

Ques. 1. Were you ever naturalized? Did you get citizens' papers?—Ans. Yes, sir.
Ques. 2. Where?—Ans. In Toledo.
Ques. 3. From Mr. Free?—Ans. I don't know.
Ques. 4. Have you got them here?—Ans. Yes, sir.
(Witness produces paper.)
Ques. 5. Did you ever get your pay?—Ans. No, sir.

H. H. WENTZENE.

STATE OF IOWA,
Tama County, ss:

A. GOOS, being produced and sworn before Eldon Moran, notary public for Johnson County, on this 30th day of March, A. D. 1883, testified as follows (T. Brown appearing on the part of the contestant and W. H. Stivers on the part of contestee):

Ques. 1. Where do you live?—Ans. Here in town.
Ques. 2. How long have you lived here?—Ans. About 2 years.
Ques. 3 Where did you come from here?—Ans. Davenport.
Ques. 4. How long have you been in the United States?—Ans. About 17 years.
Ques. 5. Where born?—Ans. Schliswig.
Ques. 6. Where you naturalized?—Ans. Can't understand.
Ques. 7. Have you any citizens' papers?—Ans. Yes, sir.
Ques. 8. With you?—Ans. No, sir.
Ques. 9. Where are they?—Ans. Home.
Ques. 10. How far is it?—Ans. About half a mile.
Ques. 11. Can you get them?—Ans. Yes, sir.
(Witness excused for the present, the remainder of his testimony to be added to this evidence. A. Goos afterwards returning to the court presents papers, which are pronounced good.)

STATE OF IOWA,
Tama County, ss:

PETER ECKHOFF, being produced and sworn before Eldon Moran, a notary public for Tama County, on this 30th day of March, A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant and W. H. Stivers appearing on the part of contestee):

Ques. 1. Where do you live?—Ans. One mile north of Gladbrook.
Ques. 2. Where were you born?—Ans. Germany.
Ques. 3. How long have you been in the United States?—Ans. Seventeen and one-half years.
Ques. 4. How old are you now?—Ans. Thirty-four.
Ques. 5. When will you be thirty-five?—Ans. 18th of June next.
Ques. 6. Were you ever naturalized; have you citizens' papers?—Ans. Yes, sir.
Ques. 7. Where are they?—Ans. Right here.
Ques. 8. Let me see them, please.
(Witness produces papers.)
Ques. 9. These are all the citizens' papers you have?—Ans. Yes, sir.

(Naturalization.)

UNITED STATES OF AMERICA,
State of Iowa, Jackson County, ss:

Be it remembered, that at a term of the county court, held in said county, State of Iowa, on the October term, A. D. 1877 was present Peter Eckhoff a native of Germany, and at present residing in said State, appeared in open court, and made application to be admitted to become a citizen of the United States; and it appearing to the satisfaction of the court, that he came to the United States under age, two years at least before his admission; that it was bona fide his intention to become a citizen of the United States, and to renounce forever all allegiance to any foreign prince, potentate, state, or sovereignty whatsoever, and particularly to the Emperor of Germany; said applicant being declared on oath before this court, tha the will support the Constitution of the United States, and that he doth absolutely and entirely renounce and abjure all allegiance to every foreign prince, potentate, state, or sovereignty whatsoever, and particularly to the Emperor of Germany. The court being satisfied with said applicant, has resided within the United States for the term of five years passed, preceding his admission, without being at any time during the said five years out of the territory of the United States, and within this State at least one year; and it further appearing to the satisfaction of this court that during that time he has behaved as a man of good moral character; attached to the principles of the Constitution of the United States; and well disposed to the good order and happiness of the same.

Thereupon the court admitted said applicant to become a citizen of the United States, and ordered all the proceedings to be entered of record; which was accordingly done by the clerk of this court.

John C. Guilfoil, clerk of said court, that the seal thereof here affixed at Marquoketa, this third day of October, A. D. 1877.

J. C. Guilfoil, clerk of the said court, by J. C. Mishter, deputy, with the seal of the clerk of the circuit court of Jackson county, Iowa, attached.

Ques. 10. Did you vote in this township, Spring Creek, Tama County, Iowa, last November election?—Ans. Yes, sir.
Ques. 11. What ticket did you vote?—Ans. Democratic ticket.
Ques. 12. Did you vote for Frederick for Congressman?—Ans. Yes, sir; I think that I did; I voted straight ticket.

Cross-examination:

Ques. 13. When did you say you came to this country?—Ans. 26th of June, '65.
Ques. 14. How old are you now?—Ans. Thirty-four.

PETER ECKHOFF.

STATE OF IOWA,
Tama County, ss:

JOACHIN BOLDETT, being produced and sworn before Eldon Moran, notary public for Johnson County, on this 30th day of March, A. D. 1883, testified as follows (T. Brown appearing on the part of contestant and W. H. Stivers on the part of contestee):

Ques. 1. Did you vote at the last election in Spring Creek Township, Tama County, Iowa, when Mr. Wilson and Frederick ran for Congress?—Ans. Yes, sir.
Ques. 2. It was in November, was it not?—Ans. Yes, sir.
What ticket did you vote?—Ans. Democratic ticket.
Ques. 4. For Mr. Frederick?—Ans. Yes, sir; I believe so.

Ques. 5. Where were you born?—Ans. In Holstein.
Ques. 6. Have you citizen's papers?—Ans. Yes, sir.
Ques. 7. Are they with you?—Ans. No, sir.
Ques. 8. Who did you get them from?—Ans. I don't know his name; he was lame.
Ques. 9. How long ago was it?—Ans. I don't know. I can't tell you that. I never saw the papers so as to tell what day it was.
Ques. 10. Are these the only citizen's papers you have got?—Ans. Yes, sir.
Ques. 11. When did you leave Germany?—Ans. 57.
Ques. 12. 21.

Cross-examination:

Ques. 13. You have got your papers entitling you to vote?—Ans. Yes, sir; I was discharged from the Army and I got my papers in Toledo; I am sure of that.
Ques. 14. You were in the Army, were you, during the war of the rebellion?—Ans. Yes, sir.
Ques. 15. You have got both sets of papers have you?—Ans. Yes, sir.

Redirect:

Ques. 16. Was it court time when you got your papers? Who was witness?—Ans. Ballett and Bahmm.

JOACHIN BOLDETT.

1.00 paid as fee by contestee.

STATE OF IOWA,
Tama County, ss:

I, Eldon Moran a notary public and commissioner agreed upon to take testimony in this cause, in pursuance of the annexed agreement, attached to the testimony of J. L. Adams, whose testimony was taken Feb. 22nd, 1883, do truly certify that on the 30th of March, in pursuance of the notice hereunto annexed, I took the depositions of the following witnesses: H. D. Hamann, G. W. Sherry, Claus Schnecklath, Claus Mehrens, Peter Fink, Henry Fink, Edward Fitzgerald, H. H. Wentzien, A. Goos, Peter Echoff, Joachin Boldett, whose testimony is set forth in the following manner:

Each witness was by me sworn, or caused to be sworn, in my presence as provided by law, and when sworn the questions were propounded to him by the respective parties: Benj. T. Frederick, contestant, and James Wilson, contestee, by their respective att'ys, and the same by me read to the witness, who answered the same, and his answer by me in the language of the witness taken down under each question propounded, and reduced to writing till the deposition was completed.

I further certify that when the testimony of each witness was taken, I carefully read the same over to the witness, who corrected the same, and each correction noted, and said testimony was then signed by the witness and sworn to by him before me.

I further certify that T. Brown & Carney appeared as counsel for the contestant, Benj. T. Frederick and W. H. Stivers appeared as counsel for the contestee, James Wilson.

In witness whereof I have set my hand and seal notarially this 30th day of March, 1883.

[SEAL.]

ELDON MORAN,
Notary Public for Johnson County, Iowa,
and Commissioner agreed upon to take testimony.

STATE OF IOWA,
Tama County, ss:

Deposition of witnesses produced before me, Eldon Moran, a notary public and commissioner agreed upon to take testimony, and duly sworn before me, a notary public for Johnson County, Iowa, on this 31st day of March, 1883, at Tama City, in pursuance of the notice hereunto attached in a proceeding pending before the House of Representatives of the United States of America, in a contested election for the office of Representative in Congress, in which proceeding Benj. T. Frederick is contestant and James Wilson contestee; Brown & Carney for contestant, and W. H. Stivers for contestee.

The following testimony was taken before me:

STATE OF IOWA,
Tama County, ss:

JOHN CARY, being produced and sworn before Eldon Moran, notary public for Johnson County, on this 31st day of March, A. D. 1883, testifies as follows (T. Brown appearing for part of contestant and W. H. Stivers on the part of contestee):

Ques. 1. Where do you live?—Ans. Tama County.
Ques. 2. What township?—Ans. Indian Village.

Ques. 3. Where did you live at the last November election?—Ans. Indian Village Township.
Ques. 4. Did you vote at that election?—Ans. Yes, sir.
Ques. 5. You voted at the Nov. election held in Indian Village Township, in which B. T. Frederick and James Wilson were running for Congress, did you?—Ans. Yes, sir.
Ques. 6. Which one did you vote for, if either?—Ans. I believe I voted for Mr. Frederick.
Ques. 7. Where were you born?—Ans. In Ireland.
Ques. 8. When did you first come to America?—Ans. In '37.
Ques. 9. Where did you come to?—Ans. New York.
Ques. 10. How long did you reside in New York?—Ans. I will tell you in few minutes; about ten years, I guess.
Ques. 11. Where did you move to?—Ans. Canada.
Ques. 12. How long did you reside in Canada?—Ans. Four years.
Ques. 13. Then where did you move?—Ans. Back to New York.
Ques. 14. How long did you reside in New York, this second time?—Ans. Six years.
Ques. 15. Then where did you reside?—Ans. In Ohio, from '52 to '56.
Ques. 16. Then you moved where, in '56?—Ans. To Iowa.
Ques. 17. Tama Co.?—Ans. No, sir.
Ques. 18. Where?—Ans. Lee County.
Ques. 19. How long did you live in Lee County?—Ans. I lived in Lee Co. till '60.
Ques. 29. Where did you move to then?—Ans. Tama County.
Ques. 21. Were you ever naturalized?—Ans. Yes, sir.
Ques. 22. Where?—Ans. New York State.
Ques. 23. Have you your papers?—Ans. No, sir.
Ques. 24. When were you naturalized?—Ans. In '52; I first voted in '52, for Franklin Pierce.
Ques. 25. You voted in '52; now, will you tell me in what county you were naturalized?—Ans. Yes, sir.
Ques. 26. Where was it?—Ans. Osage County.
Ques. 27. Is that what you say?—Ans. Yes, sir.
Ques. 28. What was the town, please?—Ans. Oswego.
Ques. 29. You say you have no naturalization papers?—Ans. No, sir; I had them when I came to this State; they got so old that they molded away.
Ques. 30. In what year did you say you took your naturalization papers?—Ans. In '52. I got my full papers in '52.
Ques. 31. When did you get your first ones?—Ans. I got them in '50, I think.
Ques. 32. At the same place?—Ans. Yes, sir.
Ques. 33. In what court?—Ans. I can't tell that; it was so long ago.
Ques. 34. You have no naturalization papers now?—Ans. No, sir.

Cross-examination:

Ques. 36. You are sure you were naturalized?—Ans. Yes, sir.

Redirect:

Ques. 36. Have you any boys in this country?—Ans. Yes, sir.
Ques. 37. What are their names?—Ans. The oldest is Thomas, the other one is John.
Ques. 38. Where do they live?—Ans. In Tama Co.

Cross-examination:

Ques. 39. How old were these boys when you were naturalized; that is, when you applied for your papers, how old were they then?—Ans. I didn't have but one then.

JOHN CARY.

STATE OF IOWA,
Tama County, ss:

ROBERT MONTGOMERY, being produced and sworn before Eldon Moran, notary public for Johnson County, on this 31st day of March, A. D. 1883, testifies as follows (T. Brown appearing on the part of the contestant and W. H. Stivers on the part of contestee):

Where do you live?—Ans. Montour, Indian Village Township.
Ques. 2. How long have you resided there?—Ans. Going on 15 years.
Ques. 3. Did you vote at the last election held in Indian Village Township?—Ans. Yes, sir.
Ques. 4. At which Mr. Ben. T. Frederick and James Wilson were candidates for Congress?—Ans. Yes, sir.
Ques. 5. What ticket did you vote, Democratic, Greenback, or Republican, if either?—Ans. Well, I forget; some or both.
Ques. 6. Did you vote for either of these men for Congress?—Ans. Yes, sir.
Ques. 7. Which one?—Ans. Frederick.

Ques. 8. Where were you born?—Ans. Canada.
Ques. 9. When were you naturalized?—A. In 1872.
Ques. 10. Have you any papers?—Ans. Yes, sir.
Ques. 11. Where are they?—Ans. In my pocket.
Ques. 12. Will you please let me see them?
(Witness produces papers.)
Ques. 13. Those are the only naturalization papers you have?—Ans. Yes, sir, all that is necessary.
Ques. 14. Are those all that you have?—Ans. Yes, sir; that is all.

STATE OF NEW YORK,
St. Lawrence Co.:

CANTON, N. Y., *Oct.* 24, 1872.

I, T. H. Ferris, clerk of said court, do hereby certify that Robert B. Montgomery, in the town of Freeport, said co., this day appeared in open court, before the judges of this court, and produced a record of his declaration to become a citizen of the United States in conformity with the acts of Congress using a uniform rule of naturalization, and it having appeared to the satisfaction of the court that he had in all respects complied with the requirements with said acts of Congress to entitle him to become naturalized, and had taken the oath required by the said acts, and was by the said court duly admitted a citizen of the U. S. In testimony whereof I have hereunto set my hand and fixed the seal of the said court and county, at Canton, this 24th day of October, 1872.

T. H. FERRIS, *Clerk.*

(Paper shows that the seal has been impressed on it at some time.)

Cross-examination:

Ques. 15. How old were you when you came to the U. S.?—Ans. I think I was 13.
Ques. 16. And declared your intention to become a citizen at that time?
(Objection.)
Ques. 17. Did your parents come with you?—Ans. No, sir.

ROBERT B. MONTGOMERY.

STATE OF IOWA,
Tama County, ss:

SANDY RIGBY, being sworn before Eldon Moran, a notary public, on this 30th day of March, testifies as follows (T. Brown appearing on the part of contestant, and W. H. Stivers appearing on the part of contestee):

Ques. 1. Where do you live?—Ans. In Tama County.
Ques. 2. Whereabouts?—Ans. Tama City.
Ques. 3. How long have you been living in Tama City?—Ans. Came here about 18 or 19 years ago.
Ques. 4. What else do you say in that answer? How long have you been living in Tama City?—Ans. About 9 years.
Ques. 5. Where in Tama City have you lived? With whom?—Ans. With my father.
Ques. 6. With your father in Tama City? Does your father live in Tama City now? How long ago since he resided in Tama City?—Ans. About 13 years.
Ques. 7. Where does your father reside now?—Ans. In Otter Creek Township.
Ques. 8. How long has he resided there?—Ans. 19 years.
Ques. 9. Have you resided with your father during the last thirteen years?—Ans. No, sir.
Ques. 10. How much of it?—Ans. About 9 years.
Ques. 11. The last 9 years?—Ans. No, sir.
Ques. 12. Where did you live during the last year?—Ans. In Tama City.
Ques. 13. Did you board?—Ans. Boarded myself.
Ques. 14. Where did you board?—Ans. With Mr. Come.
Ques. 15. In '81 and '80 didn't you vote in Otter Creek Township?—Ans. Yes, sir.
Ques. 16. Wasn't you living with your father then?—Ans. Boarding there; yes, sir.
Ques. 17. Wasn't that your home?—Ans. No, sir.
Ques. 18. In '81, when you voted in Otter Creek Township, it was your home?—Ans. No, sir; I had my washing done there.
Ques. 19. When you went there didn't you go home? Didn't you call it going home?—Ans. Yes, sir; of course.
Ques. 20. Then it was your home, wasn't it?—Ans. Yes, sir.
Ques. 21. Don't you do so still?—Ans. Call it my home?
Ques. 22. Don't you do so still—like you did before; before you came there? Didn't you go home?—Ans. Yes, sir.
Ques. 23. What is your business?—Ans. Railroading.
Ques. 24. Where were you railroading last summer?—Ans. In Keokuk County; also in Tama County.

Ques. 25. What part of the year in Tama County?—Ans. We commenced the 28th of August.
Ques. 26. Quit when?—Ans. About the 12th of November, 21½ miles of Gladbrook.
Ques. 27. Didn't you board there during the time you was working there?—Ans. Yes, sir.
Ques. 28. Did you go from Keokuk to work on the railroad at Gladbrook?—Ans. Yes, sir.
Ques. 29. Then go where?—Ans. To Tama City.
Ques. 30. What time did you go to Tama City?—Ans. Nov. 1st.
Ques. 31. What day of Nov.?—Ans. 1st day of Nov.
Ques. 32. That is after you were railroading at Gladbrook?—Ans. No, sir; I went down on a visit.
Ques. 33. To visit whom?—Ans. My friends.
Ques. 34. Whom?—Ans. I don't have any particular ones.
Ques. 35. Whom did you go to visit?—Ans. I don't know; there are so many I would hate to name them all here.
Ques. 36. Any particular place then to go?—Ans. No, sir.
Ques. 37. Who did you board with?—Ans. With Mr. Morgan.
Ques. 38. Your brother-in-law?—Ans. No, sir.
Ques. 39. You boarded with Morgan; how long did you board with him?—Ans. About 8 or 9 days at that time.
Ques. 40. Was it after election?—Ans. Yes, sir.
Ques. 41. Then where did you go?—Ans. Then I went to Cornell one day.
Ques. 42. What business did you follow after election?—Ans. Railroading.
Ques. 43. Where did you railroad after election; the next place?—Ans. North of Gladbrook.
Ques. 44. Went back to the same place where you were railroading?—Ans. Yes, sir.
Ques. 45. Railroaded until the middle of Nov.?—Ans. Yes, sir.
Ques. 46. You had no particular person to visit when you came here?—Ans. Well, no, sir.
Ques. 47. Now, tell us what you came here for from Gladbrook?—Ans. No, sir; I can't tell.
Ques. 48. What did you come down here for about the 1st of Nov.?—Ans. Is that a proper question?
Ques. 49. You said you came to visit; is that it? I don't want to be too particular. Was that it, you came to visit?—Ans. Yes, sir.
Ques. 50. Your home, then, is in Otter Creek; that is, when you go home you go to Otter Creek, where your father lives?—Ans. Yes, sir.
Ques. 51. How many years did you say you resided in Tama County?—Ans. 18 or 19 years.
Ques. 52. Your business for a portion of that time has been railroading in different parts of the State?—Ans. Most of the time in this county.
Ques. 53. Has it been your intention to make Tama County your home?—Ans. Yes, sir.
Ques. 54. Was it your home 60 days before election 1882?—Ans. Yes, sir.
Ques. 55. Was your home in Tama City 10 days before election?—Ans. Yes, sir.
Ques. 56. And you voted here at that election?—Ans. Yes, sir.

Redirect:

Ques. 57. Where was your home here in town, in Tama City?—Ans. I made my boarding place up here——
Ques. 58. Where was your home? I don't want to know where you went to visit. (Objection; not proper redirect cross examination.)
Ques. 59. Where was your home in Tama City? That is what I want to know.—Ans. A single man's home is where he boards.
Ques. 60. I asked you where your home was, I tell you. Where did you board?—Ans. Where I was boarding, that is where my home was.
Ques. 61. That is the way it was for several years?—Ans. No, sir; about three years.
Ques. 62. Wherever you boarded, that was your home?

Recross-examination:

Ques. 63. Have you ever had the intention of living in Tama City permanently during that time?—Ans. Always pay taxes there.

Redirect:

Ques. 64. Who do you pay taxes to?—Ans. To the county treasurer.
Ques. 65. Were you assessor in Otter Creek township?—Ans. Yes, sir.
Ques. 66. Assessor there and pay taxes there?—Ans. Yes, sir.

Redirect continued:

Ques. 67. Did you vote at the last election in Tama City?—Ans. Yes, sir.

Ques. 68. I mean the election in which Frederick and Wilson were running for Congress?—Ans. Yes, sir; I voted for Fredrick.

SANDY RIBBY.

STATE OF IOWA,
Tama County, ss:

MICHAEL POWERS, being produced and sworn before Eldon Moran, notary public for Tama County, on this 31st day of March, A. D. 1883, testifies as follows (T. Brown appearing on part of contestant and W. H. Stivers on part of contestee):

Ques. 1. Where do you live?—Ans. I live above Montour.

Ques. 2. In what township?—Ans. Indian Village; I don't know what township.

Ques. 3. How long have you lived where you now live?—Ans. Since '61.

Ques. 4. How far from the town?—Ans. What town?

Ques. 5. Any town.—Ans. About two and one-half miles from Montour.

Ques. 6. What direction?—Ans. I guess northwest.

Ques. 7. Northeast, is it not?—Ans. No; I guess not.

Ques. 8. It is not Tama County, at least, is it?—Ans. I don't know what county it is in.

Ques. 9. Do you know what State you live in?—Ans. I know I live in the State of Iowa.

Ques. 10. Were you at the election last fall?—Ans. I was there, sir.

Ques. 11. Where was the election, over in Montour?—Ans. I was living in Montour.

Ques. 12. When?—Ans. At the time of the election.

Ques. 13. Last Nov. election?—Ans. I don't know what election it was.

Ques. 14. Do you know of anybody who ran for office at the election you voted?—Ans. I don't know who I voted for.

Ques. 15. What ticket did you vote—Democratic, Repulican, or Greenback?—Ans. I can't tell.

Ques. 16. You never did know what you did vote, did you?—Ans. No, sir; because I could not read or write.

Ques. 17. Who gave it to you?—Ans. I cannot tell that, either, who gave it to me.

Ques. 18. Who did you go to the election with?—Ans. I went there myself.

Ques. 19. By yourself?—Ans. Yes, sir.

Ques. 20. Did you have a ticket before you got there?—Ans. No, sir.

Ques. 21. Who did you see when you got there?—Ans. I saw plenty of them.

Ques. 22. Who was the first one you saw?—Ans. I guess I saw plenty of them there.

Ques. 23. You voted?—Ans. I voted.

Ques. 24. Which party do you belong to—what political party?—Ans. Well, I think I belong to the Democratic; I couldn't read the ticket.

Ques. 25. Then you belong to the Democratic?—Ans. I did, only I don't have in my mind who I voted for.

Ques. 26. You voted for a Democrat.—Ans. I think I did; but I don't know, because I could not read.

Ques. 27. You don't know who he was nor his name?—Ans. No, sir.

Ques. 28. You don't know the name of the man that gave you the ticket; only you supposed you voted the Democratic ticket?—Ans. That is all, sir.

Ques. 28. Where were you born?—Ans. I was born in the old counntry.

Ques. 29. Whereabouts, please; what old country?—Ans. In old Ireland.

Ques. 30. How old were you when you came to America?—Ans. I came here in '43, and the year '55——

Ques. 31. Came where in '55?—Ans. Into Halifax.

Ques. 32. Where did you come to?—Ans. To the State of Maine.

Ques. 33. Whereabouts in Maine?—Ans. On the Kennebec River.

Ques. 34. You are a single man, are you?—Ans. I am a single man.

Ques. 35. Have you any naturalization papers?—Ans. I had them, but I lost them.

Ques. 36. You have not any now?—Ans. No, sir; I lost them in the Green River.

Ques. 37. How long ago?—Ans About 13 years ago.

Ques. 38. Where did you get them?—Ans. I got them in Connecticut at the time Buchanan was running.

Ques. 39. Now, whereabouts in Connecticut, please?—Ans. In Norwich.

Ques. 40. How many papers did you get out?—Ans. I got two at the same time, but I lost them.

Ques. 41. Lost them both?—Ans. Yes, sir; I lost all I had between this and California.

Ques. 42. You never read these papers, did you?—Ans. I could not read them.

Ques. 43. Did you ever read them?—Ans. I could not read them.
Ques. 44. How did you know what they were?—Ans. Because I got them.
Ques. 45. You got them there?—Ans. Yes, sir.
Ques. 46. That this is all you know about it.

his
MICHAEL + POWERS.
mark.

STATE OF IOWA,
Tama County, ss:

THOMAS CAREY, being produced and sworn before Eldon Moran, notary public for Johnson County, on this 30th day of March, A. D. 1883 (T. Brown appearing on the part of contestant and W. H. Stivers on the part of contestee), testifies as follows:

Ques. 1. Where do you live?—Ans. In Tama County.
Ques. 2. In what township?—Ans. In Indian Village.
Ques. 3. How long have you lived there?—Ans. Since 1860.
Ques. 4. What is your age, now, please?—Ans. About thirty-three, I guess.
Ques. 5. Do you know where you were born?—Ans. In Vermont.
Ques. 6. John Carey, senior, here is your father, is he?—Ans. Yes, sir.
Ques. 7. Did you vote at the last November election, in Indian Village Township, in which Mr. Frederick and Mr. Wilson were candidates for Congress?—Ans. Yes, sir.
Ques. 8. Which ticket did you vote?—Ans. For Benjamin Frederick; I always vote the Democratic ticket.

THOMAS CAREY.

THOMAS CAREY recalled:

Ques. 1. Are you a brother of Jno. Carey?—Ans. Both are sons of the Carey, senior, who was on the stand. Do you know where your brother voted at the election?—Ans. At Montour.
Ques. 2. Indian Village Township?—Ans. Yes, sir.
Ques. 3. Do you know what ticket he voted?—Ans. No, sir; I don't know; I suppose he voted for Frederick.
Ques. 4. Well, not what you suppose. Did you and he ever talk about it?—No, sir; I don't remember of having any talk; I never asked him; I suppose he would do so; that is his way of voting.
(Objection; moved to strike it out.)
Ques. 5. What makes you think he voted for Frederick?—Ans. Because I think he is a man of pretty good judgment.
Ques. 6. Is that the only reason you have?—Ans. Yes, sir; that is the only reason I have.
Ques. 7. Have you never talked with him any?—I do not remember of talking with him any.
Ques. 8. You do not know anything about what his politics are?—Ans. I have heard him say he was a Democrat.
Ques. 9. That would be another reason for you thinking so?—Ans. Yes, sir.
Q. 10. When did you hear him say he is a Democrat?—A. I cannot tell you.
Q. 11. You have always understood it so?—A. Yes, sir; always supposed so.
Q. 12. Is not that another reason?—A. No, sir; I am a Democrat; I sometimes vote for Republicans.
Q. 13. I will ask you if there is another reason why you think he voted for Frederick, because you have always understood that he was a Democrat?—A. Yes, sir; I suppose a Democrat would support a Democrat nominee.
Q. 14. Then it is not altogether because you thought that he had good judgment?—A. No, sir.

Cross-examination:

Q. 15. You have no knowledge of how they probably voted?—A. No, sir.
Q. 16. He has always voted Republican, though?—A. Yes, sir; I believe he has voted for county clerk and other officers.

THOMAS CAREY (recalled).

STATE OF IOWA,
Tama County, ss:

DENNIS MCCOY, being produced and sworn before me, Eldon Moran, notary public for Tama County, on this 31st day of Mar., '82, testifies as follows (T. Brown appearing on the part of contestant and W. H. Stivers on the part of contestee):

Ques. 1. What has been your business for the last two years?—Ans. Farming.
Ques. 2. What township?—Ans. Indian Village.
Ques. 3. Where born?—Ans. York State.
Ques. 4. Do you know where your father was born?—Ans. Yes, sir.

Ques. 5. Where?—Ans. In the old country, in Ireland; full-blooded Irishman.
Ques. 6. How long did your father reside in this country?—Ans. About 16 years.
Ques. 7. You yourself were never naturalized, were you?—Ans. No, sir; but I was born in this country.
Ques. 8. You were at the last Indian Village election, last Nov.?—Ans. Yes, sir.
Ques. 9. Whom did you vote for for Congress?—Ans. Mr. Frederick.
Ques. 10. Do you know that your father was naturalized?—Ans. He said that he was.
Ques. 11. Where?—Ans. In New York.
Ques. 12. What place?—Ans. I don't know, sir.
Ques. 13. Do you know where he lived in New York?—Ans. Yes, sir; he lived in Buffalo, along the Erie Canal.
Ques. 14. How long did you live in New York?—Ans. I cannot say; I was only quite a boy.
Ques. 15. How long did your father live in New York before you were born? Did you ever say anything about that?—Ans. No, sir; I cannot say.

DENNIS McCOY.

STATE OF IOWA,
Tama Co., ss:

C. KÜLTER, being produced and sworn before Eldon Moran, notary public for Johnson County, testifies as follows (T. Brown appearing on the part of contestant and W. H. Stivers on the part of contestee):

Ques. 1. Where do you live?—Ans. Tama City.
Ques. 2. Where were you born?—Ans. In the old country.
Ques. 3. What country?—Ans. Meklinburg.
Ques. 4. When did you first come to America?—Ans. When I was a little bit of a boy.
Ques. 5. When was it?—Ans. I could not tell exactly how old I was.
Ques. 6. I don't ask how old; when was it? That is what I want to know.—Ans. I don't know when the old folks came.
Ques. 7. When did you come?—Ans. I came when they came.
Ques. 8. That is the idea.—Ans. Yes, sir; we will get around to it after awhile.
Ques. 9. You don't know when you did come to America?—Ans. No, sir.
Ques. 10. Have you been naturalized?—Ans. I guess I am.
Ques. 11. Have you any papers?—Ans. Yes, sir.
Ques. 12. Where?—Ans. Not here.
Ques. Where are they?—Ans. In Davenport.
Ques. 14. When naturalized?—Ans. I can't tell what year.
Ques. 15. How do you suppose?—Ans. I think my papers are in German.
Ques. 16. When was it?—A. I cannot tell you that.
Ques. 17. How long did you live in Davenport?—Ans. I lived there about 20 years, I think.
Ques. 18. When did you come from Davenport?—Ans. 15 or 16 years ago.
Ques. 19. How old are you now?—Ans. About 39; pretty close to 40, I guess.
Ques. 20. How long was it before you came here that you became naturalized?—Ans. A number of years,
Ques. 21. How many years?—Ans. I can't tell you.
Ques. 22. How many?—A. I can't tell you how many, sure.
Ques. 23. Tell us as near as you can?—Ans. I can't tell anywheres near that.
Ques. 24. You can't tell anything about the year you were were naturalized?—Ans. No, sir; I can't.
Ques. 25. Who was judge of the court, if anybody?—Ans. I don't know that for sure; I can't remember.
Ques. 26. Who was clerk of the court?—Ans. His name was Mittelbuscher.
Ques. 27. Was it in the court-house in Davenport?—Ans. Yes, sir; I guess it was.
Ques. Was it in the court-house?—Ans. Yes, sir; I told you it was.
Ques. 29. Who was your witness?—Ans. I have forgotten the names; it was so long age; I don't think of any of them any more.
Ques. 30. What did you do with the papers you have got?—Ans. I left them in my trunk when I went to the Army; when I came back my trunk was gone, and my papers were gone also.
Ques. 31. Now, Mr. Külter, tell us as near as you can what year it was.—Ans. I can't tell you; I don't know.
Ques. 32. Was it 5 years before you came here?—Ans. Yes, sir; I believe about 5. I don't know how much—5, 7, or 7—I can't tell that.
Ques. 33. Can't you tell anything about it?—Ans. No, sir.
Ques. 34. Can you tell whether it was two years?—Ans. No, sir.
Ques. 35. How do you know you have been here so long?—Ans. I know that; that I am here that long.

Ques. 36. How do you know?—Ans. I know I am.
Ques. 37. What do you guess by?—Ans. I know that I am here that long; that is what I guess by.
Ques. 38. Did you vote in the last election in Tama City, in which Frederick and Wilson were candidates for Congress?—Ans. Yes, sir.
What ticket did you vote?—Ans. I always vote the Democratic ticket.
Ques. 40. Did you vote for Frederick?—Ans. I did that.

C. KÜLTER.

STATE OF IOWA,
Tama County, ss:

DENNIS GILLESPIE, being produced and sworn before Eldon Moran, notary public for Johnson County, on this 31st day of March A. D., 1883, testifies as follows (T. Brown, appearing on the part of contestant, and W. H. Stivers on the part of contestee):

Ques. 1. Did you vote at the last election at Montone?—Ans. Yes, sir.
Ques. 2. You voted at the election when Mr. Frederick and Wilson were running for Congress?—Ans. Yes, sir; I voted for supervisor.
Ques. 3. What ticket did you vote, Democratic, Greenback, or Republican ticket, if any?—Ans. Democratic ticket.
Ques. 4. Well, let us get along. Where were you born?—Ans. I was born in Donegal, Ireland, parish of Glen.
Ques. 5. When did you first come to America?—Ans. I can't give the date; but I know I have been in America 40 years.
Ques. 6. How old are you now?—Ans. I am about 65 or 70.
Ques. 7. About 70.—Ans. Yes, sir; I was in this country since 25 years.
Quest. 8. Have you citizen papers?—Ans. No, sir.
Ques. 9. Never had?—No, sir; I never voted for Congressman in my life until last November, but I had voted for supervisor and school director in my district.
Ques. 10. You have never had any naturalization papers or citizen papers?—Ans. No, sir; I thought as long as I was in the country that I didn't need any, because I was so long in the country.

Cross-examination:

Ques. Have you any knowledge whom you voted for last election?—Ans. Yes, sir: I have voted for Fergusson; I voted the Democratic ticket. That is all the voting I have done since the last 40 years.
Ques. 2. You voted for the Congressman that Mr. Wilkes told you, did you?—No, sir.
Did he tell you the name?—No, sir; I knew the name myself.
Ques. 4. Did you read it?—Ans. No, sir; I could not read it. Wilks told me here too that I voted Democratic.
Ques. 5. Did you read the ticket yourself?—Ans. No, sir; I could not read it. I can't tell what ticket I voted. I got two or three or four of them. I can't tell who gave them to me.
Ques. 6. Did you know whether the name of any Congressman at all was on it?—Ans. No, sir; I could not know it; I can't read.
Ques. 7. It could be off entirely, might it not?—Ans. Yes, sir.
Ques. 8. There might not be any Congressman's name on it at all, might there?—Ans. They may have thought I was a fool, you know.
Ques. 9. Now there were 3 Congressmen candidates last November, wasn't there?—Ans. Yes, sir; I didn't know anything about any of them. My man was a Democrat.
Ques. 10. You did not know whether the Congressman's name was on it or not, did you?—Ans. No, sir; I could not tell.
Ques. 11. You thought you were a voter in good faith?—Ans. Of course I did.

Redirect:

Ques. 1. Did you think you voted the Democratic ticket?—Ans. Well, I am not sure, because I got 3 or 4 of them. I can't tell which ticket I voted.
Ques. 2. Which one did you intend to vote?—Ans. Democratic.
Ques. 3. Did you ask anybody whether it was Democratic?—Ans. No, sir.
Ques. 4. How did you know it was a Democratic ticket; anybody tell you?—Ans. No, sir; my pocket was full; I had my pocket full of Republican tickets.
Ques. 5. How do you know that, if you cannot read?—Ans. Because the clerk told me.
Ques. 6. Is that the way you did?—Ans. No, sir.
Ques. 7. How did you tell?—Ans. I told him that I meant to work for the Democrat.

Recross-examination:

Ques 1. You might have voted for a Republican?—Ans. Yes, sir; or a Democrat.
Ques. 2. You might have voted for a Republican?—Ans. Yes, sir.; I might.

Redirect:

Ques. If you voted for a Republican, somebody fooled you, didn't they; they fooled you?—I don't believe they fooled me in my mind.

his
DENNIS + GILLESPIE.
mark.

STATE OF IOWA,
Tama County, ss:

EDWARD YATES, being produced and sworn before Eldon Moran, notary public for Johnson County, on this 31st day of March, A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant, and W. H. Stivers on the part of contestee):

Where do you live?—Ans. In Columbia Township, Tama Co.

Ques. 2. How long have you lived there?—Ans. Nearly 20 years. I was raised in this co.

Ques. 3. Do you know John Stum?—Ans. Yes, sir.

Ques. 4. How long have you known him?—Ans. I have known when I would see him for 5 years.

Ques. 5. Where does he live, do you know?—Ans. In Columbus Township.

Ques. 6. Is he a man of family?—Ans. He has a wife, I know.

Ques. 7. Do you know whether he is foreign born?—Ans. Only from what I have heard him say.

Ques. 8. What did he say about that?—Ans. I have heard him say that he was born in Germany.

Ques. 9. Do you know anything about whether he was ever naturalized? Did he ever say anything about it?

(Objection: hearsay.)

Ans. I have heard him say that he was never naturalized,

Ques. 10. Do you know whether he voted at the last election, in Nov., in Columbus Township, in which Wilson and Frederic were candidates for Congress?

(Objection: hearsay.)

Ans. He told me he voted at last election.

Ques. 11. Did he tell you for whom he voted?—Ans. For Frederic.

Recross-examination:

Ques. 1. How far do you live from him?—Ans. Between one and one-half and 2 miles.

Ques. 2. What are your politics?—Ans. I voted the Republican ticket.

Ques. 3. Whom did you vote for?—Ans. Wilson.

Ques. 4. What was your object in inquiring of Mr. Stun whether he was naturalized?—Ans. The way I came to ask him about his being naturalized, he was talking about his nationality, and so on.

Ques. 5. Were you employed to do it?—Ans. No, sir.

Ques. 6. Did any one instruct you to ask him about it?—Ans. No, sir; no one.

Ques. 7. What was your object in asking?—Ans. Simply to know where he was from.

Ques. 8. Did you reveal it?—Ans. No, sir.

Ques. 9. Whom did you tell it to first?—Ans. To Mr. Stevens.

Ques. 10. Did they know you had any knowledge of it?—Ans. I don't know that they did.

Ques. 11. How did they know you knew these facts before you were called on the stand?—Ans. I can't tell you.

Ques. 12. Never told it to any one in the world, did you? Not until you told it upon the stand here?—Ans. State that again.

Ques. 13. When did you tell these facts in regard to Mr. Stein being an unnaturalized voter at the last Nov. election? Whom did you tell it first?—Ans. I was asked about it by a man on the street.

Ques. 14. Who was it?—Ans. James D———.

Ques. 15. What did he say to you at that time?—Ans. What about?

Ques. 16. In regard to this Mr. Stein.—Ans. Well, he said, "Do you know whether he was ever naturalized or not?"

Ques. 17. What did you tell him?—Ans. I said that he had told me that he never was.

Ques. 18. Did he ask you how he voted at the last election?—Ans. I believe not. I believe he asked me his politics.

Didn't he ask you for whom he voted?—Ans. No, sir; I don't believe he did.

Ques. 20. You don't remember to have told that party of it before?—Ans. No, sir.

Ques. 21. Never remember telling anybody else those facts? Did you tell him on the streets to-day?—Ans. No, sir; not that I remember of.

Ques. 22. Where did this conversation take place, in which Mr. Stein told you that

he was not naturalized—before or after last election?—A. That was, to the best of my knowledge, 3 years ago.

Ques. 23. Was that in election time?—Ans. No, sir; it was in the threshing crowd it came up. I can call it to memory.

Ques. 24. Who was present at the time?—Ans. My partners; two of them.

Ques. 25. Give their names.—Ans. Wm. Stein was present; also Clarke.

Ques. 26. Was this a brother of the other one?—Ans. Yes, sir.

Ques. 27. Did he hear the conversation?—Ans. I believe so.

Ques. 28. Where was it?—Ans. At John Stein's, three years next threshing time.

Ques. 29. Does John Stein vote at the same place you did?—Ans. Yes, sir.

Ques. 30. When did he tell you that he voted for Frederick at the last election for Congress?—Ans. Yesterday.

Ques. 31. Where was that?—Ans. At his own house.

Ques. 32. What were you doing over there then?—Ans. I went there to buy a horse of him.

Ques. 33. You asked him at that time whom he voted for?—Ans. Yes, sir.

Ques. 34. Did he ask you whom you voted for?—Ans. I don't remember.

Ques. 35. Did you buy the horse?—Ans. Yes, sir.

Ques. 36. You went there for that purpose?—Ans. Yes, sir.

Ques. 37. Didn't you go to see whom he voted for?—Ans. No, sir.

Ques. 38. Who was present when he told you that?—Ans. Mr. Teak.

Ques. 39. Did he vote for Frederic that time?—He told me that he had voted for Frederic; that is, in the presence of Teek.

Ques. 40. Do you know whether he has been naturalized since that time?—Ans. The way as he spoke three years ago that he didn't have his papers.

Ques. 41. He spoke of first or second papers?—Ans. No, sir; I think not of 2d papers. The conversation ran about like this: I asked him if he had taken out his papers, and to my knowledge he said no. We had no reference to 1st or 2nd papers.

Ques. 42. You knew he was an illegal voter?—Ans. No, sir; I never knew until yesterday that he was at the election.

Ques. 43. You never met him at the election?—Ans. I have no recollection of it.

Ques. 44. Did you ever report it to any one?—A. Yes, sir; I never knew that he cast a vote in America until yesterday.

Ques 45. Do you know that he did this?—Ans. No, sir; only what I was told.

Ques. 46. State to us the conversation in which he told you that he voted for Frederick. How did that arise?—Ans. It came up in the same argument between him and Peck about Wilson and Frederick. I asked him if he had turned to be a Democrat, or something like that. He said that he had. I said to Stein, maybe I am getting into a Democratic nest here. He said, I guess you are. Said I, are you a Frederick man? He said, yes, sir. I said, did you vote for Frederick last fall? He said he had. That is all of the conversation.

Ques. 47. Did you say anything more about that?—Ans. No, sir.

Ques. 48. Did you not tell him that he was not naturalized and had no right to vote?—I said nothing about it.

Ques. 49. Didn't that occur to your mind at that time?—Ans. I didn't give it a thought.

Ques. 50. You never spoke to him?—Ans. No, sir.

Ques. 51. You didn't ask him whether he got papers since that time?—Ans. No, sir.

Ques. 52. Didn't speak to him about being an illegal voter?—Ans. No, sir; I said nothing about it.

Ques. 53. Were you in town yesterday?—Ans. No, sir.

Ques. 54. Were you not subpœnaed?—Ans. No, sir.

Ques. 55. Did you come in voluntarily to testify?—Ans. No, sir; not to testify. I did not know there was a trial.

Ques. 56. You came in here voluntarily?—Ans. Yes, sir.

Ques. 57. Anybody force you to come in here?—Ans. Not that I know of.

Redirect:

Ques. 1. How many brothers has Mr. Stein that you know?—Ans. Four, or rather three besides himself.

Ques. 2. Tell us their names.—Ans. Wilton Theodore, one they call Gus; one lives in Columbia; another lives in Richland Township. I know them when I see them. They are not old enough to vote.

EDWARD YATES.

(Showing the returns of their county in the 5th Congressional district, particularly of Martialtown.)

STATE OF IOWA,
Tama County, ss:

THOMAS CAFFERY, being produced and sworn before Eldon Moran, notary public fo Johnson County, on this 31st day of March, A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant and W. H. Stivers on the part of contestee):

Ques. 1. Where do you live?—Ans. In Tama City.

Ques. 2. Have you your papers here?—Ans. Yes, sir; I took out my papers. I never got my last ones because I thought I wouldn't have to.

Ques. 3. Did you vote at the last election at Tama City last November, when Frederick and Wilson were running for Congress?—Ans. Yes, sir.

Ques. 4. What ticket did you vote?—Ans. Democratic ticket.

Ques. 5. Did you vote for Frederick?—Ans. Yes, sir.

Ques. 6. Are these your papers?—Ans Yes, sir; they are the only ones.

Ques. 7. Where were you born?—Ans. In Ireland.

Ques. 8. How long have you been in this country?—Ans. Since '67.

Ques. 9. You have lived here 10 or 12 years?—Ans. I guess 13 years; I was 3 years away from here.

(Witness produces papers.)

UNITED STATES OF AMERICA,
State of Iowa, Crawford Co.:

Before me, the undersigned clerk of the dist. court, in and for said county, personally appeared Thomas Caffery, a native of Ireland, and makes solemn oath that it is his *bona fide* intention to become a citizen of the United States, and to renounce and abjure forever all allegiance and fidelity to every foreign prince, potentate, state, sovereignty whatsoever, and particularly allegiance to the Queen of Great Britain, to whom he was heretofore a subject.

THOMAS CAFFERY.

Sworn to and subscribed before me this second day of Sept., 1874.

A. D. Malony, clerk of dist. court in and for said county court of record, showing seal of office and having common-law jurisdiction, do hereby certify that the foregoing is a correct copy of the record as appears on file now in my office. In testimony whereof I have hereunto set my hand and fixed the seal of the said county at this my office in Johnson, in said county, this second day of Sept., 1874.

A. D. MALONY,
Clerk of Court of Crawford Co.

(Attached the seal of dist. court of Crawford Co.)

Cross-examination:

Ques. 10. Where were you born?—Ans. In Ireland.

Ques. 11. When did you come to the U. S.?—Ans. In '67.

Ques. 12. How old were you then?—Ans. 13.

Ques. 13. How old are you now?—Ans. 36.

Ques. 14. Did your father come with you?—Ans. Father and mother did then.

Ques. 15. Why didn't you take out other papers?—Ans. I thought I could not get other papers unless I went back there. I was told that to do that I would have to go back there to get them.

Ques. 16. Have not you stated that you voted the Republican ticket, and voted for Wilson last Nov.?—Ans. No, sir.

Ques. 17. Have you always been a Democrat?—Ans. Always.

Ques. 18. Were you 15 when you came here?—Ans. Yes, sir.

Ques. 19. And declared your intention?—Ans. Yes, sir.

his
THOMAS × CAFFERY.
mark.

No fee.

STATE OF IOWA,
Tama County, ss:

FAIRFIELD BENJAMIN, being produced and sworn before Eldon Moran, a notary public for Tama Co., on this 31st day of Mar., A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant, and W. H. Stivers on the part of contestee):

Ques. 1. Did you vote at last Nov. election in Tama City?—Ans. Yes, sir.

Ques. 2. The election in which Mr. Frederick and Wilson were candidates for Congress?—Ans. Yes, sir.

Ques. 3. What ticket did you vote?—Ans. For Wilson.

Cross-examination:

Ques. 4. Where were you born?—Ans. In Canada.
Ques. 5. Have you been naturalized?—Ans. Yes, sir; I have.
Ques. 6. Where was it?—Ans. First papers took out in Cook Co., Ills., in '58; second in '63, in Rochester, Minnesota.
Ques. 7. You have lived here since that time?—Ans. I lived in Minnesota about 2 or 3 years; balance of the time in Iowa.
Ques. 8. How long have you lived in Tama Co.?—Ans. Nearly 2 years.
Ques. 9.

FAIRFIELD BENJAMIN.

No fee.

(Evidence for contestee at Gladbrook, Tama Co., Iowa, W. H. Stivers, attorney for contestee.)

OWEN RILEY, no evidence.

DUFFY, witness:

Ques. 1. Where do you reside?—Ans. In Columbia Township.
Ques. 2. Did you vote at last Nov. election at which Mr. Frederick and Wilson were candidates for Congress?—Ans. Yes, sir.
Ques. 3. What ticket did you vote, Greenback or Republican?—Ans. Greenback ticket.
Ques. 4. You voted for Greenback candidate for Congress?—Ans. Yes, sir.

DUFFY.

No fee.

STATE OF IOWA,
Tama County, ss:

JNO. HAGGARTY, being produced and sworn before Eldon Moran, a notary public for Tama Co., on this 31st day of Mar., A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant, and W. H. Stivers on the part of contestee):

Ques. 1. Where do you reside?—Ans. Columbia Township.
Ques. 2. How long have you resided there?—Ans. About 17 years.
Ques. 3. Where were you born?—Ans. In Ireland.
Ques. 4. Did you vote at last Nov. election in which Mr. Wilson and Frederick were candidates for Congress?—Ans. Yes, sir.
Ques. 5. What ticket did you vote?—Ans. Greenback ticket.
Ques. 6. Did you vote for Frederick or Wilson for Congress?—Ans. Neither one of them.

JNO. HAGGARTY.

No fee.

STATE OF IOWA,
Tama County, ss:

JOHN DOYLE, being produced and sworn before Eldon Moran, notary public for Tama County, on this 31st day of March, 1883, testifies as follows (W. H. Stivers appearing on the part of contestee, and T. Brown on the part of contestant):

Ques. 1. Where were you born?—Ans. In Ireland.
Ques. 2. When did you first come to America?—Ans. In '52 or '53.
Ques. 3. How old were you?—Ans. When I came?
Ques. 4. Yes, sir.—Ans. When I started I was 19.
Ques. 5. How old were you when you got here?—Ans. It took five weeks to come.
Ques. 6. Your birthday might have been on the road?—Ans. No, sir; I was born a good while before that.
Ques. 7. You have a birthday every year?—Ans. No, sir; I don't, sir.
Ques. 8. Did you vote at the last election in Columbia Township in the Nov. election, when Frederick and Wilson were running for Congress?—Ans. Yes, sir.
Ques. 9. What ticket did you vote?—Ans. I don't know whether that is a fair question.
Ques. 10. Yes, it is.—Ans. I voted for Frederick.
Ques. 11. For Congress?—Ans. Yes, sir.
Ques. 12. Were you ever naturalized?—Ans. Yes, sir.
Ques. 13. Where?—Ans. In Freeport, Illinois.
Ques. 14. When?—Ans. I can't tell the time exactly, but a good while ago, 24 or 25 years ago.
Ques. 15. How long have you lived in Tama County, Iowa?—Ans. For 15 years.
Ques. 16. Where did you live previous to that?—Ans. In Scott county.
Ques. 17. How long in Scott County?—Ans. For 3 years.

Ques. 18. Then where did you go from Scott County?—Ans. Joe Davis County, Ill.
Ques. 19. What post-office address?—Ans. Warren.
Ques. 20. How long did you live in Illinois?—Ans. Don't know exactly.
Ques. 21. About how long?—Ans. From '53 to '65.
Ques. 22. How long did you live in Joe Davis Co.?—Ans. I have been back and forward there a good many times.
Ques. 23. Did you live in Stephenson Co., at Freeport, when you got your papers, or were you living in Joe Davis?—Ans. I lived in Stephenson Co.
Ques. 24. Whereabouts in Stephenson Co.?—Ans. In Freeport.
Ques. 25. With whom?—Ans. I mean where I boarded.
Ques. 26. You were a single man?—Ans. Yes, sir.
Ques. 27. Whom did you live with when you got your naturalization papers?—Ans. I boarded with a man by the name of Lawrence O'Brien.
Ques. 28. What did Lawrence do?—Ans. He worked around and kept boarding house.
Ques. 29, Did you ever get any other papers besides those you got at Freeport—any other naturalization papers?—Ans. No, sir.
Ques. 30. Can you give us the year that was in?—Ans. No, sir; I cannot.
Ques. 31. Tell us about the year. What became of them?—Ans. It was 24 or 25 years ago; I don't think it was quite that.
Ques. 32. What became of the papers that you got?—Ans. I didn't draw them out; I got a copy, which got cut up and lost.
Ques. 33. You just got a copy?—Ans. Yes, sir.
Ques. 34 Did you get more than one copy?—Ans. Only a copy, that is all. Just to show that they were there if I needed them. I have never needed them since.
Ques. 35. You got one copy at that time, then?—Ans. Yes, sir.
Ques. 36. You went from Freeport to Joe Davis Co.?—Ans. Yes,sir.
Ques. 37. From there you went to Davenport?—Ans. Yes, sir.
Ques. 38. From Davenport you went to Tama Co., and lived here ever since?—Ans. Yes, sir.

Cross-examined:

Ques. 39. Did you get your citizen naturalization papers?—Ans. Yes, sir.
Ques. 40. You got two sets of papers in Freeport and two sets of papers that you got since; you got both?—Ans. I suppose so.
Ques. 41. Do you know what you did?—Ans. Well, I am not so very sure; I calculated that was the way of it.
Ques. 42. You remember of getting your papers?—Ans. Yes, sir.
Ques. 43. Did your papers entitle you to vote after you lost them?—Ans. I suppose so.

Redirect:

Ques. 44. How do you know that they entitled you to vote?—Ans. When I became a citizen of the U. S. I think I am entitled to vote.
Ques. 45. You never got papers except at that one time?—Ans. That is all.
Ques. 46. Did you get papers at two different times that entitled you to vote; how long did you live there in Ill.?—Ans. For 12 years.
Ques. 47. Long enough to entitle you to get both sets of papers? Did you take out papers, at two times at two days, in the court-house, that entitled you to vote?—Ans. No, sir; I guess not.
Ques. 48. That was only once?—Ans. Yes, sir.
Ques. 49. How long had you been here then?—Ans. I think 5 or 6 years.
Ques. 50. You came to this country when you were 19?—Ans. Yes, sir.
Ques. 51. Are you sure you were that old?—A. I think that is it.
Ques. 52. Did the clerk tell you that the papers entitled you to vote?—Ans. I didn't ask such a question.
Ques. 53. You got them for that purpose?—A. Yes, sir.
(No fee.)

JOHN DOYLE.

STATE OF IOWA,
Tama County, ss:

O. H. MILLS, being produced and sworn before Eldon Moran, notary public for Tama County, on this 31st day of March, 1883, testifies as follows (W. H. Stivers appearing on the part of contestee, and T. Brown on the part of contestant):
Ques. 1. Where do you reside?—Ans. In Tama City, Tama County, Iowa.
Ques. 2. How long have you lived there?—Ans. for 12 years.

Attorney-at-law:

Ques. 3. Were you in Tama City at the last November election, at which election B. T. Frederick and James Wilson were candidates for Congress?—Ans. Yes, sir; I was.

Ques. 4. During the day, did you notice any of the Milwaukee hands voting?—Ans. Yes, sir; I did.

Ques. 5. What employment were these men in on the road?—Ans. Surfacing on th track.

Ques. 6. Section hands?—Ans. Well, they were men working on the construction on the track. They were fixing it up; it had been laid down and they were coming along surfacing up the track.

Ques. 7. Did you know their names?—Ans. Some of them.

Ques. 8. Give them.—Ans. John Holland, J. Burns, T. Ellwood, and E. Gillespie.

Ques. 9. Did you know how long they had been here, Mr. Mills?—Ans. I know that they came in here when they commenced fixing the track and went out of here. They were transient men here.

Ques. 10. How long after the election did they go away from here?—Ans. Probably the next week; inside of two weeks.

Ques. 11. Were they fixing up the surface of the track of the Milwaukee road; surfacing up the track?—Ans. Yes, sir.

Ques. 12. As they finished up surfacing, they went along?—Ans. Yes, sir.

Ques. Do you know how long they were here before election—how long they had been stopping?—Ans. I don't know exactly, probably 30 days.

Ques. 14. Were they residents here, citizens of the town?—Ans. No, sir.

Ques. 15. Do you know who they voted for for Congressman?—Ans. I know that they were furnished tickets by men running for Frederick.

Ques. 16. Do you know the tickets they had? Did you see these tickets that these men were peddling and know that were Frederick tickets?—Ans. Yes, sir; I knew that they were.

Ques. 17. How long after they got these tickets from the men did they deposit their votes?—Ans. These men were there in the office; their votes were challenged; they swore in their votes; they handed in their tickets right off, then and there, and put them in the box.

Ques. 18. Did anybody go up with them to the polls?—Ans. Yes, sir.

Ques. 19. And were they Frederick men or not?—Ans. Yes, sir; Frederick men.

Cross-examination:

Ques. 20. I understand you to say Holland, Burns, and Gillespie were at the last Nov. election, '82, took the oath that they were legal voters, and voted?—Ans. Their votes were challenged, and they swore in their votes.

Ques. 21. They swore they were residents of the co. for 60 days, in this precinct for ten days, before election?—Ans. Yes, sir; they did.

Ques. 22. Did you see the votes after they got them?—Ans. I saw them get the tickets; I didn't see what was written on them.

Ques. 23. The reason you think they were for Frederick is that the tickets were given them by men supporting Frederick?—Ans. Yes, sir; that is it.

Ques. 24. You didn't see the ballots yourself?—Ans. I didn't see the names all myself.

Ques. 25. Did you say that these men did not live in this co. 60 days prior to the election?—Ans. I say that they were not residents of the township and county.

Ques. 26. Well, do you think that they were not residents of Tama County for 60 days prior to the last election?—Ans. Yes, sir; I know it.

Ques. 27. Did you know these men 60 days before the election?—Ans. No, sir.

Ques. 29. For that reason you think that they were not residents of Tama Co.?—Ans. I think that they had not lived here inside of this co. 60 days. I know that they were transient men.

Ques. 29. Do you know where they resided before that time?—Ans. Yes, sir; because I interrogated them each separately in regard to their residence. They insisted in swearing in their votes.

Ques. 30. After their votes had been challenged?—Ans. I think that Mr. Hill and Mr. ——— opposed and challenged their votes.

Ques. 31. Are you positive that T. Elwood was not a resident 60 days before the election?—Ans. I am positive that he was not a resident of this township. He might have been a resident of the county.

Ques. 32. How long was he resident of the township?—Ans. I don't think I can tell.

Ques. 33. Was he working in the township?—Ans. Yes, sir.

Ques. 34. Was he a single man?—Ans. Yes, sir: I think so.

Ques. 35. You know who I refer to? I mean T. Elwood.—Ans. Yes, sir; I think that is the one.

Ques. 36. Do you say that he was not in the township 30 days?—Ans. He may have been here that long.

Ques. 37. How about Gillespie?—Ans. No, sir; I don't know about him. I never knew him before election.

Ques. 38. How did you know that he was not a resident?—Ans. From what he told me.

Ques. 39. Did you know J. Burns before the election?—Ans. I never saw him before.

Ques. 40. Didn't know his name until that day?—Ans. No, sir.

Ques. 41. How did you know that he was not a resident of this county?—Ans. From the answer he gave me when I examined as to his qualifications.

Ques. 42. He might have lived in the county for all you know?—Ans. Yes, sir; but I don't think that he did, from what he told me.

Redirect:

Ques. 43. When these fellows presented themselves to vote did you inquire of them how they happened up here, on what business?—Ans. Yes, sir.

Ques. 44. What did they tell you that they were doing?—Ans. They said that they were working on the railroad here; they claimed to be naturalized; that they had a right to vote wherever they were.

Ques. 45. They were working along the line of road, surfacing up?—Ans. Yes, sir.

Ques. 46. They are away now?—Ans. Yes, sir; they were not here ten days after the election.

Recross-examination:

Ques. 47. Did you know that these men boarded with James McLaughlin here 60 days before the election?—Ans. No, sir; I know that they did not, only one or two of them.

Ques. 48. Do you know that these four men did not board with this man for 60 days before the election?—Ans. No, sir; I don't know that.

Recalled:

Ques. 49. You are Republican, I believe?—Ans. Yes, sir; born Republican.

Ques. 50. You voted Republican ticket last election for Congressman?

Ques. 51. For James Wilson?—Ans. Yes, sir.

Ques. 52. You supported actively, I believe?—Ans. Yes, sir; actively I worked for him.

Ques. 53. Worked at the polls?—Ans. Yes, sir.

Ques. 54. Since that you have been assisting in this contest?—Ans. Never, except looking up evidence. I have suggested names to Wilson.

Ques. 55. Assisted in looking up evidence?—Ans. Yes, sir.

O. H. MILLS.

STATE OF IOWA,
Tama County, ss:

W. H. POTTER, being produced and sworn before Eldon Moran, notary public for Johnson Co., on this 31st day of March, 1883, testifies as follows (W. H. Stivers appearing on the part of contestee, and T. Brown on the part of contestant):

Ques. 1. What is your business?—Ans. Roadmaster.

Ques. 2. What road?—Ans. The Milwaukee road. The Central.

Ques. 3. Whereabouts is that road located?—Ans. From Marion to Council Bluffs.

Ques. 4. What was your business first part of Nov., last?—Ans. I was roadmaster.

Ques. 5. Now will you tell me whether you know anything about the men that were surfacing up the track last Nov.?—Ans. I can't tell that I do.

Ques. 6. Do you know the gang that were surfacing here?—Ans. Yes, sir.

Ques. 7. Who were they?—Ans. All of them?

Ques. 8. Yes, sir.—Ans. Do you want the names of those who were surfacing alone?

Ques. 9. Do you know John Howard?—Ans. Yes, sir.

Ques. 10. What was he doing?—Ans. Working on the mud-train.

Ques. 11. What is his business?—Ans. Ditches out the cuts and fills up. Works on the train, I guess.

Ques. 12. Under whom?—Ans. McDonald.

Ques. 13. Where was McDonald's headquarters then?—Ans. Here.

Ques. 14. Do you know whether he came here to make his headquarters?—Ans. No, sir; I don't know.

Ques. 15. How do those hands manage it in reference to places to stop?—Ans. They boarded here.

Ques. 16. Under McDonald?—Ans. Yes, sir.

Ques. 17. Were these men under him?—Ans. Yes, sir.

Ques, 18. Where did they go from here?—Ans. I can't tell that.

Ques. 19. How long did it take them here.—Ans. McDonald commenced the 1st of Nov.

Ques. 20. Does not that give the time of the men?—Ans. Yes, sir.

Ques. 21. When did Mr. Holland commence?—Ans. I was looking at it the time.

(Objection, for the reason that the witness reads from a book that he did not make himself.)

Ans. No, sir; I did not make this book.

Ques. 22. Now, sir, the hands of this train came to the place and boarded until they got through there and then went to another place.—Ans. This train didn't have any other place. Their headquarters were here until I discharged them.

Ques. 23. They were here to work until you discharged them?—Ans. Yes, sir.

Ques. 24. When you discharged them did they go away?—Ans. Yes, sir.

Ques. 25. All of them?—Ans. Well, I don't know that all of them did.

Ques. 26. Well, those four men, did they go away?—Ans. Yes, sir; I guess they are here now. I don't know this Burns, I think it must have been the old man Burns across the track. I don't know anything about it. There were three Burns' in all; one family here working on the train.

Ques. 27. Now, were these men, Holland, Burns, and Gillespie employed hands working on the train?—Ans. I can't find it at all.

Ques. 28. Take Burrows, Ellwood, and Holland.—Ans. Yes, sir; I find these three.

Cross-examination:

Ques. 29. Have you any personal knowledge of it except what you derive from the book that you hold, as to the length of time these men were here?—Ans. Yes, sir.

Ques. 30. Did you make these entries in this book yourself?—Ans. No, sir; I merely audited the book.

Ques. 31. Holland had the entry of witnesses?—Ans. Yes, sir.

Ques. 32. You have no personal knowledge of the whereabouts of this man you were asked about?—Ans. No, sir; not at all.

Ques. 33. When did you say that McDonald's men worked here?—Ans. I see by this book here, that he was working here when I came here, the 1st of Oct.

Q. 34. When did it begin, the first of Sept.?—Ans. Yes, sir; this book did.

Ques. 35. Do you know that they might have been here before that?—Ans. Yes, sir; I know that they might have been here before that.

W. H. POTTER.

No fee.

STATE OF IOWA,
Tama County, ss:

L. BRANNAN, being produced and sworn before Eldon Moran, notary public for Johnson County, on this 31st day of March, A. D. 188– (T. Brown appearing on the part of contestant and W. H. Stivers on the part of contestee), testifies as follows:

Ques. 1. Where do you reside?—Ans. At Tama City.

Ques. 2. How long have you lived there?—Ans. About sixteen years.

Ques. 3. What has been your business for the last four or five years?—Ans. City marshal most of the time.

Ques. 4. Were you city marshal last year?—Ans. Yes, sir.

Ques. 5. The year before?—Ans. No. sir.

Ques. 6. How long was it you were not city marshal in the last four or five years?—Ans. Two years only, I believe.

Ques. 7. You have been city marshal, except two years, for how long here?—Ans. About six years at different times, different years.

Ques. 8. Pretty well acquainted with the citizens of the town, are you?—Ans. Yes, sir.

Ques. 9. Do you know anything about the train working in the Milwaukee road—a surface train—last fall, in November or October?—Ans. I know that there was a train.

Ques. 10. Did you see any of these men off the train vote at the polls?—Ans. No, sir; I did not know that I did.

Ques. 11. Did you know one John Holland who worked on that train?—Ans. No, sir.

Ques. 12. You were not acquainted with the man that worked on the train?—Ans. No, sir.

Ques. 13. There is such a man as John Holland; did he live here last November?—Ans. Unless he was one of these men on the road, I do not know; I did not think that he did.

Ques. 14. You did not know of any such man?—Ans. No, sir; I did not know of any such.

Ques. 15. Do you know of a man by the name of Allwood, living here in town?—Ans. No, sir.

Ques. 16. Did you know any at the time of the election, before or after?—Ans. No, sir.

Ques. 17. Or Gillespie?—Ans. No, sir; I did not know him.

Ques. 18. Now, by the name of John Burns; do you know of any such man, or did you last November, living here in town?—Ans. No, sir; I know Jno. Baylies, but he

was not living in the town here; he lives in Otter Creek; he has lived around here in the country a good many years.

Cross-examination:

Ques. 19. Do you know positively, or have you any information or knowledge, as to whether Holland, or Gillespie, or J. Burns did formerly work on the Milwaukee and St. Paul road in this county; they were not residents of the county 60 days before the election in November, '82?—Ans. No, sir.

Ques. 20. You have no knowledge in regard to it?—Ans. No, sir.

Ques. 21. Have you any knowledge or information as to whether the parties named in the last question, T. Ellwood, E. Gillespie, John Holland, or John Burns, were residents of Tama Township for 10 days before the election in November, '82?—Ans. No, sir; I don't.

Ques. 22. You could not state that they were not?—Ans. No, sir.

Ques. 23. Do you mean to say that you were not acquainted with them?—Ans. No, sir.

Ques. 24. You were not acquainted with many of the men employed on the road, I suppose?—Ans. Hardly any of them.

Ques. 25. They might have been residents and you not know it?—Ans. Yes, sir; they might have been.

Ques. 26. Are you acquainted with Mr. Ellwood here in the room?—Ans. Yes, sir; I know him; I know him by sight.

Ques. 27. This is one of the men inquired of you on the direct examination by Mr. Stivers?—Ans. Yes, sir; he is one of the men.

Ques. 28. There is one John Burns that lives in Otter Creek?—Ans. Yes, sir; but I don't think that he voted here.

Ques. 29. He is not the man of whom Mr. Stivers spoke?—Ans. No, sir; I think not.

M. L. BRANNAN.

STATE OF IOWA,
Tama County, ss:

THOMAS ELWOOD, being produced before Eldon Moran, notary public for Tama Co., on this 31st day of March, '83, testifies as follows (W. H. Stivers appearing on the part of contestee and T. Brown on the part of contestant):

Ques. 1. Did you vote at the last election in Nov., in Tama City, when Frederick and Wilson were running for Congress?—Ans. Am I to testify without getting anything for it?

Ques. 2. No, sir; you will get your pay.—Ans. Yes, sir; I voted here.

Ques. 4. At that election?—Ans. Yes, sir.

Ques. 5. What ticket did you vote, Democratic or Republican?—Ans. Democratic ticket.

Ques. 6. Which one did you vote for, if either, for Congress?—Ans. Mr. Thomas Frederick, and I voted the straight ticket right through.

Ques. 7. Who did you vote for for Congress?—Ans. Mr Frederick; he was on the ticket; I suppose he was the one I voted for.

Ques. 8. What business had you been following during the summer of '81 or '82?—Ans. Part of the time I was on the farm and part of the time I was here in town.

Ques. 9. Whereabouts on the farm?—Ans. On our farm.

Ques. 10. Where is it?—Ans. About 6 or 7 miles from Toledo.

Ques. 11. You worked on your farm?—Ans. Yes, sir; part of the time.

Ques. 12. What township is that?—Ans. Otter Creek they call it.

Ques. 13. Part of the time there; what business did you follow the rest of the time?—Ans. I worked here in town on the gravel train.

Ques. 14. On what road?—Ans. Milwaukee road.

Ques. 15. Where did you run?—Ans. From Tama City west for 90 miles.

Ques. 16. When did you commence working on the gravel train?—Ans. That I cannot tell you. I know that I was in town here a month before election here.

Ques. 17. You did what on the farm?—Ans. Well, I did what all farmers do—plowed and harrowed.

Ques. 18. Did you raise a crop there?—Ans. Yes, sir.

Ques. 19. Your father lives there?—Ans. Yes, sir, he does.

Ques. 20. How long did you live there?—Ans. I lived there in the neighborhood of 16 months or thereabouts.

Ques. 21. When did you go there?—Ans. This spring a year ago.

Ques. 22. What month?—Ans. I cannot tell you, sir.

Ques. 23. Where did you go from when you went there?—Ans. I came from Green County.

Ques. 24. How long did you live in Green?—Ans. I boarded in Green County.

Ques. 25. Did you live in Green County until when?—Ans. I boarded in Green County.

Ques. 26. How long did you live there?—Ans. About three months.
Ques. 27. Did you live in Green County about three months; what part of the year was it?—Ans. Year ago this last winter.
Ques. 28. Did you go to Green County to stay?—Ans. I make my home at my father's, in Otter Creek Township.
Ques. 29. You went to Green County for what purpose?—Ans. To work on the Milwaukee road. I worked down here, east of town. I went from there into Green County to work on the road, and then came back home.
Ques. 30. Did you go back home?—Ans. Yes, sir; when I left there I came right back home.
Ques. 31. What time did you go home?—Ans. I can't tell you exactly; some time in the spring; in March, I think.
Ques. 32. Then you staid at home until what time in the fall?—Ans. I can't tell you that exactly.
Ques. 33. Some time in September or October?—Ans. Some time along there.
Ques. 34. Then went where?—Ans. To Tama City.
Ques. 35. To work?—Ans. Yes, sir; on the gravel train.
Ques. 36. You went there to work when you voted in November?—Ans. Yes, sir.
Ques. 37. You have been in the township more than ten days?—Ans. Yes, sir; made my home here more than 14 years.

Cross-examination:

Ques. 38. You are a single man?—Ans. Yes, sir.
Ques. 39. You resided here in town 30 days before the election?—Ans. Yes, sir; I think about that.
Ques. 40. Made this your home at that time, sir?

Redirect cross-examination:

Ques. 41. Was it your home when you were in Green County?—Ans. Yes, sir; my home wherever I go as long as I stay here.

THOMAS ELWOOD.

STATE OF IOWA,
Tama County, ss:

A. C. MATTEROIS, being produced and sworn before G. W. Burnham, notary public, on this 31st day of March, 1883, Nichol and Burnham appearing on the part of the contestee, T. Brown on the part of the contestant, testifies as follows:

Ques. 1. Where were you born?—Ans. In the old country. I have been in this country 11 years; was born in Norway.
Ques. 2. Where did you come to when you came from Norway?—Ans. To N. Y. City, and landed in Castle Garden and went up to Minn.
Ques. 3. How long did you stay in N. Y.?—Ans. About 6 weeks.
Ques. 4. Whereabouts in Minn.?—Ans St. Paul.
Ques. 5. How long did you remain in St. Paul?—Ans. About 4 years.
Ques. 6. How old were you when you came to this county?—Ans. I am 35; take off 11 years and that will give it.
Ques. 7. You were a single man?—Ans. Yes, sir.
Ques. 8. You were naturalized, and have citizen papers?—Ans. Yes, sir.
Ques. 9. Have you them with you?—Ans. They are in Minn. The first ones that I got were burned; I was burned out. The first I got in St. Paul; the other and second I got in Chicago, of Mr. Blinn, in Chic.
Ques. 10. When did you get your second papers?—Ans. 4 or 5 years ago.
Ques. 11. Did you come from there here?—Ans. Yes, sir.
Ques. 12. 4 or 5 pears ago you got your papers from Blinn, city clerk?—Ans. Yes, sir.
Ans. Didn't you say city clerk?—Ans. Yes, sir.
Ques. 13. How long after you got your papers did you leave Chic.?—Ans. I staid in Chic. almost 4 years.
Ques. 14. Have you got your papers?—Ans. No, sir.
Ques. 15. How long after you got your papers did you stay in Chic.?—Ans. One or two years.
Ques. 16. You have been here how long?—Ans. 3 years.
Ques. 17. In what street did you live in in Chic.?—Ans. Erie street.
Ques. 18. What number?—Ans. I think 68; either 168 or 68; I think 68.
Ques. 19. Can you tell me who your witness was?—Ans. There are so many; everybody knows me.
Ques. 20. At the time that you took second papers who was your witness?—Ans. I don't remember who it was exactly; plenty know me. I had a witness when I got the first papers; that is in St. Paul.
Ques. 21. I mean your second papers; you don't remember your witness's name?—Ans. One name was Swanson, the other was Gealher.

Ques. 22. What did you do in Chic.?—Ans. Clerking.

Ques. 23. For what?—Ans. In a dry-goods store; R. W. Springer, of Milwaukee; then across the street for the Farmers' Hotel.

Ques. 24. You voted for Frederick or Wilson in Tama City last election?—Ans. Yes, sir.

Ques. 25. What ticket did you vote?—Ans. I always vote straight ticket; I never tell anybody what ticket I vote.

Ques. 26. Which, if either, one of the candidates did you vote for?—Ans. I didn't know; I mixed them up; so I can't tell, sir. I put down the name that suits me.

Ques. 27. Now I ask you who it was?—Ans. I don't want to tell; I will never tell you.

Ques. 28. Did you say that you didn't know who you voted for?—Ans. Yes, sir; of course I know who, but I never tell anybody.

Ques. 29. Didn't you tell me a little while ago that it was mixed up so that you didn't know?—Ans. I mixed up the tickets.

Ques. 30. Didn't you tell me a while ago that you mixed them up so that you didn't know who you voted for?—Ans. I know who I voted for.

Ques. 31. Didn't you say a while ago that you didn't know who you voted for?—Ans. I say that I mixed the tickets up so.

Ques. 32. You mixed up the candidates so?—Ans. Yes, sir; that is it.

Ques. 33. So you can't tell who you did vote for?—Ans. Yes, sir; I know who I voted for.

Ques. 34. Didn't you tell me that you didn't know?—Ans. I say that I mixed up the candidates. Each person that I like I vote for.

Ques. 35. So you can't tell which one you did vote for; isn't that what you told me a while ago?—Ans. I said that I mixed up the tickets.

Ques. 36. Didn't you tell me that a while ago?—Ans. Yes, sir; I mixed up the tickets.

Ques. 37. Now, have you got that so unmixed that you ean tell me who you voted for?—Ans. Well, sir, I put in Frederick's name.

Cross-examination:

Ques. 38. This Blinn was the clerk of the court of record?—Ans. Yes, sir; on Mad. street.

Ques. 39. You got your papers from him?—Ans. Yes, sir.

Ques. 40. The same man that issues papers to all voters?—Ans. Yes. sir.

Ques. 41. Clerk of Cook County, wasn't he, before the court?—Ans. Yes, sir; of Cook County, near Chic.

Ques. 42. That is what you meant, that he was city clerk—that he was clerk of the court?—Ans. Yes, sir; some call him city clerk.

Redirect:

Ques. 42. How did you know that he was clerk of the court; was it because Carney told you so?—Ans. Because I have been a good many times to see him.

Ques. 44. You have seen him in his office on Madison street?—Ans. Yes, sir.

Ques. 45. Where did you get it, right in the court? You got it in the court on Madison street?—Ans. No, sir; he brought me the paper.

Ques. 46. Where were you when he brought it to you?—Ans. Over where he lives. I went to him on the south side in a big house, and he told me to come along with him.

Ques. 47. You went up to his office in the court-house, did you?—Ans. No, sir; I think that is on Clark street, in that big room there; that is where I got it.

Ques. 48. Who else was there?—Ans. Swanson and Geagher.

Ques. 49. Who else was there?—Ans. I don't recollect all the names that were there.

Ques. 50. Were there other people there?—Ans. Yes, sir; a good many of them. The other folks wanted papers, too. I went along with him so that I could get mine.

Ques. 51. It was several people that wanted papers?—Ans. The room was full of people. I don't know what they were after.

Redirect:

Ques. 52. It was in the court-house in Chicago that you got your paper?—Ans. Yes, sir; certainly.

A. C. MATTEROIS.

STATE OF IOWA,
Tama County, ss:

E. J. WILCOX, being produced and sworn before Eldon Moran, notary public of Tama County, on this 1st day of March, 1883, W. H. Stivers appearing on the part of the contestee, and T. Brown on the part of the contestant, testifies as follows:

Ques. 1. Where do you live?—Ans. Montour, Tama County, Iowa.

Ques. 2. How long have you resided there?—Ans. 13 years.

Ques. 3. Were you at the election last fall in Nov.?—Ans. Yes, sir.
Ques. 4. At that election were Frederick and Wilson candidates for Congress in this district?—Ans. Yes, sir; they were.
Ques. 5. Were you there most of the time?—Ans. Yes, sir; I was there from the time that the polls were opened until they were closed. I was there also in the evening.
Ques. 6. Did you see one John W. Shelton vote at that election?—Ans. Yes, sir.
Ques. 7. A. J. H. Smith?—Ans. Yes, sir.
Ques. 8. A James Davis?—Ans. Yes, sir; also McGuire and railroad men that were section hands at Potter.
Ques. 9. McGuire and Davis?—Ans. Yes, sir; section hands at Potter, all except Shelton.
Ques. 10. Did you see Shelton vote?—Ans. Yes, sir; I did.
Ques. 11. Do you know he voted?—Ans. He voted Democratic ticket for Frederick.
Ques. 12 Did you know this man Shelton? Was he a man or boy?—Ans. He was a man about 23 or 24 years of age.
Ques. 13. Where does he live?—Ans. He came back from Missouri. His father formerly lived here in Indian Village Township. They went to Missouri a year ago last spring.
Ques. 14. Did you say since they went, or since the father moved?—Ans. His father sold out and went there, and they came back and they commenced working Tues. morning. John W. Shelton said that he wanted to work just before the polls were open. I told him that my teams had gone to the fields. He wanted to vote, but he said that he wasn't a voter really. He had just come back to pay for a horse. Then he said that they were going back to Missouri. He went down to my house in the evening; commenced work on Wednesday morning after the election; but he voted.
Ques. 15. How long did he remain there?—Ans. He worked for me that week; then for Mr. C.; then for Buchannan; then he went back to Missouri.
Ques. 16. You say that he voted Democratic ticket?—Ans. Alva Shelton didn't vote.
Ques. 17. Well, John W. Shelton voted?—Ans. He voted straight Democratic ticket.
Ques. 18. How do you know?—Ans. I saw his vote challenged.
Ques. 19. How long before he voted was it that he told you that he just got back to pay for a horse?—Ans. 8 or 9 o'clock. I afterward talked about it when Smith was there. He said that he wasn't a voter. In the afternoon, about 3 o'clock, he said that he was going to vote; I said that "they won't let you." He said that Butler had given him a ticket, and said that he was a voter. He said that he was going to vote. The challenge wasn't withdrawn, and he swore it in.
Ques. 20. Now that is all about Shelton; what do you know about that man Smith, and McGuire and Davis; were they section-hands on the Milwaukee road?—Ans. Well, long a month after the election——! These men voted on that day—Mr. McGee voted and Smith voted. When he went to vote inquiry was made where they were from. Two or three were there; Putnam was present. McGee said that they were voters; Davis and Smith, I suppose, were McGee's hands. I don't know anything about it prior to that. Afterwards I found out that they were merely section hands. As to whether I knew them, they all worked down there.
Ques. 21. Do you know how long they remained there after the election?
(Objection; immaterial.)
Ans. Smith left next day but one.
Ques. 22. Do you know Davis?—Ans. They all staid a short time, and left.
Ques. 23. They were all residents there all the time?—Ans. They were all section-hands, and boarded with Mr. Hickson that worked on the section. James D. was boss.
Ques. 24. How long had D. been section-boss before the election?—Ans. Perhaps 60 days.
Ques. 25. With whom did he board?—Ans. With a man by the name of Hickson. Hickson didn't vote; Burrows didn't vote; but all the rest voted.
Ques. 26. Did they live there before they came to vote?—Ans. No, sir; they haven't been around since.

Cross-examination:

Ques. 27. Did you know that Smith, Davis, and McGuire had not been residents of the county 60 days?—Ans. I don't know, only as to Indian Village Township.
Ques. 28. Answer my question. Do you know whether they were residents of the county 60 days before the election?—Ans. No, sir.
Ques. 29. Do you know that they were not in the precinct 60 days?—Ans. No, sir; I know that some of them were not.
Ques. 30. How about James Davis and McGuire?—Ans. They were not in the township 10 days
Ques. 31. Where was Smith?—Ans. He wasn't in the precinct.
Ques. 32. Were you all through the precinct?—Ans. Pretty near.

Ques. 33. You know that he wasn't in the precinct 10 days before; where did he come from?—Ans. I don't know.

Ques. 34. You say that he wasn't in the precinct 10 days before the election?—Ans. I know that he wasn't in Indian Village Township.

Ques. 35. Were you with him all the time?—Ans. If he had been there in the township I would have known it.

Ques. 36. Now, in regard to Shelton, his father had moved into that precinct?—Ans. Yes, sir.

Ques. 37. How long prior to this election?—Ans. In the spring of '82.

Ques. 38. They had gone down to Missouri?—Ans. Yes, sir.

Ques. 39. You don't know whether he had intended to return or not?—Ans. Yes, sir; he says that he intended to return. I am going to state that my brother here helped him most 40 days within going back to Missouri.

Ques. 40. You don't know whether he intended to return, do you; don't know whether he intended to come back to Indian Village Township? Did you have any conversation with him at that time?—Ans. I talked with him election day and afterwards.

Ques. 41. I mean before he moved?—Ans. Yes, sir; I tried to buy a cow from him.

Ques. 42. You talked with J. W. Shelton?—Ans. Yes, sir.

Ques. 43. How old was he at that time?—Ans. 23 or 24 years old.

Ques. 44. Then he came back to work for you?—Ans. Yes, sir; he worked the balance of that week, I think.

Ques. 45. You challenged his vote at the election; he swore it in, did he?—Ans. Yes, sir.

Ques. 46. And swore that he was resident of the county 60 days and of that township 10 days?—Ans. Yes, sir; I think so.

Ques. 47. Who gave the ticket to him?—Ans. He says that Butler gave it to him. He came in and said that he was going to vote.

Ques. 48. Did he come and bring it to you?—Ans. I asked him to let me look at it, and I told him that they wouldn't let him vote, and he polled it right away.

Ques. 49. He knew that you were favorable to Wilson?—Ans. I don't know whether he did or not.

Ques. 50. You are in favor of Wilson?—Ans. Yes, sir.

Ques. 51. Have you ever been indicted for any criminal offense?—Ans. No, sir; I don't know that I have.

(Objection; incompetent.)

Ques. 52. What did you do before the election?—Ans. I didn't do anything.

Ques. 53. Did you tell anybody at that time in regard to the vote of John W. Shelton?—Ans. Yes, sir.

Ques. 54. Who did you tell?—Ans. We talked about it right there; Smith was present.

Ques. 55. You say that you saw the ticket?—Ans. Yes, sir.

Ques. 56. And it bore Frederick's name?—Ans. Yes, sir; it was straight Democratic ticket.

Ques. 57. Who were the judges of the election at that time?—Ans. Mills and Taplin.

Ques. 58. Who administered the oath; what was his name?—Ans. James Mills.

Ques. 59. He put in the same ticket, you say?—Ans. Yes, sir; he swore it right in.

Ques. 60. In spite of you?—Ans. Yes, sir; next morning when told about it he cried like a baby.

Redirect:

Ques. 61. Who was present next morning when he talked about it?—Ans. Johnson and Lawson.

Ques. 62. What did he say about it?—Ans. He said that he would never have voted if Butler hadn't urged him and told him that he was a voter. He says that Butler did it because I had the Turner boy vote.

Ques. 63. That is the reason Butler gave for having him vote?—Ans. Yes, sir.

Ques. 64. Is Butler justice of the peace?—Ans. Yes, sir.

Ques. 65. Did Butler work for Frederick the day of the election?—Ans. Yes, sir; he did.

Cross-examination:

Ques. 66. In the conversation you had with Shelton, before his father had moved to Mo., what did John say in regard to his intention in regard to his residence in the future?—Ans. They were all out there talking in the yard. E. J. Wilcox. They were going to Mo. next week.

Ques. 67. What did John say about it?—Ans. He said that they had made a home there, and that they were going there to live.

Ques. 68. Did he say that he was going to make it his home?—Ans. No, sir; he said that he was going back.

Ques. 69. I mean in the first place.—Ans. He said that he was going there to live—that is, before they first moved to Mo.

STATE OF IOWA,
Tama County, ss:

D. JAAP, being produced and sworn before Eldon Moran, notary public for Tama County, on this 31st day of March, 1883, testifies as follows (W. H. Stivers appearing on the part of contestee and T. Brown on the part of contestant):

Ques. 1. Where do you live?—Ans. Columbus Township.

Ques. 2. Did you vote at the last November election?—Ans. Yes, sir.

Ques. 3. Did you vote the Democratic or the Republican ticket?—Ans. I cannot tell, because I could not read it.

Ques. 4. Ask him whether he is Democrat or Republican?—Ans. Democrat.

Ques. 5. Who gave him the ticket?—Ans. John Bergholtz.

Ques. 6. Did you say that it was a Democratic ticket that you voted?—Ans. I could not tell; I could not read it.

Ques. 7. Did you say that you voted the Democratic ticket?—Ans. I could not tell for certain; I do not know.

Ques. 8. Ask him if he wanted to vote the Democratic ticket?—Ans. I think so.

Cross-examination:

Ques. 9. Ask him if he might have voted for the Republican candidate and not have known it?—Ans. I don't know about that; one is as good to me as another.

Ques. 10. Did you vote for a Republican?—Ans. No, for this the first time I ever voted at all.

Redirect:

Ques. 12. Where you born?—Ans. In Europe.

Ques. 13. How long have you been in the United States?—Ans. Twelve years.

Ques. 14. Where did you come to when you came to the United States?—Ans. To Tama City.

Ques. 15. Ask him if these are his papers?—Ans. Yes, sir.

Ques. 16. Ask him if these are all he has?—Ans. Yes, sir.

(Paper produced by witness produced in court.)

UNITED STATES OF AMERICA,
State of Iowa, Tama County, ss:

Before me, the undersigned, clerk of the court, district in and for this county, personally appeared David Jaap, a native of Holstein, and makes solemn oath that it is his *bona fide* intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to every foreign power, prince, potentate, state, or sovereignty whatsoever, and particularly William First, of Germany, of whom he was heretofore a subject.

DAVID JAAP.

Sworn to and subscribed this 26th day of Dec., 1874.

L. B. BLINN,
Clerk of the District Court.

(Seal of the district court, Tama County, attached.)

I, L. B. Blinn, clerk of the district court in and for said county court of record, using seal of office, and having common law jurisdiction, do here certify that the foregoing is a correct copy of the record as appears on file now in my office.

In testimony whereof I have hereunto set my hand and fixed the seal of the said court at my office at Toledo, in said county, this 26th day of Dec., 1874.

L. B. BLINN,
Clerk of the District Court.

(Seal of the district court attached.)

Cross-examination continued:

Ques. 17. Did you ever get any papers after that?—Ans. No, sir.

Ques. 18. How old were you when you came to this country?—Ans. I was 48 years old when I came here; I am now 60 years old.

DAVID JAAP.

STATE OF IOWA,
Tama County ss:

J. F. W. STEEN, being produced and sworn before Eldon Moran, notary public for Tama County, on this 31st day of March, 1883, testifies as follows (Brown & Carney appearing on the part of contestant and W. H. Stivers on the part of contestee):

Ques. 1. Where do you live?—Ans. Columbia Township, Tama County.

Ques. 2. Did you vote at the last election held in Nov., '82, in Columbia Township, at which Mr. Frederick and Wilson were candidates for Congress?—Ans. Yes, sir.

Ques. 3. Did you vote the Democratic or Republican ticket?—Ans. The Democratic ticket.

Ques. 4. For Frederick?—Ans. Yes, sir.

Ques. 5. Where were you born?—Ans. In Germany.

Ques. 6. How old are you?—Ans. 29 the 24th of July.

Ques. 7. How long have you been in America?—A. Eleven years this July.

Ques. 8. Where did you come to?—Ans. Tama City.

Ques. 9. Lived in this county ever since?—Ans. Yes, sir.

Ques. 10. Naturalized?—Ans. I haven't got my papers.

Ques. 11. Never had any papers?—Ans. I went once to get them, but I didn't have the money to spare.

Cross-examination:

Ques. 12. How long did you say you were here?—Ans. Eleven years; I came before I was 18 years old.

Ques. 13. Was your father naturalized?—A. My father came 3 years afterward.

Ques. 14. Was he naturalized?—A. No, sir.

Ques. 15. Has he been naturalized since?—Ans. I don't know that he is naturalized.

Ques. 16. He might have been and you not know it?—Ans. Yes, sir; he might have been and I not know anything about it.

Ques. 17. You have never taken out last papers?—Ans. No, sir.

Ques. 18. Are you sure that you voted for Ben. Frederick?—A. I am pretty sure of it.

Ques. 19. Did you read the ticket?—Ans. Yes, sir.

Ques. 20. His name on it?—Ans. Yes, sir.

Ques. 21. I want you to be sure of it.—Ans. Yes, sir; I wouldn't tell a lie for the whole of America.

Redirect:

Ques. 22. You have a brother?—Ans. Yes, sir.

Ques. 23. Did he vote for Frederick?—Ans. I don't know.

Ques. 24. Do you know whether he voted or not?—A. I don't know anything about it.

JOHN F. W. STEEN.

STATE OF IOWA,
Tama County, ss:

I, Eldon Moran, a notary public and commissioner agreed upon to take testimony in this cause, in pursuance of the annexed agreement, attached to the testimony of J. L. Adams, whose testimony was taken Feb. 22nd, 1883, do truly certify that on the 31st of March, in pursuance of the notice hereunto annexed, I took the depositions of the following witnesses: John Cary, Robert B. Montgomery, Sandy Ribby, Patrick Powers, Thomas Cary, Dennis McCoy, C. Kulter, Dennis Gillespie, Edward Yates, Thomas Caffery, Fairfield Benjamin, Owen Rley, John Haggarty, John Doyle, O. H. Mills, W. H. Potter, L. Brannan, Thomas Elwood, A. C. Matterois, E. J. Wilcox, D. Jaapp, J. F. W. Stearns, whose testimony is set forth in the following manner: Each witness was by me duly sworn, or caused to be sworn, in my presence, as provided by law, and when sworn the questions were propounded to him by the respective parties, Benj. T. Frederick, contestant, and James Wilson, contestee, by their respective att'ys, and the same by me read to the witness, who answered the same, and his answer by me in the language of the witness taken down under each question propounded and reduced to writing, till the deposition was completed.

I further certify that when the testimony of each witness was taken, I carefully read the same over to the witness, who corrected the same, and each correction noted, and said testimony was then signed by the witness, and sworn to by him before me.

I further certify that T. Brown & Carney appeared as counsel for the contestant, Benj. T. Frederick, and W. H. Stivers appeared as counsel for the contestee, James Wilson.

In witness whereof I have set my hand and seal, notarially, this 31st day of March, 1883.

[SEAL.]

ELDON MORAN,
Notary Public for Johnson County, Iowa, and Commissioner agreed upon to take testimony.

STATE OF IOWA,
Tama County, ss:

Deposition of witnesses produced before me, Eldon Moran, a notary public and commissioner, agreed upon to take testimony, and duly sworn by Amos Rodgers, notary public of Tama County, on this 14th day of April, 1883, at Elberon, in pursuance of the notice hereunto attached, in a proceeding pending before the House of Representatives of the United States of America, in a contested election for the office of Representative in Congress, in which proceeding Benj. T. Frederick is contestant, and James Wilson contestee. Brown & Carney, att'ys for contestant, and W. H. Stivers for contestee.

The following testimony was taken before me:

STATE OF IOWA,
Tama County, ss:

FRANK SANKAT, being produced and sworn before Amos Rogers, a notary public for Tama County, on this 14th day of April, A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant, and W. H. Stivers appearing on the part of contestee):

Ques. 1. What county and what township do you live in?—Ans. In Belle Plaine.
Ques. 2. Where did you vote?—Ans. In Belle Plaine.
Ques. 3. That is in Benton County, is it not?—Ans. Yes, sir.
Ques. 4. Do you know the township?—Ans. Yes, sir.
Ques. 5. Do you live in Belle Plaine?—Ans. Yes, sir.
Ques. 6. How long have you lived there?—Ans. Four years.
Ques. 7. What is your age?—Ans. Twenty-two last month.
Ques. 8. Did you vote at the election held there in November in Belle Plaine?—Ans. Yes, sir.
Ques. 9. At the State election?—Ans. Yes, sir.
Ques. 10. Where were you born?—Ans. In the old country; in Europe.
Ques. 11. Is your father living?—Ans. No, sir.
Ques. 12. How long has he been dead?—Ans. He has been dead about 12 or 13 years.
Ques. 13. Where did he die?—Ans. In Tama County.
Ques. 14. How long had he been in America before he died?—Ans. About four years, I guess.
Ques. 15. He has been dead about twelve years, you believe?—Ans. Yes, sir.
Ques. 16. I will ask you if you voted the Democratic or Republican ticket last November election?—Ans. I voted the Democratic ticket.
Ques. 17. Who did you vote for for Congress—Frederick or Wilson?—Ans. I cannot tell you; I voted the Democratic ticket; that is what I voted.
Ques. 18. You cannot tell who was on for Congressman?—Ans. I cannot tell.
Ques. You did not vote for the Republican Congressman?—Ans. No, sir; I voted for the Democratic.
Ques. 19. Did you know who ran for Congressman as Democratic candidate for this district?—Ans. I did not.
Ques. 20. Did you know then?—Ans. I cannot tell you.
Ques. 21. Did you know whether you knew then or not?—Ans. Yes, sir.
Ques. 22. Who gave you the ticket?—Ans. Some people in town.
Ques. 23. Who was it?—Ans. I cannot tell you; I do not remember.
Ques. 24. You do not know who gave you the ticket?—Ans. No, sir.
Ques. 25. Do you know a single name that was on the ticket?—Ans. No, sir.
Ques. 26. And you read the ticket?—Ans. I guess I did.
Ques. 27. Was it printed?—Ans. Yes, sir.
Ques. 28. You say you read all the names on the ticket?—Ans. Yes, sir; I did.
Ques. 29. What did you read it for?—Ans. So I should know who I voted for.
Ques. 30. To see whether they were Democrats or Republicans?—Ans. I know that that was a Democratic ticket.
Ques. 31. You know that you voted for a Democratic man on the ticket?—Ans. Yes, sir.
Ques. 32. Were you ever naturalized, and have you got naturalization papers, or citizen papers?—Ans. No, sir.

Cross-examination:

Ques. 33. Did your father ever have naturalization papers?—Ans. I cannot tell you.
Ques. 34. How old were you when you came to America?—Ans. Six years old.
Ques. 35. Do you know whether your father ever voted or not?—Ans. I cannot tell you.
Ques. 36. Do you know whether Mr. Wilson's name was on the ticket or not?—Ans. I guess it was.

Redirect:

Ques. 37. You say you guess Wilson's name was on the ticket?—Ans. I cannot tell you.

Ques. 38. You do not know what ticket it was on, you guess it was all Democratic, was it?—Ans. Yes, sir; that is all I voted; just Democratic ticket.

Recross-examination:

Ques. 39. You do not remember whether Wilson's name was on for Congressman or something else; you only knew that his name was on?—Ans. No, sir.

F. SANKAT.

$1.75 paid as fee by contestee.

STATE OF IOWA,
Tama County, ss:

CHARLES JELINEK, being produced and sworn before a notary public for Benton County, on this 14th day of April, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant and W. H. Stivers on part of contestee):

Q. 1. Where do you live?—A. Belle Plaine.

Q. 2. What township and county?—A. Well, I suppose you know better than I do; it is in Benton County.

Q. 3. Do you know what township it is?—A. It don't make any difference to me; you and Mason know better; I run my business; if you ask me my business I tell you it makes a good deal of difference.

Q. 4. What is the matter with you?—A. I talk just as I have a right to.

Q. 5. You voted in the town of Belle Plaine?—A. Yes, sir; I did.

Q. 6. Last fall, at the State election?—A. Yes, sir.

Q. 7. Were you naturalized, and have you citizen papers?—A. Yes, the first one; Mr. Mosnat knows that.

Q. 8. Have you them with you?—A. No, sir; I said that I did not know that I was expected to bring them along with me.

Q. 9. How old are you?—A. Over 40.

Q. 10. When did you get your first papers?—A. In '71.

Q. 11. Where did you get them?—A. I got them at Belle Plaine.

Q. 12. You got them at Belle Plaine?—A. Yes, sir; I did.

Q. 13. From whom did you get them?—A. From Bell; I don't know what his first name was.

Q. 14. The lawyer Bell?—A. Yes, sir.

Q. 15. The lawyer in Belle Plaine?—A. Yes, sir.

Q. 16. Are these all the citizen papers you have?—A. Yes, sir; it is all that I have.

Q. 17. Mr. Bell is no clerk, is he?—A. He was a clerk at the same time.

Q. 18. Bell was clerk of the court?—A. No, sir; there was another man up there.

Q. 19. The clerk of the court was at Bell's office, in Belle Plaine?—A. Yes, sir; that is it.

Q. 20. That was in '71?—A. Yes, sir.

Q. 21. You have never made any application for any other papers; you supposed that that was all you needed to give you the right to vote?—A. Yes, sir; that is all.

Q. 22. You voted at the last State election in Belle Plaine last fall?—A. I believe I did.

Q. 23. Did you vote the Democratic or Republican ticket?—A. I tell you right straight. You see I got plenty to do right along. Mr. N——— came around: "Here is a ticket, you go and vote it." I can't tell exactly which ticket it was I voted; I can't tell now.

Q. 24. Can you tell whether you voted the Democratic ticket or Republican?—A. He says it ought to be good; it made no difference to me; he says it ought to be a good ticket; I voted it; that was all.

Q. 25. I ask you whether Democratic or Republican?—A. You see it did not make any difference to me.

Q. 26. Well, tell me that, please.—A. Sometimes I vote for a Democrat; it don't make any difference to me. Mason came in to vote, and he said, "Here is a ticket." I took it, and voted it.

Q. 27. You vote whichever way they tell you to vote? Do you vote whichever way a fellow tells you to vote?—A. Yes, sir.

Q. 28. What business do you follow in Belle Plaine, and how long have you been following it?—A. No answer.

Q. 29. What business do you follow?—A. Harness business.

Q. 30. How long have you been following that?—A. Ten years last Jan.

Q. 31. Who gave you your ticket last fall to vote?—A. [Laughs.] I can't tell you exactly now.

Q. 32. Well, tell us as near as you can?—A. I can't tell now exactly.

Q. 33. Well, tell as near as you can?—A. I can't hardly tell.
Q. 34. Do you know anything about who gave you your ticket?—A. I can't tell now exactly.
Q. 35. Can you tell anything about it?—A. I can't do it; I can't tell; that is all.
Q. 36. Do you know anything about what time of day it was when you voted?—[Laughs.] A. You see my business did not amount to much for me; that is all; every man must look out for his own business. If you make something from this business you will remember it; if you don't make anything it don't make any difference; that is the way it goes.
Q. 37. Have you any recollection at all as to who gave you the ticket?—A. I can't tell exactly.
Q. 38. Have you any recollection at all?—A. No, sir; I can't tell.
Q. 39. Have you any recollection who gave you the ticket?—A. No, sir.
Q. 40. Can you read English printing?—A. Yes, sir; I read it.
Q. 41. Did you read the ticket?—A. Sometimes I read it.
Q. 42. Did you read your ticket last fall?—A. I cannot tell. [Arises.] You see now I am busy.
Q. 43. Well, just sit down, it is not necessary to make a speech right here.
Q. 44. How did you know that it was N——— that gave you the ticket? [Laughs.] A. You ask me too much questions.
Q. 45. Let us have the answer.—A. You see N——— came and stopped at my place; I followed along with him; that is the way of it.
Q. 46. What neighbor was it?—A. I cannot tell exactly; if I tell you one time that is enough.
Q. 47. Did you have a talk with Jack Mason?—A. I believe I know.
Q. 48. Did you have a talk with him in the last few days as to how you voted?—A. I cannot tell whether I did or not.
Q. 49. You cannot tell what?—A. Whether I talked with him or not.
Q. 50. You have not a very good memory, have you?—A. Well, I tell you right straight, if somebody pay you $200.00 you would remember it better than for a cent or two.
Q. 51. You have a good memory, have you?—A. It is just as I tell you.
Q. 52. If it is $200.00 you have a good memory?—A. Yes, sir; that is the way it goes.
Q. 53. Did you not tell Jack Mosnat in the last few days in Belle Plaine that you voted for Frederick for Congressman?—A. I cannot tell.
Q. 54. State whether you did or not.—A. I cannot tell.
Q. 55. Did you not tell Mosnat in Belle Plaine within the last few days that you voted the Democratic ticket?
(Contestant objects to the question for the reason that it is immaterial and irrelevant.)
Q. 56. Now, did you not tell Mosnat in the last few days in Belle Plaine that you voted the Democratic ticket?—A. No, sir; I did not say that.
Q. 57. You did not do that?—A. No, sir.
Q. 58. Did you ever vote the Republican ticket in your life?—A. Yes, sir; a good many times.
Q. 59. Did you do it last fall?—A. Well, I cannot tell; may be I did.
Q. 60. And may be you did not?—A. It will be the same thing as I say now—you did not be there; I did not be there.
Q. 61. State whether or not you did not tell him in Belle Plaine in the last four or five days that you voted the Democratic ticket at the last fall election.—A. I did not say so.
Q. 63. You did not tell him so?
($1.75 paid as fee by contestee.)

CHARLES GELLINEK.

CHARLES GELLINEK recalled.

Redirect:

Q. 63. After you were subpœnaed in this case in Belle Plaine, Benton County, Iowa, you did not have a conversation with J. J. Mosnat, of the same place, in which conversation you stated to Mosnat that if I had told you I voted the Republican ticket instead of the Democratic ticket you would not have subpœnaed me, or words to that effect?
(Contestant objects to the question as being irrelevant, immaterial, and leading.)
A. I cannot tell. Now, look here right straight; he don't prove it to me; I don't prove it to him; that is the way it be.

Recross-examination:

Q. 65. You mean whatever you said to Mosnat, you were not on oath and Mosnat was not on oath?—A. No, sir; I don't recollect anything about it. I say that we did not prove it.

Redirect (continued):

Q. 66. You say you read over the names of the candidates on the tickets that you voted last fall?—A. Yes, sir; I did say so. What for do you ask me that question?

Q. 67. (Omission here.—PRINTER.)

——— time to-day, and my time for a whole day is $5.

Q. 72. You wanted $5?—A. I would like to get pay for my time or I lose it. You talk for money, but I lose my time.

Q. 73. Who did you want $5 from?—A. If you were hired or get a job, I work for half and you work for double.

Q. 74. Who did you want $5 from?—A. I talked about it with Mosnat.

Q. 75. He would not give it to you?—A. No, sir; I got a few cents, but did not pay anything for me to be away; $1.75 was all that was paid me.

Q. 76. Are you out of humor and mad, too, because you did not get $5?

(Contestant objects to the question as being immaterial and irrelevant.)

A. I would like to say that if I had all such business as this is now, I would like to know how I could make a living. But as it is, you make money and I lose time.

(Excused for the present.)

STATE OF IOWA,
Tama County, ss:

MICHAEL CORCORAN, being produced and sworn before Amos Rogers, a notary public for Tama County, on this 14th day of April, A. D. 1883 (T. Brown appearing on the part of contestant, and W. H. Stivers appearing on the part of contestee), testifies as follows:

Ques. 1. Where do you reside?—Ans. All over the country; I have no residence.
Ques. 2. How long have you been so?—Ans. 3 years.
Ques. 3. Where stopping now?—Ans. Over in Iowa Co.
Ques. 4. How long have you been stopping there?—Ans. Since after Christmas.
Ques. 5. How long have you been stopping in Iowa Co.?—Ans. Since after Christmas.
Ques. 6. Where were you stopping before that?—Ans. In Benton Co.
Ques. 7. Whereabouts?—Ans. Out here east of Keystone.
Ques. 8. How long have you been stopping there?—Ans. Since last spring.
Ques. 9. Where is Keystone?—Ans. Down on Milwaukee road, I guess, east of here.
Ques. 10. Do you recollect what township it is in?—Ans. No, sir; I don't know what township.
Ques. 11. How long have you been stopping at Keystone?—Ans. I have been there in these two townships this last spring.
Ques. 12. Do you have a place or any home?—Ans. I stopped at the man's house where I got work and my grub. I don't keep track of the townships.
Ques. 13. How long have you been in America?—Ans. Since '47.
Ques. 14. Where born?—Ans. In Ireland.
Ques. 15. When did you come to Iowa?—Ans. In '56.
Ques. 16. Where did you go to then?—Ans. I came into Davenport in '56.
Ques. 17. Have you hired in Iowa ever since?—Ans. I was 4 months out of the State.
Ques. 18. In what county have you mostly hired?—Ans. In Scott Co. part of the time.
Ques. 19. When did you hire in Scott Co.?—Ans. In '58 or '59.
Ques. 20. Where did you go to then?—Ans. Iowa Co.
Ques. 21. You voted at the last election?—Ans. Yes, sir; I did.
Ques. 22. Where were you last Nov. election?—Ans. Belle Plaine.
Ques. 23. What county is that in?—Ans. Benton Co., is it not?
Ques. 24. How far is that from this township you have been to work in?—Ans. I didn't measure it.
Ques. 25. About how many miles is it?—Ans. You find it out; I didn't measure it.
Ques. 26. I insist on an answer; 10 miles?—Ans. I cannot say.
Ques. 27. 20 miles?—Ans. I don't know that it is.
Ques. 28. 90 miles?—Ans. I don't know; you find it out.
Ques. 29. You don't know whether it is 40 miles?—Ans. I tell you I did not measure it.
Ques. 30. Is it 40 miles?—Ans. I cannot say.
Ques. 31. I want an answer.—Ans. I did not measure the distance; I traveled back and forth 20 times.
Ques. 32. At that election did you vote the Democratic ticket?—Ans. Yes, sir; the first one voted was Democratic, also the last one.
Ques. 33. Did you vote for Frederick for Congress?—Ans. Yes, sir; I did; I don't deny it, that is just the way to talk it.
Ques. 34. That is a great deal better than to forget it?—Ans. Yes, sir; that is the way to do it.

Ques. 35. No man should be ashamed to tell how he voted?—Ans. No, sir; I am not ashamed; no, sir; I didn't forget it; that is my policy, I voted it.
Ques. 36. You are not ashamed of it?—Ans. No, sir; not a bit; this is the first ticket I voted.
Ques. 37. Have you been naturalized in this country?—Ans. Yes, sir.
Ques. 38. Where?—Ans. I got my first papers in York State, Ulster Co.
Ques. 39. Second papers?—Ans. Second in Davenport.
Ques. 40. Have you them with you?—Ans. No, sir; I don't carry them; if you want to find out, you may find out whether I am naturalized or not.
Ques. 41. You were supposed to bring them?—Ans. Yes, sir; I don't care a damn; I never carried them to the polls. You can find out whether I am naturalized at Scott Co., Davenport.

Cross-examination:

Ques. 42. How long have you hired in the township; over six months where you voted?—Ans. I hired in the county over six months.
Ques. 43. You voted in the same township in which you worked, didn't you?—Ans. I have been in Belle Plaine long enough.
Ques. 44. How long have you been in Belle Plaine?—Ans. About two months before the election. Was not I, Mr. Mosnot? Didn't you see me around there? I was challenged at the polls, but I went through the day and voted.

Redirect:

Ques. 45. Who did you live with at Belle Plaine?—Ans. With Mr. Hill.
Ques. 46. What was his given name?—Ans. I paid for my grub there; I had breakfast there to-day. The Hill that keeps hotel.
Ques. 47. Where did you sleep?—Ans. Part of the time at the Blossom House. There at the house; I have no regular house for staying when I pay my board. I can stay at any house when I pay my way. It don't make any difference to anybody.
Ques. 48. Were you following any business there?—Ans. No, sir.
Ques. 49. Have you any relatives in Belle Plaine?—Ans. No, sir; no relatives in the State of Iowa that I know of.
Ques. 50. You lived in Iowa Co. formerly?—Ans. Yes, sir.
Ques. 51. You used to live there?—Ans. Yes, sir; I used to.
Ques. 52. When did you live there?—Ans. Year ago, last spring.

Recross-examination:

Ques. 53. You had no family in Iowa Co.?—Ans. No, sir; no family but myself, and me alone.
Ques. 54. Have you hired in Benton Co. ever since you hired in Iowa Co.?—Ans. I go back and forth. I spent the summer, too, in Benton Co. I have no place of residence. I go from one place to another.
Ques. 55. You hire where you stop?—Ans. Yes, sir; I hire where I stop. I got my meals to-day and my supper in Belle Plaine. Wilson may give me my dinner.
Ques. 56. Where did you work during the summer—last summer?—Ans. Part of the time at Dorsey's, east of Keystone three-fourths of a mile.
Ques. 57. You hired in Belle Plaine; what time did you go to Belle Plaine?—Ans. I went to Belle Plaine—I cannot tell what time it was.
Ques. 58. A month or two before the election?—Ans. Yes, sir; that long.
Ques. 59. You had no other home except Belle Plaine at the time of the election?—Ans. No, sir. Mr. Wilson went to see John Keller whether I was entitled to vote. He found out that he thought I was.
Ques. 60. Did you do some work at Belle Plaine?—Ans. No, sir; I didn't do any work at Belle Plaine. I spent money. I didn't work any day. That is honest.
Ques. 61. Was you challenged at the polls?—Ans. I was challenged at the polls. A man challenged me, and another man asked whether I was entitled to vote. I told them I was, and I voted. Frank Tremmal was the man that challenged me.
Ques. 62. Mr. Houstin—didn't you know 'Squire Houstin? You were boarding there and had boarded there?—Ans. Yes, sir.

his
MICHAEL × CORCORAN.
mark.

$2.25 paid as fee by contestee.

STATE OF IOWA,
Tama County, ss:

MICHAEL FOLEY, being produced and sworn before Eldon Moran, a notary public for Tama Co., on this 14th day of April, A. D. 1883 (T. Brown appearing on the part of contestant and W. H. Stivers appearing on the part of contestee), testified as follows:

Ques. 1. Where do you live?—Ans. In York Township.
Ques. 2. What county?—Ans. Tama Co., State of Iowa.

Ques. 3. How long have you lived there?—Ans. About 17 or 18 years.
Ques. 4. Where were you born, Mr. Foley?—Ans. In Ireland.
Ques. 5. How long have you been in America?—Ans. Long enough to be a citizen long ago.
Ques. 6. How long?—Ans. 35 years, I guess.
Ques. 7. How old are you?—Ans. 52 or three, as far as I can recollect about that.
Ques. 8. Were you ever naturalized?—Ans. Yes, sir.
Ques. 9. Where?—Ans. In old Kentucky.
Ques. 10. Whereabouts?—A. In Lynn, in the first place.
Ques. 11. Where did you get your second papers?—Ans. Right in Harrisburg, I had to pay for them; here they are (produces them). These papers are old enough to have voted themselves. They were taken and filled out right in Harrisburg, Ken. I guess these papers are good.
Ques. 12. Mercer circuit court, Ken.?—Ans. I guess so, or I wouldn't have had to pay for them. When these are worn out I will get another, if I need it.

MICHAEL FOLEY.

$1.30 paid as fee by contestee.

STATE OF IOWA,
Tama County, ss:

WILLIAM GEBERS, being produced and sworn before Amos Rodgers, notary public for Tama County, on this 14th day of April, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant and G. W. Burnham on the part of contestee):

Q. 1. Where do you live?—A. I don't know the name of the township; two and a half miles east of Belle Plaine.
Q. 2. Iowa Township, Benton County, is it not?—A. I can't tell the name of the township.
Q. 3. Well, who are your neighbors?—A. Frank Miller.
Q. 4. How far does he live from you?—A. 40 rods north of me.
Q. 5. Do you know which township you did live in?—A. No, sir.
Q. 6. Who are your township trustees?—A. I can't tell.
Q. 7. Who is your township clerk?—A. I can't tell.
Q. 8. Who was at the polls?—A. I don't know; well, I don't vote there.
Q. 9. You don't vote in that township?—A. No, sir; I just lived there this spring.
Q. 10. Where did you live the last of November, at the time of election?—A. I lived in Kane Township, Benton County, Iowa.
Q. 11. You voted there?—A. Yes, sir.
Q. 12. Did you vote Democrat or Republican ticket?—A. Democrat ticket.
Q. 13. Did you vote for Frederick for Congress?—A. I can't tell what the name was on it.
Q. 14. It was a Democratic ticket?—A. Yes, sir. I didn't read it all; only saw that it was Democrat ticket on top.
Q. 15. When did you come to America?—A. In 1872.
Q. 16. Where were you born?—A. In Germany.
Q. 17. How old were you when you came here?—A. About 17 years old, I should think.
Q. 18. Have you got your citizen's papers?—A. Yes, sir.
Q. 19. Got them with you?—A. No, sir.
Q. 20. Why didn't you bring them with you?—A. I didn't know it was wanted.
Q. 21. Were you not subpœnaed to bring them with you?—A. I did not know.
Q. 22. Why didn't you bring the papers with you?—A. I didn't know that I had to bring them along.
Q. 23. Have you made application for second papers in the courts in this State?—A. I don't know; I have but one.
Q. 24. Did you make application for second papers in the courts in this State; answer that question?—A. I can't answer.
Q. 25. Did you make application in Toledo before Judge Shane to be naturalized and get citizen's papers?—A. No, sir; I got my papers.
Q. 26. Did not you make application to Judge Shane in Toledo for second naturalization papers?—A. No, sir; not in Toledo.
Q. 27. Didn't you make application, and did not you have a proper witness to prove?—A. No, sir; I have my papers now.
Q. 28. I did not ask you that; did not you make application to Judge Shane, and ask for citizen's papers in court in Toledo?—A. No, sir.
Q. 29. Didn't you at Vinton?—A. Yes, sir; I did once.
Q. 30. When was that?—A. I guess 3 years ago.
Q. 31. Before what judge?—A. I cannot tell.
Q. 32. Didn't you know Judge Shane?—A. No, sir.

Q. 33. You did not know him?—A. No, sir.
Q. 34. It was in court there?—A. Yes, sir.
Q. 35. Did you get them?—A. No, sir.
Q. 36. Why?—A. I don't know; I had my nose scratched up.
Q. 37. You had been in a fight and the court would not grant you papers; was that it?—A. Yes, sir.
Q. 38. That was 3 years ago?—A. Yes, sir; I got my papers since that.
Q. 39. Where did you get them?—A. In Marion, last fall; in Linn County.
Q. 40. What time last fall?—A. A little before election; I can't tell how long before election it was.
Q. 41. You got them last fall in Linn County?—A. Yes, sir.
Q. 42. In court?—A. Yes, sir.
Q. 43. Who was your witness?—A. Jack Baxter, for one.
Q. 44. If you had brought papers along you could have shown them to us?—A. I did not know I needed them, or else I would have brought them.

WILLIAM GEBER.

$1.95 paid as fee by contestee.

EXHIBIT A.—*Attached to testimony of Martin Kupta.*

UNITED STATES OF AMERICA,
State of Iowa, Tama County, ss:

To Benjamin T. Frederick, or Brown & Carney, his attorneys:

You are hereby notified, that at Toledo, Tama Co., at Stivers & Lanthan's office, and before Eldon Moran, a commissioner appointed, in the fifth Coug. district and State of Iowa, on the 28th day of April, A. D. 1883, at 10 o'clock a. m., the contestee, James Wilson, will take the testimony of the following-named witnesses, to wit: S. G. Leland, of Toledo Township, with records of clerk's office, John Husaker, Carroll; John Uorba, of Perry; Frank Pruyek, James Hurat, Matt Kupka, Joseph Kupka, Michael Kupka, Otter Creek; Pat Hamvil, of Otter Creek; Martin Herrek, John O'Connor, jr., Frances Weaver and John Weaver, of Otter Creek; Joseph Nomak, Uriel Nomak, James Nomak, Charles Uromath, Salt Creek; Joseph Uesbla, and Wm. Ewalt, of Carlton, Andrew Jackson, of Tama, and all of Tama County, Iowa, whose testimony, when so taken, and at the proper time, will be read in evidence before the House of Representatives of the United States, in the contest made by you for the office as Representative in Congress from the fifth Congressional district of Iowa.

Dated at Cedar Rapids this 26 day of April, A. D. 1883.

JAMES WILSON,
Contestee.

STATE OF IOWA,
Tama County, ss:

Deposition of witnesses produced before me, Eldon Moran, a notary public and commissioner agreed upon to take testimony, and duly sworn by O. H. Mills, a notary public of Tama County, on this 28th day of April, 1883, at Toledo, in pursuance of the notice hereunto attached, in a proceeding pending before the House of Representatives of the United States of America, in a contested election for the office of Representative in Congress, in which proceeding, Benj. T. Frederick is contestant and James Wilson, contestee (Brown and Carney attorneys for contestant, and W. H. Stiversfor contestee.

The following testimony was taken before me:

STATE OF IOWA,
Tama County, ss:

FRANK WEAVER, being produced and sworn before S. C. Leland, testifies as follows on the 28th day of Apr., 1883 (William H. Stivers appearing on the part of the contestee, and T. Brown appearing on the part of contestant):

Ques. 1. Have you got your papers?—Ans. Yes, sir.
Ques. 2. Let me see them.
(Contestant objects to this witness's testimony because no name or the residence of the witness is given.)
Ques. 3. You say your name is what?—Ans. I always put it Frank.
Ques. 4. Were you naturalized in the name of Frank Weaver?—Ans. I don't know.
Ques. 5. You do not know what you signed it then?—Ans. I believe all the name is Frank.
Ques. 6. Don't they call you Francis as well as Frank?—Ans. I don't see any difference.
Ques. 7. Where do you live?—Ans. York Township.

Ques. 8. What county?—Ans. Tama.
Ques. 9. What State?—Ans. Iowa.
Ques. 9. How long have you lived here?—Ans. 26 years.
Ques. 10. How old are you?—Ans. 45.
Ques. 11. Did you ever make any deed of land?—Ans. I expect I did.
Ques. 12. To whom?—Ans. To Mr. Kotoske.
Ques. 13. Did you make it out in the name of Francis or Frank?—Ans. Frank.
Ques. 14. Did you say that they sometimes called you Francis?—Ans. Nobody but Hayes and Thompson.
Ques. 15. Who are they?—Ans. They live there.
Ques. 16. How long have they known you?—Ans. Ever since I have been a little boy.
Ques. 17. Who else called you Francis?—Ans. I don't remember.
Ques. 18. They called you Francis as much as Frank?—Ans. Yes, sir.
Ques. 19. Did you vote at the last election held in your township in which Wilson and Frederick were candidates for Congress?—Ans. I don't know whether you should know that.
Ques. 20. Did you vote at that election?—Ans. Yes, sir.
Ques. 21. Did you vote for Congressman?—Ans. Of course I did.
Ques. 22. Where were you born?—Ans. In Austria.
Ques. 23. What township did you vote in?—Ans. York Township, Tama County.
Ques. 24. That was the last fall election?—Ans. Yes, sir.
Ques. 25. How old were you when you came to this country?—Ans. About 18 years old.
Ques. 26. These are your naturalization papers?—Ans. Yes, sir.
Ques. 27. All you ever had?—Ans. All I ever had.

CERTIFICATE OF NATURALIZATION.

STATE OF IOWA,
Tama County:

In the county court of said county, I, T. A. Graham, judge of the said court, do hereby certify that on the eighth day of October, 1866, F. Weaver, a native of Austria, was duly qualified to citizenship of the United States of America, and is therefore entitled to right and rights and privileges of a naturalized citizen.

In testimony whereof I have hereunto affixed my hand and seal at my office, in the town of Toledo, in said county, this eighth day of October, 1866.

T. A. GRAHAM,
Judge of the County Court.

Witnessed by the seal of Tama County. Introduced on the book file for record this 6th day of July, 1872, and recorded in the naturalization record, on page one and a half.

L. B. BLIM,
Clerk of the Circuit Court of Tama County, Iowa.

Ques. 28. Who did you vote for at that election; for Frederick or Wilson?—A Well, I think it is no use to say.
Ques. 29. State who you voted for—for Frederick or Wilson?
(Frederick tells the witness is not obliged to answer unless he has a mind to.)
Ans. I did not know the name; I voted a Democratic ticket; Frederick is a Democrat.
Ques. 30. Yes, sir; did you vote for him?—Ans. I voted a Democratic ticket for Frederick.

Cross-examination:

Ques. 31. Did you read your ticket before you voted?—Ans. I read the top of it.
(We will not cross examine this witness because no notice is given nor the residence.)
(Paid as fee $1.75 by contestee.)

FRANK WEAVER.

STATE OF IOWA,
Tama County, ss:

MARTIN HERRICK being produced and sworn before O. H. Mills, a notary public for Tama Co., on this 28th day of April, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, W. H. Stivers on the part of contestee):

(Objection to the testimony of the witness, for the reason that false residence is given.)

Ques. 1. Where do you live?—Ans. In Tama Co.
Ques. 2. What township?—Ans. York Township.

Ques. 3. Where did you live last fall?—Ans. Same place.
Ques. 4. Were you at the Nov. election, '82?—Ans. Yes, sir.
Ques. 5. Did you vote over in that township?—Ans. Yes, sir.
Ques. 6. Where were you born?—Ans. In Austria.
Q. 7. How long have you been in America?—A. 17 years.
Q. 8. How old are you now?—A. 37.
Q. 9. Have you been naturalized?—A. No, sir.
Q. 10. What ticket did you vote, Democratic or Republican?—A. I cannot tell; I got three tickets; may be I voted the Democratic or Republican ticket, I don't know which; of course I never read them.
Q. 11. Who did you get your ticket from?—A. I got it from Scott.
Q. 12. From whom did you get the one you voted—can you read English?—A. No, sir.
Q. 13. With whom did you go to the election?—A. I went with myself.
Q. 13*a*. From whom did you get the ticket you voted?—A. Scott gave me one, and Rogers gave me one, and Joe Kent gave me one.
Q. 14. Did you say you wanted a Democratic ticket?—A. Well, I told him——
Q. 15. What did you tell him?—A. I told him I wanted a Democratic ticket.
Q. 16. What did you want a Democratic ticket for?—A. I cannot read.
Q. 17. What did you tell them a Democratic ticket for?—A. Because all the Bohemians voted that.
Q. 18. So you told them you wanted a Democratic ticket?—A. Yes, sir.
Q. 19. Who handed you the Democratic ticket?—A. Krutcher gave it to me.
Q. 20. Did you tell them for whom you wanted to vote?—A. Yes, sir.
Q. 21. Before they gave you one?—A. Yes, sir.
Q. 22. Did you vote it?—A. I don't know.
Q. 23. Did you ever vote a ticket you did not want to?—A. No, sir.
Q. 24. Can you not tell for whom you voted?—A. I cannot tell that; I pulled one out of my pocket.
Q. 25. You say you don't know whether you voted the Democratic ticket or not?—A. I don't know which one is right.
Q. 26. You say you don't know whether you voted the Democratic or Republican ticket?—A. I don't know; I never read it.
Q. 27. You mean all of the Democratic ticket?—A. Yes, sir.
Q. 28. You wanted to vote the Democratic ticket?—A. Yes, sir.
Q. 29. Did you mean to vote the Democratic ticket?—A. Yes, sir.
Q. 30. When did you first know about it; to-day?—A. No, sir.
Q. 31. When did you first know about it; somebody been talking to you?—A. Yes, sir.
Q. 32. Did they ask you how you voted?—A. Yes, sir; but I said I did not know which was the best.
Q. 33. I mean since you first knew of it, has somebody been talking to you?—A. Yes, sir.
Q. 34. Did you tell any one you voted the Democratic ticket?—A. That is what I heard; I don't know what I voted.
Q. 35. Did you always tell them you voted the Democratic ticket?
(Brown says "Probably he don't know how he voted.")
Q. 36. Now, was it Mr. Herrick who first talked to you since the election?—A. I think it was Mr. Scott.
Q. 37. Since the election?—A. Yes, sir.
Q. 38. Did you not tell Scott that you voted the Democratic ticket?—A. No; I said——
Q. 38*a*. Did you talk to anybody about it?—A. I voted the Democratic ticket.
Q. 39. Did you talk to anybody to-day about how you voted, before you came on the stand?—A. No, sir.
Q. 40. Do all the Bohemians vote the Democratic ticket?—A. Almost all.
Q. 41. You think you did?—A. Yes, sir.
Q. 42. You do know how you voted?—A. Of course.
Q. 43. Don't you vote the Democratic ticket, usually?—A. I don't know for sure.
Q. 44. Do you think you voted the Democratic ticket last fall?—A. My notion is, I did; I don't know whether I did or not.

Cross-examination:

Q. 45. Did your parents come here with you; was your father a voter here?—A. Yes, sir.
Q. 46. He is a naturalized citizen?—A. Yes, sir.
Q. 47. How old were you then; about 16 or 17 years old?—A. Yes, sir.
Q. 48. Your father has been a voter since he came here?—A. Yes, sir.
Q. 49. You lived with your father after you came here?—A. Yes, sir; three years.

Q. 50. You say you got a Republican and Democratic ticket at the election?—A. Yes, sir.

Q. 51. You voted one of them, but you cannot state which one?—A. I don't know; I cannot tell.

Q. 52. Only you state you voted the Democratic ticket, because you were inclined to vote that; but you cannot tell whether you did or n ;t?—A. No, sir.

Q. 53. Well, how do you know your father was naturalized?—A. He told me.

Q. 54. Where?—A. In this county.

Q. 55. He told you he was naturalized in this county?—A. Yes, sir.

Q. 56. When did he tell you that?—A. Before he got his first naturalization papers.

Q. 57. He told you he was going to be naturalized?—A. Yes, sir.

Q. 58. That is all you know about it?—A. Yes, sir.

Q. 59. What is your father's first name?—A. John Herak.

(\$2 paid as fee by contestee.)

MARTIN HERAK.

STATE OF IOWA,
Tama County, ss:

MICHAEL KUPKA, being produced and sworn before S. C. Leland, on this 28th day of April, 1883, W. H. Stivers appearing on the part of the contestee, and T. Brown on the part of contestant, testifies as follows:

Ques. 1. Where do you live?—Ans. In York Township.

(Contestant objects to the testimony of this witness because the testimony is falsely given.)

Ques. 2. I will ask you if you voted at the election held in York Township in which Frederick and Wilson were candidates for Congress?—Ans. I was not there.

Ques. 3. Ask him if he has any boys?—Ans. Got two; Sam and Peter.

Ques. 4. Where do they live?—Ans. Right by the side of him.

Ques. 5. What township did they live in last fall at the time of the election?—Ans. They lived at the same place.

Ques. 6. Ask him how old they are now?—Ans. I don't recollect.

(The witness refers to some papers.)

Ques. 7. Where were Sam and Peter born?—Ans. In Austria.

Ques. 8. Ask him when they came to America?—Ans. 1856.

Ques. 9. Ask him whether he knows whether they went to the election or not?—Ans. Don't know.

Ques. 10. Ask him whether he was ever naturalized or not?—Ans. Yes, sir.

Ques. 11. Ask him if these are the only papers of naturalization he ever got?—Ans. No, sir.

Ques. 12. Ask him where are the other papers?—Ans. These are the only papers I ever got.

(Copy of the papers.)

CERTIFICATE OF NATURALIZATION.

STATE OF IOWA,
Tama County, ss:

In the county court of said county.

I, F. A. Graham, judge of the said court, do hereby certify that on the 8th day of Oct., 1866, Michael Kupkaa, native of Austria, is duly made a citizen of the United States of America, and is thereby entitled to all the rights and privileges as a citizen.

Thereby I have set my hand and seal this 6th day of October, 1866.

F. A. GRAHAM,
Judge of the County Court.

(Witnessed by the seal of Tama County.)

(Signed:)

his
MICHAEL × KUPKA.
mark.

Has an interpreter.
Paid \$2.25 as fee by contestee.
(Certificate of the clerk objected to by Brown as immaterial.)

A—(Attached to testimony of Michael Krupka.)

STATE OF IOWA,
Tama County, ss:

I, S. C. Leland, clerk of the district and circuit courts of the State of Iowa, in and for Tama County, the same being courts of record, do hereby certify that I have carefully examined the records of said courts and that I am unable to find any record showing that Martin Cibula, of Otter Creek Township, in said county and State, was ever naturalized in either of said courts.

Witness my hand and the seals of said courts hereto affixed at Toledo, in the county of Tama, and State of Iowa, this 28th day of April, A. D. 1883.

[SEAL.]
[SEAL.]

S. C. LELAND,
Clerk of said courts.

STATE OF IOWA,
Tama County, ss:

I, Eldon Moran, a notary public for Johnson County, and commissioner agreed upon to take testimony in this cause in pursuance of the annexed agreement attached to the testimony of J. L. Adams, whose testimony was taken February 22d, 1883, do truly certify that on the 28th day of April, 1883, in pursuance of the notice hereunto annexed, I took the depositions of the following witnesses: Frank Weaver, Martin Herak, Michael Kupka, whose testimony is set forth in the following manner: Each witness was first by me duly sworn or caused to be sworn in my presence, as provided by law, and when sworn the questions were propounded to him by the respective parties—Benj. T. Frederick, contestant, and James Wilson, contestee—by their respective attorneys, and the question by me read to the witness, who answered the same, and his answer by me in the language of the witness taken down under each question propounded and reduced to writing till the deposition was completed.

I further certify that when the testimony of each witness was taken I carefully read the same over to the witness, who corrected the same, and each correction noted, and said testimony was then signed by the witness and sworn to by him before me.

I further certify that T. Brown and Carney appeared as counsel for the contestant, Benj. T. Frederick, and W. H. Stivers appeared as counsel for the contestee, James Wilson.

In witness whereof I have set my hand and seal hereunto, notarially, this 28th day of April, 1883.

[SEAL.]

ELDON MORAN,
Notary Public for Johnson County, Iowa, and Commissioner agreed upon to take testimony.

[State University of Iowa, School of Short-Hand, and Reporters' Bureau. Instruction in Stenography and Type-Writing. Lessons by Mail a Specialty. Type-Writer Copying Done to Order. Speeches, Law Suits, Conventions, etc., Reported. Skilled Short-Hand Writers Furnished. Type-Writer and General Stenographic Supply Agency.]

IOWA CITY, IOWA, *July 9th*, 1883.

STATE OF IOWA,
Johnson County, ss:

It is hereby stipulated and agreed that where there is no objection to the testimony made for total want of notice, or want of notice to any witness, that it shall be presumed that due notice was given, and it is hereby stipulated that such notice was given. This is agreed to by and between Benjamin T. Frederic, contestant, and James Wilson, contestee.

BENJAMIN T. FREDERICK,
Per T. BROWN, *his Attorney.*
JAMES WILSON.

No. 2.

JOHNSON COUNTY.

FREDERICK
v.
WILSON.

STATE OF IOWA,
Johnson County, ss:

Deposition of witnesses produced before me, Eldon Moran, a notary public and commissioner, agreed upon to take testimony, and duly sworn by Eldon Moran, a notary public for Johnson County, on this 4th, 5th, and 6th day of April, 1883, at Iowa City, in pursuance of the notice hereunto attached, in a proceeding pending before the House of Representatives of the United States of America, in a contested election for the office of Representative in Congress, in which proceeding Benj. T. Frederick is contestant and James Wilson contestee; Brown and Carney, attorneys for contestant, and Remley and J. W. Cone for contestee.

The following testimony was taken before me:

STATE OF IOWA,
Johnson County, ss:

PLEASANT HARRIS, being produced and sworn before Eldon Moran, notary public for Johnson County, on this 4th day of April, 1883, and examined before me, testifies

as follows (T. Brown appearing on the part of contestant, and Cone and Remley on the part of contestee):

Q. 1. You may state your name, age, and occupation.—A. Pleasant Harris.
Q. 2. Where do you reside?—A. Union Township; age is 37.
Q. 3. What occupation?—A. Farmer.
Q. 4. State where you are stopping at the present time.—A. On the county farm.
Q. 5. What do you mean by the county farm?—A. I mean the poor farm.
Q. 6. State how long you have been there.—A. About 5 years, on the 30th of December, 1877.
Q. 7. How, and by whom, were you sent to the poor farm—by whose authority?—A. The trustees of this township, Iowa City.
Q. 8. Where did you reside before you were sent to the poor farm?—A. I resided in Grundy County.
Q. 9. What township from this county were you sent to the poor farm?—A. Sent from this town—Iowa City—here.
Q. 10. Have you been in the poor-house continually since you were sent there?—A. Yes, sir—that is—well, I have been away as much as 4 or 5 days, or a week, at a time. My residence, of course, has been there ever since.
Q. 11. Did you vote at the election held in Union Township on the 7th of November, 1882?—A. Yes, sir.
Q. 12. For Representative in Congress?—A. Yes, sir.
Q. 13. For whom did you vote for Representative in Congress?—I voted the Democratic ticket.
Q. 14. Was there the name of B. T. Frederick printed at the head of that ticket for Representative in Congress, 5th district?—A. I believe it was, sir.
Q. 15. With whom did you go to the polls?—A. The overseer—another gentleman here now; also, two more that are not here now.
Q. 16. Who is the overseer?—A. William Mullin.

Cross-examination:

Q. 17. You say that you reside in Grundy County?—A. I was working there before my coming to this county.
Q. 18. How long had you been in this county after you left Grundy before you went to the poor farm?—A. I think I had been in this county about three days.
Q. 19. You never stayed any length of time in Iowa City—only three days?—A. Not exactly in town; I resided around about the town. I was at work at the time I left Grundy County. I was sick in that county. I had to come back to my own county.
Q. 20. You have been at the poor farm 5 years?—A. Yes, sir.
Q. 21. You voted in the township where the poor farm is, did you?—A. Yes, sir.
Q. 22. How long had you been in Grundy County?—A. Well, in and out of the county, possibly 3 or 4 months.

PLEASANT HARRIS.

$1.25 paid as fee by contestee.

STATE OF IOWA,
Johnson County, ss:

PHILLIP ZIMMERMAN, being produced and sworn before Eldon Moran, notary public for Johnson County, on this 14th day of April, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Cone and Remley on the part of contestee):

Q. 1. State your name, age, and occupation.—A. Age, 54.
Q. 2. Place of residence?—A. Out there in the poor-house.
Q. 3. How long have you resided on the poor-farm?—A. Pretty near a year.
Q. 4. How, and by whom, were you sent to the poor-farm?—A. By the trustees of this township.
Q. 5. Where had you resided prior to being sent to the poor-farm? Where had you lived before you had been sent to the poor-farm?—A. In Iowa City.
Q. 6. How long did you reside in Iowa City?—A. About 27 years.
Q. 7. Did you vote at the election held in Union township on the 7th of November, 1882, for the office of Representative in Congress, for the 5th District of Iowa?—A. Yes, sir.
Q. 8. What ticket did you vote?—A. I always vote the Democratic ticket.
Q. 9. Did you vote for B. T. Frederick for Representative in Congress, 5th District, at that election?—A. I voted the Democratic ticket.
Q. 10. Do you know whether it was the straight Democratic ticket or not?
(Contestant objects on the ground that the question is leading.)

Q. 11. Was it a straight Democratic ticket or not?
(Objection.)
Q. 12. It was straight?—A. Yes, sir; it was.

Cross-examination:

Q. 13. Do you know any of the names of parties you voted for?—A. Yes, sir.
Q. 14. Was Mr. James Wilson's one of the names?—A. I guess his name was on it.
Q. 15. You say his name was on it?
(Objection.)
Q. 16. Whose name was on it?—A. Wilson's name was not on the ticket that I voted. What did you say?
Q. 17. Was Mr. Cone's name on the ticket?—A. Plenty of names; I can't recollect them now.
Q. 18. You do not know whether Wilson's name or Frederick's was on it or not, do you?—A. I am not sure now; I do not recollect that; I don't remember it.
Q. 19. Who gave you the ticket?—A. I got the ticket out there in the school-house.
Q. 20. You do not know whether Mr. Frederick's name or Mr. Wilson's was on the ticket, do you? Which do you think that it was?—A. It was the straight. The ticket was the straight Democratic ticket.
Q. 21. How do you know that?—A. I wrote it.
Q. 22. You wrote the ticket; you remember of writing Mr. Wilson's name on it?—A. I do not remember that now.
Q. 23. Do you remember of writing Mr. Frederick's name, or was Mr. Frederick's name on?—A. I cannot remember whose name headed; I saw the ticket and voted it right straight.
O. 24. You have lived there one year?—A. Yes, sir.
Q. 25. Have you any family?—A. No, sir.
Q. 26. You are a single man, are you?—A. I got a woman in Iowa City before that.
Q. 27. Do you say she is dead?—A. I don't know whether she is dead—the woman—I can't say.
Q. 28. You have not kept house for a while?—A. Yes, sir; I kept house so long as I was in Iowa City.
Q. 29. How long have you kept house?—A. About 8 years back; about 8 years ago I quit keeping house.
Q. 30. About 8 years ago you quit keeping house; have not kept house since?—A. No, sir.
Q. 31. You have been in the poor-house pretty near a year?—A. Yes, sir; I come out in April.
Q. 32. You make it your home there?—A. Yes, sir; I have to make it my home there.
Q. 33. You live there and have everything done for you that you need done; you work there?—A. Yes, sir.
Q. 34. You can't remember whose name was on the ticket, or any of the men you voted for?—A. Some names that were on it I know; I can't remember everything about that.
Q. 35. Well now whose names can you remember that were on your ticket?—A. Some names that were on it I know.
Q. 36. Just name some of them.—A. Most of them I remember in this county.
Q. 37. You do not remember who was on for State offices?—A. I can't well remember now.
Q. 38. You remember whom you voted for for secretary of state?—A. I do not remember anything about that.
Q. 39. Do you remember whether Mr. Hill's name was on for secretary of state?—A. I do not know whether his name was on or not; I give it up.
Q. 40. You do not remember whose name was on for any of the supreme court judges, do you?—A. I don't remember any of them.
Q. 41. Did you read those names yourself, and was it a printed ticket?—A. I say it was a printed ticket.
Q. 42. You didn't vote anything more than a written ticket, did you?—A. Only voted as it was on the ticket.
Q. 43. You mean township ticket?—A. Yes, sir.
Q. 44. You did not vote the State ticket all, did you?—A. I voted the ticket what was in the poll there.
Q. 45. Written out?—A. Yes, sir.
Q. 46. And the names on your ticket were written? Were not all the names you voted written?—A. No, sir, I guess not; I think it was in printing, I don't know.
Q. 47. You do not know whether in printing or not; do you say you do not know whether in printing or not? Do you know whether any printed names on the ticket?—A. Yes, sir; there were printed names on the ticket.
Q. 48. How do you know whose name was printed on the ticket for Congressman,

whether Mr. Wilson's name was on it or Mr. Frederick's name?—A. I guess it was Frederick's name, I can't recollect any more.

Q. 49. Do you know that to be a fact, or not?—A. I guess so.

Q. 50. You only guess so?—A. I can't remember any more now.

Q. 51. You can't remember whose name was on for sure?—A. For sure, I can't remember.

Redirect:

Q. 52. Who took you to the polls?—A. The boss there of the poor-farm, Mr. Mullin.

Q. 53. What is his politics?—A. I don't know what his is; I can't give it.

Q. 54. Did he give you a ticket during the election?—A. Yes, sir; there was plenty of other men out there that I know.

Q. 55. You say you are a Democrat?—A. I always was a Democrat; I voted the Democratic ticket ever since I voted.

Q. 56. You say you vote a straight Democrat ticket?—Yes, sir; this time I did.

Recross-examination:

Q. 57. Do you know whether straight ticket or whether some names were written on that day that were Republican, or all Democratic?—A. I voted the ticket for the township; also State officers; also for the county officers.

Q. 58. You do not remember all the State officers?—A. No, sir; I do not remember all.

($1.25 paid as fee by contestee.)

PHILIP ZIMMERMAN.

STATE OF IOWA,
Johnson County, ss:

JOSEPH BARTORAKA, being produced and sworn before Eldon Moran, notary public for Johnson County, on this 14th day of April, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Cone and Remley on the part of contestee):

(Mr. James Havleck, sworn interpreter.)

Q. 1. State your name, age, place of residence, and occupation.—A. 70 years old.

Q. 2. His residence?—A. A poor-house.

Q. 3. Occupation?—A. At work at the poor-house.

Q. 4. What township is the poor-house in?—A. Can't tell.

Q. 5. Is it a county poor-house, and is it for Johnson County?—A. Yes, sir; for the county.

Q. 6. How long have you been at the poor-house?—A. 7 years.

Q. 7. Ask him where he resided before he went to the county poor-house.—A. Iowa City.

Q. 8. Ask the witness who sent him to the county poor-house.—A. Trustees sent him there.

Q. 9. From what township did they send you up there?—A. Iowa City Township.

Q. 10. Ask him if he voted at the election held in Union Township, Johnson County, Iowa, at the election held on the 7th of November, 1882, for Representative in Congress?—A. Yes, sir; I did.

Q. 11. Ask him what ticket he voted.—A. I can't tell.

Q. 12. Ask him who took him to the polls.—A. John Mullen, the fellow that keeps the poor-house. John took them up in the wagon.

Q. 13. Ask him who gave him the which he voted.—A. He can't tell who it was that gave him the ticket, but it was by the school-house.

Q. 14. Ask him if Mr. Mullin stood by him when he voted.—A. He can't say whether he was present when he put in his ticket.

Q. 15. Ask him what party witness belongs to?—A. Democratic.

Q. 16. Ask him if he voted that ticket last election?—A. He says he don't remember what ticket was given him.

Q. 17. Ask him if he does not generally vote that ticket when he goes to the election?—A. He says he does the majority of the times.

Q. 18. Ask him who besides Mr. Mullin were present when he voted?—A. He does not know; he can't remember any of them.

Q. 19. Ask him if he voted before or after Mr. Mullin?—A. He says he can't tell.

Q. 20. Ask him if he did not vote at the same time that Mr. Mullin did?—A. He says that he can't remember.

Q. 21. Ask him if he came home with Mr. Mullin?—A. Yes, sir.

Q. 22. Ask him how long he was at the polls?—A. He says he staid by the polls 15 minutes or half an hour; a few minutes.

Q. 23. Ask him if he had any other tickets in his hands but the one that he voted?—A. He had not.

Q. 24. Ask him if he did not understand that he was voting the Democratic ticket?
(Contestant objects for the reason that it is calling for the understanding of the witness and not for a fact; that fellow that gave him the ticket told him that it was a Democratic ticket.)
Q. 25. Ask him if he voted the ticket this fellow gave him?—A. Yes, sir; he did.
Q. 26. Ask him if there were any scratches or marks on the ticket other than the printed matter on them?—A. He said that he could not tell.
Q. 27. Ask him if he knows whether the name of B. T. Frederick was on the ticket that he voted?—A. He could not tell.
Q. 28. Do you know any of the names of the persons you voted for?—A. He could not give them.
Q. 29. Do you know that James Wilson's name was not on the ticket?—A. He could not tell.

Direct:

Q. 30. Ask him if he remembers the names of any persons on that ticket?—A. He could not.

Recross-examination:

Q. 31. Have you got any family?—A. Yes, sir; he has.
Q. 32. Where is your family?—A. Baltimore.
Q. 33. How long have you been away from your family?—A. About 15 years.
Q. 34. Ask him how long he has resided in Iowa?—A. 15 years.
Q. 35. Ask him if he has citizen's naturalization papers?—Yes, sir; he says he has.
Q. 36. Ask him if he has them with him?—A. He has not got them with him.
Q. 37 Ask him where he was naturalized when he got the second papers?—A. Iowa City.
Q. 38. Ask him how many papers he got?—A. Two.
Q. 39. Ask him where he got a second paper.—A. He can't remember.

Recross-examination:

Q. 40. Have you got any home except where you live now?—A. No sir; he has no other home than what he has now.
($1.25 paid as fee by contestee.)

his
(JOSEPH + BARTOCHKA.)
mark.

STATE OF IOWA,
Johnson County, ss:

JOSEPH ZEOZOLEY, being produced and sworn before Eldon Moran, notary public for Johnson County, on this 14th day of April, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Cone & Remley on the part of contestee):

(James Hooleck, interpreter.)

Q. 1. Ask this witness his name, age, residence, and occupation.—A. 56.
Q. 2. Ask him where he resides.—A. Poor-house.
Q. 3. Poor-house, what county?—A. Johnson County.
Q. 4. Ask him how long he has been there.—A. One year.
Q. 5. Where did he reside before he was sent there?—A. Up by Shueyville.
Q. 6. What township is Shueyville in?—A. Can't tell.
Q. 7. What county is Shueyville in?—A. Johnson County.
Q. 8. Ask him if Shueyville is in the same township that the poor-farm is in.—A. No. sir.
Q. 9. Ask him what township the poor-farm is in.—A. He can't tell.
Q. 10. Ask him if he voted at the election held in Union Township, or in the same township in which the poor-house is situated, on the election held on the 7th of November, 1882, for Representative in Congres.—A. Yes, sir; he did.
Q. 11. Ask him what ticket he voted.—A. Democratic.
Q. 12. Ask him if the name of B. T. Frederick, for Representative in Congress, 5th district of Iowa, was printed on that ticket.—A. He can't tell.
Q. 13. Ask him if any names on that ticket were marked or scratched off.—A. He can't tell.
Q. 14. Ask him if it was the straight Democratic ticket.—A. He can't tell; he thought that it was the straight ticket; that a Democrat gave it to him.
Q. 15. Who gave it to him?—A. He can't tell.
Q. 16. Who took him to the polls to vote?—A. Mr. Mullin.
Q. 17. Ask him who Mr. Mullin is.—A. The man who keeps the poor-house farm.
Q. 18. Ask him whether he knows whether any names were scratched off that ticket, or not.—A. He can't tell.
Q. 19. Ask him where he was born.—A. He was born in Europe.

Q. 20. Ask him if he has taken out his first papers.—A. He did.
Q. 21. Ask him if he got his second papers.—A. Yes, sir.
Q. 22. Ask him where.—A. In Marion.
Q. 23. Ask him if he has got his second papers with him.—A. No, sir.
Q. 24. Ask him when he got his second papers.—A. About 20 years ago.

Cross-examination:

Q. 25. Have you any other place of residence except the poor-farm?—A. That is the only residence he has.

($1.25 paid as fee by contestee.)

JOSEPH ZEOZOLEY.

STATE OF IOWA,
Johnson County, ss:

MATHIAS KRATZ, being produced and sworn before Eldon Moran, a notary public for Johnson Co., on this 4th day of April, A. D. 1883 (T. Brown appearing on the part of contestant, and J. W. Cone and Milton Remley appearing on the part of contestee), testifies as follows:

Ques. 1. State your name, age, place of residence, and occupation.—Ans. My age, is 52 years; I work in the cemetery; and I live in the 3d ward of Iowa City.

Ques. 2. Where were you born?—Ans. In the old country.

Ques. 3. What country?—Ans. In Bohemia.

Ques. 4. When did you come to the U. S.?—Ans. I came to Iowa City in 1857, on the 10th day of July.

Ques. 5. When and where were you naturalized?—Ans. I cannot tell.

Ques. 6. Take this paper and state to the commissioner whether it is a copy of your naturalization or not.

(Contestant objects to the question, for the reason that the certificate is the best evidence.)

The question is whether that is the certificate of naturalization that you received when you were naturalized?—A. I think it was in 1863.

Ques. 7. Well, the question is, is that the paper you got from the court when you were naturalized?—Ans. Yes, sir; I did not understand the question. That is it.

Ques. 8. I will ask you whether you voted at the election held in Iowa City Township, Johnson Co., Iowa, on the 7th of Nov., in 1882, at which election the votes were cast for the office of Representative in Congress, fifth dist. of Iowa?—Ans. I voted, but I cannot tell what I voted.

Ques. 9. I have not asked you that. What are your politics? What party do you belong to?—Ans. It don't make any difference which party.

Ques. 10. Yes, sir; it does. What party do you belong to?—Ans. If I see a good man who is a Democrat, I vote the Democratic ticket; if I see a good man who is a Republican, I vote the Republican ticket. That is the kind of party mine is.

Ques. 11. You may state what ticket you voted on the 7th of November at the election held in Iowa City?—Ans. Well, Mr. Cone, I think that is my business what kind of ticket I voted.

Ques. 12. Well, it is public business just now.

BROWN. Witness has a right to state what he pleases in regard to it.

Ques. 13. Now, was the name of Benjamin T. Frederick on the ticket; were there any scratches on that ticket?—Ans. No, sir, I put in the straight ticket.

Ques. 14. I would ask you if the name of Benjamin T. Frederick appeared on that ticket as a candidate for Congress, the ticket you voted, the straight Democratic ticket?—A. Yes, sir, of course; he being a Democrat of course he would be on that ticket.

Contestee now offers in evidence a certificate of naturalization given to Mathias Kratz, by George W. McCleary, county judge of Johnson County, Iowa, on the 3d day of Oct., 1883.

(Objection to the paper for the reason that you can only have a copy of it.)

Copy offered in evidence.

(Objection to the same being introduced given in the answer of this witness, being an illegal witness, because no notice is given in the answer that no illegal voters voted in the North precinct of Iowa City, because the answer does not set forth the names of the illegal voters, if any there were. Also because it is incompetent, irrelevant to the issues made. The notice in this case does not set forth the illegal voters in the North precinct of Iowa City.)

Copy read in evidence.

CERTIFICATE OF NATURALIZATION.

UNITED STATES OF AMERICA,
State of Iowa, Johnson Co., ss:

Be it remembered, that at a term of the county court holden in and for said county, State of Iowa, on the 3d day of Oct., in the year of our Lord 1863, was present the

Hon. Geo. W. McCleary, sole presiding judge and ex-officio clerk of said court, when the following, among other proceedings, were had, to wit: Mathias Kratz, a native of Bohemia, at present residing within said State, appeared in open court and made application to be admitted to become a citizen of the U. S.; and it appearing to the satisfaction of the court that he had declared on oath before the clerk of Johnson Co., Iowa dist. court, a court of record having common-law jurisdiction and using a seal, 2 years at least before his admission, that it was bona fide his intention to become a citizen of the U. S., and to renounce forever all allegiance to any foreign prince, potentate, state, or sovereignty whatsoever, and particularly to Francis Joseph, Emperor of Austria, of whom he was heretofore a subject; and said applicant ha ing declared on oath before this court that he will support the Constitution of the U. S., and he doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty whatsoever, particularly to Francis Joseph, Emperor of Austria, of whom he was a subject. The court being satisfied by the testimony of Frank Huber the said applicant had resided in the U. S. for the term of 5 years next preceding his admission, without being at any time during the said 5 years out of the territory of the U. S., and within the State one year at least; and it further appearing to the satisfaction of this court that during this said time he has behaved as a man of good moral character, attached to the principles of the Constitution of the U. S. and well disposed to the good order and happiness of the same; thereupon the court admitted the said applicant to become a citizen of the U. S., and ordered the proceedings aforesaid entered of record, which was accordingly done by the clerk of this court.

In witness whereof I, Geo. W. McCleary, county judge and ex-officio clerk of said court, have hereunto set my hand and fixed the seal of the said court, at my office in Iowa City, in said Co., this 3d day of October, A. D. 1883.

GEO. W. McCLEARY,
County Judge.

[A 5-cent revenue-stamp attached.]
[Seal of Johnson Co., Iowa.]

Cross-examination:

Ques. 15. What is your age? How old were you when you came to this country?—Ans. Well, I was born in 1829; I came to Iowa City in 1857, on the 10th day of July.

Ques. 16. Did you know all the names of the parties you voted for last Nov. election?—Ans. No, sir.

Ques. 17. Do you swear you knew that Frederick's name was on the ticket?—Ans. Yes, sir.

Ques. 18. You say it was, do you?—Ans. Yes, sir.

Ques. 19. You have voted a number of years, haven't you?

(Contestant objects to the question as immaterial; incompetent.)

Ans. Yes, sir.

Ques. 20. You have lived in Iowa City a good many years?—Ans. Yes, sir; for 25 years.

(85 cts. paid as fee by contestee.)

MATHIAS KRATZ.

STATE OF IOWA,
Johnson County, ss:

JAMES DOBSKY, being produced and sworn on the 4th day of May, 1883, before Eldon Moran (Milton Remley appearing on the part of the contestee, and T. Brown on the part of the contestant), testifies as follows:

Ques. 1. What is your business?—Ans. I do anything.

Ques. 2. Laborer?—Ans. Yes, sir.

Ques. 3. Where do you reside?—Ans. In Iowa City.

Ques. 4. North or South precinct?—Ans. North.

Ques. 5. Did you vote at the last election, '82?—Ans. Yes, sir; I did.

Ques. 6. At which the candidates for the office of Representatives in Congress were voted for?—Ans. I voted the straight Democratic ticket.

Ques. 7. Were there any scratches on it?—Ans. No, sir; no scratches.

Ques. 8. Did you vote straight?—Ans. Yes, sir.

Ques. 9. Where were you born?—Ans. In the old country, in Austria.

Ques. 10. When did you come to this country?—Ans. 26 years ago.

Ques. 11. Have you your naturalization paper?—Ans. Yes, sir.

Ques. 12. Are they with you?—Ans. Yes, sir.

Ques. 13. Let me look at them, please?

(Witness produces papers.)

Ques. 14. Is this the only paper that you ever had?—Ans. No, sir; this is my second paper.

Ques. 15. This is the one produced in evidence?—Ans.

(Objection to the copy being in evidence, on the ground that no notice has been given in the answer, and no name of the witness, or any illegal votes in the precinct in which the individual resides. Irrevelant, incompetent, not best evidence.)

CERTIFICATE OF NATURALIZATION.

UNITED STATES OF AMERICA,
State of Iowa, Johnson County, ss:

Be it remembered that at the term of the county court holden in and for said county, State of Iowa, on the 8th day of October, 1863, was present the honorable George W. McCleary, sole presiding judge and ex-officio elerk of said court, when the following, among other, proceedings were had, to wit: Weutzel Dobsky, a native of Bohemia, and at present residing in said State, appeared in open court and made application to be admitted to become a citizen of the U. S., and it appearing to the satisfaction of the court that he had declared on oath before the Johnson County court, a court of record, having common law and jurisdiction and using a seal, 2 years at least before his admission, he had bona fide declared his intention to become a citizen of the U. S., and to renounce forever all allegiance to any foreign prince, potentate, state, or sovereignty whatever, and particularly to Francis Joseph, Emperor of Austria, to whom he had heretofore been a subject; and said applicant having declared on oath before this court that he will support the Constitution of the U. S., and that he do absolutely and entirely renounce and abjure all allegiance to any foreign prince, state, potentate, or sovereignty whatever, and particularly to Francis Joseph, Emperor of Austria, to whom he was a subject; and the court being satisfied by the testimony of Frank Huber that said applicant had resided in the U. S. for the term of 5 years preceding his admission without being at any time during said 5 years out of the ter. of the U. S., and within said State one year at least; and it further appearing to the satisfaction of this court that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the U. S., and well disposed to the good order and happiness of the same; thereupon the court admitted the said applicant to become a citizen of the U. S., and ordered the proceeding aforesaid to be entered on record; it was accordingly done by the clerk of this court.

In testimony whereof I, George W. McCleary, county judge and ex-officio clerk of said court, have hereunto set my hand and seal of said court at my office in Iowa City, in said county, on this 8th day of Oct., 1863.

[Seal of Johnson County, Iowa.] GEORGE W. McCLEARY.

[5-cent internal revenue stamp, canceled.]

Cross-examination:

Ques. 16. Do you know whether you voted for Frederick or Wilson for Representative in Congress?—Ans. I voted straight Democratic ticket.

Ques. 17. Do you know whether that name was on it or not?—Ans. Yes, sir; of course I know it.

Ques. 18. For whom did you vote for judge of the supreme court?—Ans. I have forgotten him now, it is so long.

Ques. 19. Who did you vote for for clerk of the supreme court?—Ans. The supreme court, you mean?

Ques. 20. Yes, sir; also, who did you vote for for sec. of state?—Ans. I voted for Democratic candidates—the straight Democratic ticket.

Ques. 21. Did you see Frederick's name on that ticket?—Ans. I say it was Democratic.

Ques. 22. You don't know whether Frederick or Wilson, as a matter of fact?—Ans. Of course, I know.

Ques 23. Do you know that you voted the Democratic ticket other than you voted it by having a Democratic ticket? Who did you get your ticket of?—Ans. I voted for Democratic man. I have forgotten his name now.

Ques. 24. Do you suppose that you voted for a Democratic candidate? Did you read the names on your ticket?—Ans. I can't read any English.

Ques. 25. You couldn't read your ticket, could you?—Ans. Sometimes I do.

Ques. 26. Can you tell who you voted for State officers on your ticket?—Ans. I can sometimes; sometimes not.

Ques. 27. Can you read your ticket?—Ans. A little.

Ques. 28. Do you know who gave you your ticket?—Ans. Yes, sir; I do; Mr. Fairall.

Ques. 29. What Fairall is it?—Ans. Sam Fairall.

Ques. 30. You voted the ticket he gave you without reading the names?—Ans. Yes, sir.

Ques. 31. You don't know for certain who you voted for, then?—Ans. It was a Democrat man on the ticket; I voted for him of course.

JAMES DOBSKY.

Paid as fee by contestee, $0.85.

STATE OF IOWA,
Johnson County, ss:

JOHN KOPSA, being produced and sworn before Eldon Moran, notary public of Johnson County, this 4th day of Apr., 1883 (Milton Remley appearing on the part of the contestee and T. Brown on the part of the contestant), testifies as follows:

(Contestee objects to the evidence of this witness for the reason that it is immaterial and incompetent.)

Ques. 1. Where do you live?—Ans. In the 4th ward.
Ques. 2. In Iowa City?—Ans. Yes, sir.
Ques. 3. What is your age?—Ans. 42.
Ques. 4. What is your business?—Ans. I am a laborer.
Ques. 5. Did you vote at the Nov. election, '82, at which the candidates for the office of Representative in Congress were voted for?—Ans. Yes, sir.
Ques. 6. What ticket did you vote?—Ans. I voted the Democratic ticket.
Ques. 7. Straight Democratic ticket?—Ans. No, sir, I didn't.
Ques. 9. Did you vote for Frederick, Democratic candidate for Congress?—Ans. Yes, sir. I didn't vote the straight ticket.
Ques. 10. Did you vote for Frederick, candidate for Congress?—Ans. Yes, sir.
Ques. 11. How long have you lived in Iowa City?—Ans. About 23 or 24 years.
Ques. 12. Where were you born?—Ans. In the old country; in Bohemia.
Ques. 13. How old were you when you came to this country?—Ans. About 15 years old.
Ques. 14. Have you got your naturalization papers?—Ans. No, sir; I didn't have any; the old man had them.
Ques. 15. Your father was naturalized?—Ans. Yes, sir.
Ques. 16. Was he naturalized here in Iowa City?—Ans. Yes, sir.
Ques. 17. Were you naturalized?—Ans. No, sir.
Ques. 18. You were never naturalized?—Ans. No, sir.
Ques. 19. I understood you to tell me a while ago that you had your naturalization papers?—Ans. No, sir; I said that the old man had them.
Ques. 20. What age were you when your father was naturalized?—Ans. Can't tell you anything about it.
Ques. 21. Where was your father naturalized?—Ans. I can't tell you anything about his business, when he was naturalized.
Ques. 22. Did you come with your father?—Ans. Yes, sir.
Ques. 23. Were you living with your father until you were of age?—Ans. Yes, sir; not living with him, but working on the farm.
Ques. 24. Under his control until 21?—Ans. Yes, sir.
Ques. 25. You say that you have been in Iowa City 23 years?—Ans. I wasn't here all the time.
Ques. 26. I mean since you first came here.—Ans. Yes, sir.
Ques. 27. When your father landed here in America where did he stop in the first place?—Ans. In New York.
Ques. 28. How long did you stay there?—Ans. Only about one or two days.
Ques. 24. Then where did you go?—Ans. Right straight here.
Ques. 25. To Iowa City?—Ans. Yes, sir.
Ques. 26. Did you say that you were 15?—Ans. Yes, sir.
Ques. 26. Did you say you were 15?—Ans. Yes, sir; when we came here.
Ques. 27. You are 42 now?—Ans. Going on 43.
Ques. 28. Do you say 27 or 23? How long have you been in Iowa City?—Ans. I should think about 22 or 23; I don't know exactly.
Ques. 29. Where were you before you came to Iowa City?—Ans. Well, we came to Iowa City, then we had to work on the farm.
Ques. 30. Do you know in what year you were born?—Ans. No, sir; I cannot tell.
Ques. 31. What is your father's name?—Ans. John Kopsa.
Ques. 32. The same as yours?—Ans. Yes, sir.
Ques. 33. Is your father alive now?—Ans. Yes, sir; he lives in the house now.
Ques. 34. He is able to come down town now?—Ans. Of course he is.

Cross-examination:

Ques. 35. You say you were only 15 when you came here?—Ans. That is all I was.
Ques. 36. You know your father voted don't you?—Ans. I know that he did
(Eighty-five cents paid as fee by contestee.)

JOHN KOPSA.

STATE OF IOWA,
Johnson County ss:

FRANK TREMMEL, being produced and sworn before Eldon Moran, a notary public for Johnson County, on this fourth day of April, A. D. 1883 (T. Brown appearing on

the part of contestant, and J. W. Cone and Milton Remley appearing on the part of contestee) testifies as follows:

Contestant objects to the evidence of the witness, for the reason that no notice has been given of the residence of the witness; also irrelevant and immaterial.

Further objection, that no notice has been given in the answer; also immaterial and incompetent for that reason.

The name of the witness not being given in the notice, the witness is excused until notice shall have been given.

STATE OF IOWA,
Johnson County, ss:

ALBERT KESSEL, being produced and sworn before Eldon Moran, a notary public for Johnson County, on this 4th day of April, A. D. 1883 (T. Brown appearing on the part of contestant, and J. W. Cone and Milton Remley appearing on the part of contestee), testifies as follows:

Contestant objects to the evidence of this witness being introduced for the reason that it is without notice.

Witness excused until proper notice has been given.

STATE OF IOWA,
Johnson County, ss.:

FRANK ZETTEK, being produced and sworn before Eldon Moran, a notary public for Johnson County, on this 4th day of April, A. D. 1883 (T. Brown appearing on the part of contestant, and J. W. Cone and Milton Remley appearing on the part of contestee), testifies as follows:

Ques. 1. What is your name, age, place of residence, and occupation?

(In the case of this witness, B. Shimek is sworn as interpreter.)

(Contestant objects to the testimony of this witness being taken, for the reason that it is irrelevant to the issue and immaterial; also that the notice is insufficient, the name and occupation of the witness not being given.)

Ans. My age is 77 years; my occupation is that of day laborer.

Ques. 2. Did you vote for the office of Representative on the 7th of Nov., 1882, in Iowa City?—Ans. Yes, sir.

Ques. 3. What ticket did you vote?

(Contestant objects to the question, the same being immaterial, the voter not yet shown to be an illegal voter.)

Ans. Democrat.

Ques. 4. Ask him if he voted for Mr. Frederick, the Democratic candidate for Representative in Congress.

(The objection made as leading.)

Ans. He says that he cannot tell positive.

Ques. 5. Ask him if he voted the straight Democratic ticket?—Ans. He says that he does not know; he cannot tell positive whether there were any scratching done on the ticket or not.

Ques. 6. Who gave him the ticket?—Ans. Mr. Joseph Slezak.

Ques. 7. What are Mr. Slezak's politics?

(Contestant objects to the question on the ground that it is immaterial.)

Ans. He says that he does not know.

Ques. 8. Ask him what ticket he understood that he was voting.

(Contestant objects to the question as immaterial; also asking for the opinion and understanding of the witness.)

Ans. He thought that he was voting the Democratic ticket.

Ques. 9. How long has he been in this country?—Ans. 27 years.

Ques. 10. Where was he born?—Ans. In Bohemia.

Ques. 11. Ask him where he was naturalized, if at all.—Ans. In Iowa City.

Ques. 12. Ask him if he has his second papers.—Ans. Yes, sir; they are here.

Ques. 13. Ask him if that is the only naturalization he has?—Ans. Yes, sir.

(The same produced by the witness. The same introduced in evidence. A certificate of naturalization dated Sep., 1883, issued by George W. McCleary, county judge, to Frank Zettek in the same form as the paper and copy which was last introduced in evidence, except that John J. Xanten, instead of Frank Huber, was witness to show residence.)

Cross-examination:

Ques. 14. Did you know who he voted for for Congress?—Ans. No, sir; I do not know.

Redirect:

Ques. 15. Ask him whether or not he voted for the Republican candidate for Congress?—Ans. He does not know.

Ques. 15. Does he know the name of the Democratic candidate for Congress?—Ans. He does not know.

(85 cents paid as fee by contestee.)

FRANK ZETTEK.

STATE OF IOWA,
Johnson County, ss:

STEPHEN BENDA, being produced and sworn before Eldon Moran, a notary public, for Johnson Co., on this 4th day of April, A. D. 1883 (T. Brown appearing on the part of contestant and Milton Remley and J. W. Cone appearing on the part of contestee), testifies as follows:

(B. Shimek sworn as interpreter.)

Ques. 1. What is your name, age, place of residence, and occupatiou?—Ans. My age is 62 years; I am a day laborer, and I live in Iowa City.

Ques. 2. Ask him if he voted at the election held on the 7th Nov., 1882, in Iowa City?

(Contestant objects to the evidence as being irrelevant, incompetent, and immaterial under the issues as given in the answer. Also, insufficient notice is set forth as to the residence of the witness and the time and place of the taking of the testimony.)

Ans. Yes, sir; he did.

Ques. 3. Ask him what ticket he voted?—Ans. The Democratic ticket.

Ques. 4. Was there any scratching?—Ans. He voted the straight ticket.

Ques. 5. Ask him if he knows of Benjamin T. Frederick being a candidate for Congress at that election?—Ans. He did.

Ques. 6. Ask him if he voted for Frederick for Representative in Congress?—Ans. Yes, sir.

Ques. 7. How long has he been in this country?—Ans. Sixteen years.

Ques. 8. Ask him where he was born?—Ans. In Bohemia.

Ques. 9. Ask him where he was naturalized, if anywhere?—Ans. In Iowa City.

Ques. 10. Ask him if he has his naturalization papers with him?—Ans. No, sir.

Ques. 11. Ask him if he was not told to bring them?—Ans. He says that he has not sufficient time to hunt them.

Ques. 12. Ask him if he was naturalized before the county judge?

(Contestant objects to the question as leading.)

Ques. 13. Ask him whether or not he was naturalized before the county judge?

(Objection: leading.)

Ans. Yes, sir; he was naturalized before the county judge.

Ques. 14. Ask him if he knows who was judge then?—Ans. He does not know the name.

Ques. 15. Ask him if he would know it if he would hear it?

(Contestant objects to the question as not being best evidence.)

Ans. He thinks he would.

Ques. 16. Ask him if it was Judge McCleary?—Ans. He says that he cannot tell positive

Ques. 17. Ask him whether it was James Cavanagh?—Ans. He says that he cannot tell positive.

Ques. 18. Ask him if he ever received any other naturalization papers except the one he received from the county judge?—Ans. He only had first and second papers.

Ques. 19. Ask him if he ever received any other papers except the one from the county judge?—Ans. No, sir; he did not.

Cross-examination:

Ques. 20. Ask him whether he knows if it was a county, circuit, or district judge?—Ans. He says that he could not tell whether it was a county or district judge.

Ques. 21. Ask him if it was in open court, if he had witnesses there, and they swore him?—Ans. Yes, sir; he says that it was.

Ques. 22. How many years have you voted?

(Contestant objects to the question as incompetent and immaterial.)

Ans. Eleven years.

(Eighty-five cents paid as fee by contestee.)

STEPHEN BENDA.

STATE OF IOWA,
Johnson County, ss:

JOHN REYNOLDS, being produced and sworn before Eldon Moran, a notary public for Johnson County, on this 5th day of April, A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant and J. A. Cone, W. J. Haddock, and Milton Remley for contestee):

(Contestant objects, for the vote is not yet shown to be illegal.)

Ques. 1. Where do you reside?—Ans. In Hardin Township.

(Contestant also objects to the evidence, for the reason that the residence of the witness was not given in the notice.)

Ques. 2. What is your age?—Ans. Sixty-five years.
Ques. 3. Where were you born?—Ans. In Ireland.
Ques. 4. Were you naturalized?—Ans. Yes, sir.
Ques. 5. Where were you naturalized?—Ans. Yes, sir.
Ques. 6. Where were you naturalized?—Ans. In the State of N. J.
Ques. 7. Have you got your papers with you?—Ans. Yes, sir.
Ques. 8. Will you let me look at your papers?—Ans. Yes, sir.
(Witness produces papers.)
Ques. 9. Is there another John Reynolds around here?—Ans. No, sir; none in Newport Township. There is one in Iowa County by that name. This paper here is a little old, because it was issued a good while ago.
Ques. 10. I think there is another John Reynolds we were looking after.—Ans. There is another John Reynolds in another township.
($2 paid by contestee as fee.)

JOHN REYNOLDS.

STATE OF IOWA,
Johnson County, ss:

ECKHART HORMEL, being produced and sworn before Eldon Moran, a notary public for Johnson County, on this 5th day of April, A. D. 1883 (T. Brown appearing on the part of contestant and J. W. Cone and Milton Remley on the part of the contestee), testifies as follows:

Ques. 1. Where do you live?—Ans. In Iowa City.
Ques. 2. What is your age?—Ans. Forty-four years.
Ques. 3. What is your business?—Ans. I am a blacksmith.
Ques. 4. Did you vote at the November election 1882, at which the candidates for Representatives in Congress were voted for?—Ans. Yes, sir.
Ques. 5. What ticket did you vote?—Ans. Democratic ticket.
Ques. 6. Did you vote for Democratic nominee for Congress?—Ans. Yes, sir.
Ques. 7. Who was the Democratic candidate you voted for for Congress? Was it Benjamin T. Frederick?—Ans. I don't recollect.
Ques. 8. Where were you born?—Ans. I am a Hessian German.
Ques 9. Were you naturalized, and did you receive citizen papers?—Ans. I have one paper; that is all.
(Produces paper in court.)
Ques. 10. That is the only naturalization paper you have?—Ans. Yes, sir.
(Same certificate of naturalization introduced evidence. Contestant objects to the same as immaterial and incompetent.)
(Certificate just like the other county court papers. "Sept. 29, '63," signed by George W. McCleary, county judge, with the seal of Johnson Co. attached, granted to Mr. Eckhart Hormel. (This clause differs from the others:) "It appearing to the satisfaction of the court that he had declared on oath, before the Johnson Co. court, a court of record, having common law jurisdiction, and using a seal, before his admission, that it was bona fide his intention.")

Cross-examination:

Ques. 11. What ticket did you vote?—Ans. State Democratic ticket.
Ques. 12. How did you know that?—Ans. Because the names were on it.
Ques. 13. It was so stated on it?—Ans. Yes, sir.
Ques. 14. Who did you vote for supreme judge?—Ans. My knowledge is very poor about that.
Ques. 15. Who did you vote for for Secertary of State?—Ans. I voted for every one on the Democratic ticket.
Ques. 16. Did you read your ticket?—Ans. Yes, sir.
Ques. 17. Did you know whether you voted for Frederick or not?—Ans. I voted for all the names that the ticket said.
Ques. 18. You don't remember any of the names on the ticket?—Ans. No, sir; not now any more.
Ques. 19. There were some split tickets; some names that were printed on; some Republican tickets?—Ans. No, sir, there was not.
Ques. 20. Who did you get it from?—I can't remember now from whom I got it; from some man, though.
Ques. 21. You voted printed ticket?—Ans. Yes, sir.
Ques. 22. Did you know at that time who all the Democratic candidates were?—Ans. Yes, sir; at the same time that I voted I knew.
Ques. 23. Have you ever been in the army?—Ans. No, sir.
Ques. 24. How long have you been a voter here?
(Contestee objects as incompetent and immaterial; also, not best evidence.)

Ques. 25. You have been a voter for several years?—Ans. Yes, sir, a good many years.
Ques. 26. You have been voting a good many years?—Ans. Yes, sir, I voted several years.
Ques. 27. Did any one ever question your right to vote?
(Objection, immaterial and incompetent.)
Ans. I never voted till I had the right to vote.
Ques. 28. You never voted till after you were naturalized?—Ans. I voted whenever I had the right to vote; whenever I took the notion to vote, I voted.
Ques. 29. Did you always vote the Democratic ticket?—Ans. No, sir, I didn't.
Ques. 30. You voted sometimes one ticket, sometimes another?
(Objection, immaterial and incompetent.)
Ans. Yes, sir.

ECKHART HORMEL.

$0.85 paid as fee by contestee.

STATE OF IOWA,
Johnson County, ss:

JAMES LONEY, being produced and sworn before Eldon Moran, notary public for Johnson County, on this 5th day of April, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, Cone and Remley on the part of contestee):

(Contestant objects, for the reason that the vote is not shown to be illegal.)

Q. 1. Where do you reside?—A. In Pleasant Valley.
Q. 2. What is your business?—A. Farming.
Q. 3. What is your age?—A. 37.
Q. 4. Did you vote at the November election, 1882, in which Representatives in Congress were voted for?—A. I suppose so.
(BROWN: You need not tell unless you want to.)
(Contestee objects to instruction being given by the counsel on the other side.)
(BROWN: It is your privilege not to answer.)
A. I have told you I would not tell how I voted.
Q. 5. What ticket did you vote?—A. I generally vote the Democratic ticket—split ticket—sometimes Greenback, sometimes Democratic, sometimes Republican.
Q. 6. Did you vote for Frederick or Wilson?—A. I decline to say which of these men I voted for. I understand Mr. Wilson was a very good man. I might have voted for him, or might have voted for Frederick. I won't say who I voted for.
Q. 7. You say you don't know who you voted for?—A. I say I didn't have to tell you who I voted for.
Q. 8. Where were you born?—A. In Ireland.
Q. 9. Where naturalized?—A. In Johnson County.
Q. 10. In what court?—A. I could not say.
Q. 11. About when were you naturalized?—A. 15 or 16 years ago.
Q. 12. Have you got papers with you?—A. I haven't.
Q. 13. Were you subpœnaed to bring them with you?—A. Yes, sir. On account of them being mislaid somewhere I didn't find them.
Q. 14. Did you know the name of the judge that granted them?—A. I cannot say.
Q. 15. Was it McCleary?—A. I don't know whether or not.
Q. 16. Or Cavanagh?—A. I can't say as to that. I can't recollect the judge's name.
Q. 17. Were you naturalized the same day your brother was?—A. Yes, sir; I was.
($1.75 paid as fee by contestee.)

JAMES LONEY.

STATE OF IOWA,
Johnson County, ss:

PATRICK LONEY, being produced and sworn before me, Eldon Moran, a notary public for Johnson County, Iowa, on this 5th day of April, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and J. W. Cone and Milton Remley on part of contestee):

(Contestant objects, for the reason that it has not been shown that the vote is illegal.)

Q. 1. You are a brother of the last witness?—A. Yes, sir.
Q. 2. Where do you live?—A. Pleasant Valley Township.
Q. 3. What is your age?—A. 38.
Q. 4. What is your business?—A. Farming.
Q. 5. Did you vote at the November election, 1882, at which the candidates for Representative in Congress were voted for?—A. Yes, sir.
Q. 6. What ticket did you vote?—A. Well, I voted the Democratic ticket; I split it.
Q. 7. For whom did you vote for Congressman; Frederick or Wilson?—A. I don't

remember just now; sometimes I vote for the Greenbackers, sometimes for the Republicans, and sometimes for the Democrats.

Q. 8. Did you scratch at all in Congressman last fall?—A. I don't remember.

Q. 9. Did you scratch Frederick's name on the top of the ticket?—A. I cannot tell you.

Q. 10. You voted the Democratic ticket?—A. Yes, sir; I did.

Q. 11. Have you any recollection that you scratched off Frederick's name?—A. I would not be positive.

Q. 12. Have you any recollection of doing it?—A. I cannot remember.

Q. 13. Where were you born?—A. In Ireland.

Q. 14. When were you naturalized?—A. In Johnson County.

Q. 15. When was that?—A. Some 15 or 16 years ago.

Q. 16. Before what court were you naturalized?—A. I cannot tell whether it was county court or district court.

Q. 17. Was it before Judge Cavanaugh, county judge?—A. I cannot tell whether before Cavanaugh.

Q. 18. Have you your papers with you?—A. No, sir.

Q. 19. Were you subpœnaed to bring papers?—A. Yes, sir; they were mislaid; I cannot find them.

Q. 20. You may tell where the court was held when you were naturalized.—A. In Iowa City.

Q. 21. But where; in the court-house?—A. Yes, sir.

Q. 22. In what part of the court-house; what room?—A. I cannot tell you that.

Q. 23. How many years have you voted?

(Objection: Incompetent and immaterial.)

A. 15 or 16 years—ever since I got my naturalization papers.

($1.75 paid as fee by contestee.)

PATRICK LONEY.

STATE OF IOWA,
Johnson County, ss:

MICHAEL HOLLAND, being produced and sworn before Eldon Moran, notary public for Johnson County, on this 5th day of April, '83, J. W. Cone and Milton Remley appearing on the part of the contestee, and T. Brown on the part of the contestant, testifies as follows:

(Contestee objects for the reason that the vote is not yet shown to be illegal.)

Ques. 1. Where do you live?—Ans. In Graham Township, Johnson Co., Iowa.

Ques. 2. What is your business?—Ans. Farming.

Ques. 3. What is your age?—Ans. 60 years, I believe.

Ques. 4. Did you vote at the election November 7th, '82, at which the candidates for Representatives in Congress were voted for?—Ans. Yes, sir; I voted at that election, also ever since I was in the State; a good long time before.

Ques. 5. What ticket did you vote?—Ans. I cannot tell you.

Ques. 6. What ticket, Republican or Democratic?—Ans. Democratic ticket. I sometimes put names in or on.

Ques. 7. Who did you vote for, for Representative in Congress?—Ans. That I cannot tell.

Ques. 8. Have you any recollection of scratching the name of Mr. Frederick off and putting on any one else?—Ans. I cannot tell you that, exactly.

Ques. 9. You have no recollection of that?—Ans. No, sir.

Ques. 10. Where were you born?—Ans. In Ireland.

Ques. 11. Have you received any naturalization papers?—Ans. Yes, sir; I have papers.

Ques. 12. Where did you get them?—Ans. In New York City.

Ques. 13. Were you naturalized in New York?—Ans. Yes, sir.

Ques. 14. In what court were you naturalized?—Ans. In the city of Rochester.

Ques. 15. Before what court?—Ans. I cannot tell you; it was a good many years ago.

Ques. 16. How many papers did you get there?—Ans. I only got two, but I lost them before I got here.

Ques. 17. Did you get them both at one time?—Ans. No, sir; I think not.

Ques. 18. You got papers in New York City, you say?—Ans. Yes, sir; at the time of Mr. Lincoln's election; I had to come in and get them.

Ques. 19. Have you these papers with you?—Ans. No, sir.

Ques. 20. Where are they?—Ans. The old lady burned them, I guess.

Ques. 21. Do you know the court that you got your papers in?—Ans. No, sir; it was a good many years ago.

Ques. 22. Was it before the district court, or before the county judge?—Ans. Yes, sir; it was before the county judge.

Cross-examination:

Ques. 23. You say you voted before you came to Iowa?—Ans. Yes, sir.
Ques. 24. You had naturalization papers in the city of Rochester, State of New York?—Ans. Yes, sir.
Ques. 25. Did they have a seal on them?—Ans. I cannot tell you that.
Ques. 26. Was there a clerk, court, and jury there?—Ans. I cannot tell you that.
Ques. 27. Was there a judge there?—Ans. Yes, sir.
Ques. 28. Was there a clerk that made out your papers?—Ans. Yes, sir.
Ques. 29. Was it in a court-house?—Ans. Yes, sir.
Ques. 30. Was there a court sitting?—Ans. I don't know whether sitting or not.
Ques. 31. You had witnesses when you got your papers, but you lost your papers before you got your other papers?—Ans. I got them the time Abraham Lincoln was elected; they challenged me; I had to swear, then, that I had them.
Ques. 32. You had papers, but you had lost them, and had to get others?—Ans. Yes, sir; that is just the way.
Ques. 33. How many years have you been a voter?
(Objection: Incompetent.)
Ans. I voted in New York.
Ques. 34. How many times did you vote in New York?—Ans. Four times; also in Ohio.
(Same objection.)
Ques. 35. You have voted since you have been here?
(Objection: Incompetent.)
Ans. Yes, sir.
Ques. 36. Your papers in New York were never questioned?
(Objection: Incompetent.)
Ans. No, sir; only here in this city.

Redirect:

Ques. 37. I will ask if there was any court, jury, or clerk there, when you got your papers?—Ans. I don't recollect anything about that; it was a good many years ago; 35 years ago.
Ques. 38. You know it was in a court-house, and there was a judge there?—Ans. Yes, sir.
Ques. 39. There was a court there, generally; the same as when you got your papers here?—Ans. Yes, sir.

Recross-examination:

Ques. 40. You do not know who you voted for, for Congressman, this year, when you voted?—Ans. No, sir; I do not know.
($1.55 paid as fee by contestee.)

MICHAEL HOLLAND.

STATE OF IOWA,
Johnson County, ss:

J. W. HOLLAND being produced and sworn before Eldon Moran, notary public, for Johnson County, on this 5th day of April, 1883, testifies as follows (J. W. Cone appearing on the part of contestee, and T. Brown on the part of contestant):

Ques. 1. Where do you live?—Ans. In Graham Township, this County.
Ques. 2. Are you a son of the last witness?—Ans. Yes, sir.
Ques. 3. What is your age?—Ans. 29 years next May.
Ques. 4. You are a farmer?—Ans. No, sir.
Ques. 5. What business have you?—Ans. Teaching school.
Ques. 6. Did you vote at the last election?—Ans. Yes, sir; I did.
Ques. 7. Congressional election?—Ans. Yes, sir; the 7th of Nov.
Ques. 8. Did you vote for any one for Representative in Congress?—Ans. I suppose so; I know I did.
Ques. 9, What ticket did you vote?—Ans. Democratic ticket.
Ques. 10. Who did you vote for for Representative in Congress, Frederick or Wilson?—Ans. I voted straight Democratic ticket.
Ques. 11. Have you been naturalized, or have any naturalization papers?—Ans. No, sir.

Cross-examination:

Ques. 12. You were born in Iowa, were you?—Ans. No, sir; in Ohio.
($1.55 paid as fee by contestee.)

JOHN HOLLAND.

STATE OF IOWA,
Johnson County, ss:

JNO. A. HOLLAND, being produced and sworn before Eldon Moran, notary public for Johnson Co., on this 5th day of April, 1883, testifies as follows (J. W. Cone and Milton Remley appearing on the part of contestee, and T. Brown on the part of contestant):

Ques. 1. Are you a son of Michael Holland?—Ans. Yes, sir.
Ques. 2. Where do you live?—Ans. In Graham Township, this co.
Ques. 3. What is your age?—Ans. 24, the 7th of Jan.
Ques. 4. What is your business?—Ans. I work on the farm, with my father.
Ques. 5. Did you vote at the last election, held in Nov., for Representative in Congress?—Ans. Yes, sir.
Ques. 6. What ticket did you vote?—Ans. Democratic ticket.
Ques. 7. Who did you vote for for Congress—Frederick or Wilson?—Ans. I voted straight Democratic ticket.
Ques. 8. Have you ever been naturalized?—Ans. No, sir.
Ques. 9. Were you born in Iowa?—Ans. Yes, sir.
($1.55 paid as fee by contestee.)

JOHN A. HOLLAND.

STATE OF IOWA,
Johnson County, ss:

JOHN PETERS, being produced and sworn, before Eldon Moran, notary public for Johnson Co., on this 5th day of April, A. D. '83 (J. W. Cone and Milton Remley appearing on the part of contestee, and T. Brown appearing on the part of contestant), testifies as follows:

Ques. 1. Where do you reside?—Ans. Graham Township.
Ques. 2. What is your age?—Ans. 56 years.
Ques. 3. Did you vote at the Nov. election, '82, at which Representatives for Congress were voted for?—Ans. I cannot tell you, sir.
Ques. 4. Did you vote at that election?—Ans. Yes, sir.
Ques. 5. What ticket did you vote?—Ans. I don't know as it is any of your business to ask me what ticket I voted. I went there to vote for some man who I thought was a good man; I am no reader or writer; I vote to suit myself. It is not anybody's business to ask me what I voted.
Ques. 6. Did you vote the Democratic or Republican ticket?—Ans. I don't know that it is any of your business what ticket I voted. I went there as a white man and voted. I had my papers with me.
Ques. 7. Do you decline to answer the question?—Ans. I don't, if the question ought to be asked me, what ticket I voted.
Ques. 8. What party do you belong to?—Ans. To the United States.
Ques. 9. What party do you belong to?—Ans. It is for you to find out and me to know.
Ques. 10. What party do you belong to?—Ans. I vote the Republican ticket, also the Democratic ticket, whenever there is a good man on either one.
Ques. 11. What party do you belong to?—Ans. I don't favor any of them.
Ques. 12. Do you decline to answer that question?—Ans. You cannot compel me to answer that question.
Ques. 13. Do you know who you voted for for Congress?—Ans. No, sir; I don't know. I voted a ticket; I did not think it was necessary for me to tell who I voted for.
Ques. 14. Did you vote a straight Democratic ticket?—Ans. It is my business, not yours.
Ques. 15. Do you decline to answer?—Ans. I am not inclined to answer anything.
Ques. 16. Do you refuse to answer that question?—Ans. No, sir, I do not, if it is right for me to answer.
Ques. 17. Do you refuse to tell the commissioner who you voted for?—Ans. I don't know that I have any power to tell that. I don't believe that it is in your power to force me to tell you that; I don't believe any court in the country can force me to tell you that; I am an old man; I have voted ever since I came from York State.
Ques. 18. Have you your naturalization papers with you?—Ans. Yes, sir; I have them here.
Ques. 19. Please present them to the Commissioner.—Ans. I don't show them to anybody.
Ques. 20. Mr. Commissioner, please ask them to be presented.—Ans. Yes, sir; here they are; I got them from Ohio, not from a jury; I got them from a court, no judge or jury.
Ques. 21. Are these all you have?—Ans. Yes, sir; that is all. Mr. Peterson is a lawyer,

he can make them good. When my papers were needed in this city two years ago, he wrote to Clark Co. for my papers.

Ques. 22. Did you get any naturalization papers in Iowa City?—Ans. Yes, sir.

Ques. 23. Do you know the date?—Ans. No, sir.

Ques. 24. Is there any other John Peters?—Ans. Yes, sir; my boy.

Ques. 25. Was he naturalized in Iowa City?—Ans. No, sir; my boy was born in this State.

Ques. 26. Did you get any naturalization papers?—Ans. No, sir.

Ques. 27. Did you know of any others?—Ans. No, sir; my boy is not of age.

Ques. 28. You had papers before that, but not before you got these?—Ans. I think that these are right; if it is not right I can make it right. Mr. Peterson can write to Clark Co., Ohio.

($2 paid as fee by contestee.)

JOHN × PETERS.
mark.

STATE OF IOWA,
Johnson County, ss:

JOHN CAROLL, being produced and sworn before Eldon Moran, notary public for Johnson County, on this 5th day of April, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Cone and Remley on the part of contestee):

Q. 1. What is your age?—A. 73, 10th of this month.

Q. 2. What is your business?—A. I am just at home a little now.

Q. 3. Don't do much of anything?—A. No; not a great deal.

Q. 4. You live in Johnson County?—A. Yes, sir; at Morse Station.

Q. 5. Did you vote at the election Nov. 7th, 1882?—A. Yes, sir; at last election I did.

Q. 6. At last State and Congressional election?—A. Yes, sir.

Q. 7. What ticket did you vote?—A. I always vote the Democratic ticket.

Q. 8. Straight Democratic last year?—A. Yes, sir.

Q. 9. Did you vote for the Democratic nominee for Congress?—A. Yes, sir; always.

Q. 10. Where were you born?—A. In Ireland, County Claire.

Q. 11. Were you naturalized?—A. Yes, sir.

Q. 12. Didn't you get any citizen's papers?—A. Yes, sir; but I have lost them.

Q. 13. Where did you get them?—A. I got them both times from the court-house in Iowa City; and I enlisted in the 37th Iowa Volunteers.

Q. 14. Did you get the second papers after you got back from the Army?—A. Yes, sir; when the war was over I worked for George Clark; when the election went off I was to go to the court and get my papers; I got them from the clerk of the court.

Q. 15. Did you get the papers, and before what judge?—A. I cannot tell the name of the judge.

Q. 16. Was it Judge McCleary or Judge Cavanagh?—A. I don't know what his name was.

Q. 17. Was it Judge Cavanagh?—A. No, sir.

Q. 18. Did you know the sheriff, Cavanagh?—A. Yes, sir. It was before his time.

Q. 19. Was it Judge McCleary?

(Objection.)

Q. 20. Did you know the clerk of the court at that time; was it Judge Lee?—A. I got my papers from him; I lost them, though.

Q. 21. Was it Judge T. H. Lee; was that the man?—A. He was judge once, but he was clerk of the court at the time I got my papers.

Q. 22. What year was that in, do you remember, Mr. Carroll?—A. Well, it was in '55, I think, when the war was over, that we came here.

Q. 23. 1865, was it not?—A. Yes, sir; in '65.

Q. 24. Do you remember the year in which you got them; was it in '65?—A. We came home when the war was over.

Q. 25. How soon after that was it that you got the second papers?—A. I cannot tell whether in that year or not; I don't want to tell a lie.

Cross-examination:

Q. 26. Do you remember whether or not Judge Miller was judge at that time on the bench?—A. I don't know; I forget; I won't tell a lie.

Q. 27. There was a clerk of the court, was there not?—A. I heard once before that he was judge.

Q. 28. He was clerk when you got your last papers?—A. Yes, sir; he was clerk of the court.

Q. 29. Was it in the court-house, up-stairs, and was it in open court?—A. Yes, sir; it was in court that I got the papers.

Q. 30. Was it in the court-room?—A. In the court-house.

Q. 31. Was it up-stairs in the court-room; that is, the big room?—A. It was in some room; I cannot tell what room; in the court-house, some room.

Q. 32. Did you have witnesses? Did the judge sit in the bench when you got the papers?—A. I had some lawyer.

Q. 33. Who was the lawyer?—A. He was a young fellow.

Q. 34. Was it Cornell?—A. No, sir; he was a young fellow; he was attorney here, and ran for election once.

Q. 35. What did he run for?—A. For senator, I believe—no, sir; for something in the court-house.

Q. 36. Was it not Mr. Cornell?—A. No, sir.

Q. 37. Was it Mr. Fairall?—A. No, sir.

Q. 38. You may state if there was a judge in the bench when you got your papers.—A. He must be in the bench; I could not get them if he was not.

Q. 39. You had a seal on your papers?—A. I did not take any note of that.

Q. 40. Lee signed the papers and the judge swore you?—A. Yes, sir.

Redirect examination:

Q. 41. Was it up-stairs in the court-room or down on the first floor?—A. I don't want to tell a lie, but it was in some room in the court-house that I got my papers.

Q. 42. You don't remember?—A. No, sir; I forget.

Q. 43. Did you see any there in the court except this judge that signed the papers?—A. The clerk of the court that gave me the papers gave them to the judge again, and then he gave them to me, and told me to be off; that it was all right.

($1.70 paid as fee by contestee.)

his
JOHN + CARROLL.
mark.

STATE OF IOWA,
Johnson County, ss:

PATRICK O'CONNER, being produced and sworn before me, Eldon Moran, a notary public for Johnson County, Iowa, on this 5th day of April, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and J. W. Cone and Milton Remley on the part of contestee):

Q. 1. Where do you reside?—A. Graham Township, Johnson County, Iowa.

Q. 2. What is your age?—A. I could not exactly tell. But I am told that I am 74.

Q. 3. What is your business?—A. Farmer.

Q. 4. Did you vote at the Nov. election, '82?—A. Yes, sir, I did.

Q. 5. At which the office of Representative in Congress was voted for?—A. Yes, sir; and other candidates too.

Q. 6. Do you know the names of the other candidates for Congress?—A. I don't think so; but I knew once.

Q. 7. What ticket did you vote?—A. I split my ticket.

Q. 8. What ticket did you use, Democratic, Greenback, or Republican?—A. A Democratic ticket.

Q. 9. You voted a Democratic ticket?—A. Yes, sir.

Q. 10. You did not vote it straight in every particular?—A. No, sir, never did; I don't care a cent for the name of a ticket; but the man is what I care for.

Q. 11. Who did you vote for in Congress, Democrat or Republican?—A. The Democratic candidate.

Q. 12. Where were you born?—A. In Ireland.

Q. 13. How long have you been in this country?—A. Since 1835—the 6th of June, 1835.

Q. 14. Were you naturalized?—A. Yes.

Q. 15. Where?—A. One time in Watertown, New York, 1840.

Q. 16. Where the second time?—A. Another time in Joliet, Ill.; that is the time Gen. Scott was candidate for President with Pierce.

Q. 17. Where the second time?—A. In Joliet.

Q. 18. Have you the papers with you?—A. No, sir; I lost them.

Q. 19. Did you get any papers in Johnson County?—A. No, sir; I hold up my hand to Heaven that I tell the truth.

Q. 20. Is there any other Patrick O'Conner in this county that you know of?—A. No, sir; I don't know of any.

Q. 21. You say you never got any papers in this county?—A. No, sir.

($2.15 paid as fee.)

his
PATRICK × O'CONNER.
mark.

John O'Conner paid same fee, but not called as witness.

STATE OF IOWA,
Johnson County, ss:

JOHN H. WILSON, being and sworn before Eldon Moran, notary public of Johnson Co., on this 5th day of April, 1883, testifies as follows (J. W. Cone and Milton Remley appearing on the part of contestee, and T. Brown on part of contestant):

Ques. 1. Where do you live?—Ans. In Oxford.
Ques. 2. What is your business?—Ans. Miller.
Ques. 3. What is your age?—Ans. Forty-one years.
Ques. 4. Are you acquainted with Samuel Bernizer?—Ans. Yes, sir; I am.
Ques. 5. Did you know of his voting at Oxford, at the election held in Nov. '82?—Ans. Yes, sir; I did.
Ques. 6. Do you know who he voted for, for Representative in Congress?—Ans. Only what he said about it. He told me afterward how he voted.
Ques. 7. How did he vote?
(Contestant objects to the same as hearsay and not proper.)
Ans. He said he was going to vote for Frederick. The ticket I saw him prepare was a straight Democratic ticket with the exception of one or two men on the county ticket. I think he changed two men.
Ques. 8. Did you see him vote?—Ans. No, sir; I did not.
Q. 9. Do you know whether his name is on the poll-list?
(Objection, not the best evidence; poll-book the best evidence.)
Ans. I cannot say.
Ques. 10. Did you have any connection with him afterwards?—Ans. Yes, sir; we talked about it.
Ques. 11. Did he inform you then as to how he voted?
(Objection hearsay.)
Ans. He said he voted for Frederick.
Ques. 12. Do you know what place he is a resident of?—Ans. He lived in Geneseo, Ills.
Ques. 13. How long did he live in Oxford?—Ans. He commenced working for me the 27th of June, '81, I guess, and quit there the 7th of Dec., '82. That makes about 17 months.
Ques. 14. Where did he go to?—Ans. He went home. I have heard several times that he went home.
Ques. 15. He has a family living in Geneseo?—Ans. Yes, sir.
Ques. 16. Was his family ever in Oxford?—Ans. No, sir; never lived there. At least his wife never came to see him.
Ques. 17. Where did he consider it his home; did he ever have a residence at Oxford?—Ans. I don't know what you call a residence. He never had a family there; he boarded there at the hotel.

Cross-examination:

Ques. 18. Do you know that Samuel Bernizer has a family at all?—Ans. No, sir.
Ques. 19. Do you know that he has a family at all?—Ans. No, sir.
Ques. 21. Do you know that he has ever lived in Illinois?—Ans. All I know is what others have told me.
Ques. 22. Do you know from your own knowledge?—Ans. No, sir; only from hearsay.
Ques. 23. Did you see him vote?—Ans. No, sir; I did not.
Ques. 24. You did not know anything about how he voted except what?—Ans. I saw him vote a ticket; we fixed the ticket on the table.
Ques. 25. Do you know whether he changed the ticket before he voted?—Ans. No, sir.
Ques. 26. Why do you say that he resided in Illinois?—Ans. He worked for me 17 months, and when he went away he claimed his home was in Geneseo, Ills., and bought a ticket for Geneseo. That is all I know.
Ques. 27. What time did he commence working for you?—Ans. The 26th or 27th of June, '81.
Ques. 28. He lived from June, '81, at your place until the election?—Ans. I think that he lived there until the 7th of Dec., '82.
Ques. 29. Well, that was after the election?—Ans. Yes, sir.
Ques. 30. Are you a Republican?—Ans. Yes, sir; I am.
Ques. 31. Were you at the election?—Ans. Yes, sir.
Ques. 32. Did you challenge this man's vote?
(Objection, incompetent, immaterial.)
Ans. No, sir.
Ques. 33. Did you tell any of the judges that he was an illegal voter?—Ans. I went before the judges at a prior election and stated just how he was situated.
Ques. 34. He had voted there before this time?—Ans. Yes, sir.

Ques. 35. Do you know that he ever kept house?—Ans. I do not know from my own personal knowledge; no, sir.

Ques. 36. You never saw a woman that claimed to be his wife?—Ans. No, sir.

Ques. 37. Never saw any family that claimed to be his?—Ans. No, sir.

Ques. 38. You did not go to Geneseo, then?—Ans. No, sir.

Ques. 39. It is not uncommon for millers, or those who work in mills, for single men to board in hotels?—Ans. Yes, sir, they usually board with the family.

Ques. 40. I will ask you if you did not run for alderman in that neighborhood in the spring?

(Objection, improper examination, also incompetent, immaterial.)

Ques. 41. Did you run the spring before?—Ans. Yes, sir.

Ques. 42. Did you ask this man to vote for you?

(Objection, improper examination.)

Ans. Mr. Bernizer wanted to vote. I went to those judges and stated his condition exactly, asking them to decide whether he was a legal voter or not. Mr. Rain here was one of the judges. I told them of his family living in Illinois.

Ques. 43. Well, did he vote at the election?—Ans. I think so, just the same as he voted for Frederick the last election.

Ques. 44. What year was that in; what time was that?—Ans. In 1882, in the spring, I think.

Ques. 45. He voted for you at that election?—Ans. No, sir, I didn't say that he voted for me at that election.

Ques. 46. The judges decided that he was a legal voter?

(Objection, improper examination.)

Ans. Yes, sir; they said so.

Ques. 47. Did they say that he was a legal voter in Iowa?—Ans. No, sir; I said to him, I will tell the judges, and if they decide you are a voter, you may go and vote, for if I were in your place I would not swear it in. His vote was challenged.

Ques. 48. Did he put it in?—Ans. The challenge was withdrawn.

Ques. 49. Did he put it in?—Ans. The challenge was withdrawn.

Ques. 50. The judges decided that he was a legal voter?—Ans. Yes, sir.

Ques. 51. He was here; he had been here 17 months?—Ans. No, sir; not then.

Ques. 52. Six months at that time?—Ans. Nine months.

Ques. 53. Then he remained all summer, did he, until fall?—Ans. Yes, sir.

Ques. 54. Where did he get his washing done?—Ans. I don't know, but I think he got it done there, though.

Ques. 55. He boarded there?—Ans. Yes, sir.

($2.35 paid as fee by contestee.)

J. W. WILSON.

STATE OF IOWA,
Johnson County, ss:

JOSEPH KIRKOFF, being produced and sworn, on this 5th day of April, 1883, before Eldon Moran, notary public of Johnson County, Milton Remley appearing on the part of the contestee and T. Brown on the part of the contestant, testifies as follows (by interpreter):

Ques. 1. You may state your name, age, and place of residence and occupation?

(Contestee objects to the testimony of this witness for want of notice and allegation in his answer set forth in claims, to the illegality of witness insufficient to the notice, to the time and place to take deposition having been given of the name and residence of the witness.)

Ans. My age is 69; I live in Iowa City; my occupation is day laborer.

Ques. 2. Ask him where he was born?—Ans. In Bohemia.

Ques. 3. Ask him when he came to the U. S.?—Ans. 16 years ago.

Ques. 4. Did you vote last fall?—Ans. Yes, sir; he did.

Ques. 5. That is, he voted at the election in Iowa City Township, held on the 7th of November, 1862, when the office of Representative in Congress was voted for?

(Contestee objects, for the reason that it is not shown that the vote is illegal, and that the same is immaterial.)

Ans. Yes, sir.

Ques. 6. Ask him what ticket he voted last fall?—Ans. He says that he can't tell positive.

Ques. 7. Ask him if it was Democrat or Republican ticket?—Ans. He thinks that it was a Republican ticket.

Ques. 8. Ask him what his politics are?

(Contestant objects to the question as immaterial, irrelevant.)

Ans. Republican, he says.

Cross-examination:

Ques. 9. You say that you were born in the old country?—Ans. Yes, sir; he was.

Ques. 10. Have you any naturalization papers?

(Contestee objects to the question—immaterial, not proper cross-examination; no question as to naturalization papers has been asked the witness.)

Ans. Yes, sir; but not with him.

Ques. 11. Ask the witness where he was naturalized?—Ans. He got his papers here in Iowa City.

Ques. 12. Before what judge; in what court?—Ans. He says that he can't tell.

Ques. 13. Ask him in what room in the court-house they were in?—Ans. He says it was in one of the lower rooms.

Ques. 14. Ask him whether it was Judge McCleary?—Ans. He can't tell; he don't remember.

Ques. 15. It was in the room up-stairs, was it?

(Contestee objects to the question, for the reason that it is leading and suggestive to the answer.)

Ans. He can't tell positive, but he thinks that it was in the rooms below.

Ques. 16. Was it in the county judge's room?—Ans. He can't remember positive.

Ques. 17. Was there any sheriff or clerk present?—Ans. He can't say positive. He thinks that another man got his papers at the same time he was in the room.

Ques. 18. Did you have any witnesses?—Ans. He had two witnesses.

Ques. 19. Were there trials going on that day?—Ans. He doesn't know, but there were lots of men there.

Ques. 20. Ask him whether men were there to be naturalized?—Ans. There were others there that wanted naturalization papers.

Cross-examination:

Ques. 21. Was there any jury there?—Ans. I can't tell whether there was any jury there or not.

Ques. 22. Was it a district court?—Ans. He doesn't know whether it was or not.

Ques. 23. What year was it; how long ago?—Ans. About 11 years ago.

Ques. 24. Can you remember who the judge was?—Ans. He doesn't know.

his
JOSEPH + KIRKOFF.
mark.

$.85 paid as fee by contestee.

STATE OF IOWA,
Johnson County, ss:

FREDERICK ROTHWEILER, being produced before Eldon Moran, notary public for Johnson Co., on this 5th day of April, 1883, testifies as follows (J. W. Cone and Milton Remley appearing on the part of contestee, and T. Brown on the part of contestant):

(Contestant objects for the reason that it is not shown that the vote is illegal, and the same is immaterial.)

Ques. 1. State name, age, place of residence, and occupation?—Ans. Frederick Rothweiler; age, 40 years; occupation, printer.

Ques. 2. Where were you born?—Ans. In Germany.

Ques. 3. When did you come to this country?—Ans. In '53.

Ques. 4. What age were you when you came to this country?—Ans. 10 years.

Ques. 5. When and where was your father naturalized?—Ans. In Philadelphia.

Ques. 6. What year?—Ans. I don't remember the time.

Ques. 7. Did you ever see his naturalization papers?—Ans. Yes, sir.

Ques. 8. From what court were they issued?—Ans. Philadelphia court.

Ques. 9. What was your father's name?—Ans. Matthew.

Ques. 10. Is your father living?—Ans. Yes, sir,

Ques. 11. Where does he reside?—Ans. In Philadelphia.

Ques. 12. What street?—Ans. I believe since I came here he has moved to Germantown.

Ques. 13. Did you vote at the election held in Iowa City, the 7th of Nov., '82, in the north precinct of Iowa City?—Ans. Yes, sir; I did.

Ques. 14. For Representative in Congress, 5th district, what ticket did yon vote?—Ans. Do I have to say it?

Ques. 15. Yes, sir.—Ans. I voted the Democratic ticket.

Ques. 16. Was the name of Benjamin T. Frederick printed on it?—Ans. Yes, sir.

Cross-examination:

Ques. 17. Do you know whether your father was a voter?—Ans. Yes, sir.

Ques. 18. Do you know of his voting in Philadelphia before you came here?—Ans. Yes, sir.

Ques. 19. Were you a soldier in the Army?—Ans. No, sir; my father was; it left me out, just about.

Redirect:

Ques. 20. Now, where was your father a soldier?—Ans. In the Mexican war.

Ques. 21. Do you know whether your father ever came home from the Mexican war, and where he received what is known as his second papers?—Ans. He had papers; that is all I know.

Ques. 22. Do you know whether they were what is called first or second papers?—Ans. Yes, sir; they were second papers.

Ques. 23. Did he ever obtain his first papers, do you know?—Ans. No, sir; I don't.

F. ROTHWEILER.

$.85 paid as fee by contestee.

STATE OF IOWA,
Johnson County, ss:

CHRISTIAN SCHNEIDHELM, being produced before Eldon Moran, notary public for Johnson Co., on this 5th day of April, 1883, testifies as follows (J. W. Cone and Milton Remley appearing on the part of contestee, and T. Brown on the part of contestant):

(Witness not being able to hear, the questions are written out by Mr. Xanton for the witness to read.)

Albert Xanton sworn as interpreter.

(Contestant objects to this evidence of the witness for the reason that it is not shown that the vote is illegal, and the same is immaterial.)

Ques. 1. You may ask him his age.—Ans. I will be 60 years in May; occupation, well-digger; residence, Iowa City; I have lived 30 years in Iowa City.

Ques. 2. Where was he born?—Ans. In Germany.

Ques. 3. When did he come to America?—Ans. In 1851.

Ques. 4. Ask him if he has had second citizens' papers.—Ans. He says that he has papers, and that his children have torn them up for him.

Ques. 5. Ask him when and where he got them.—Ans. In the court-house; he says that he came in here in '25 or '26 and got his papers.

Ques. 6. Does he mean that many years ago?—Ans. He says '25 or '26, and won't say anything else.

Ques. 7. Do you understand that he had them that many years ago?—Ans. He says he has been here 30 years; first year he got his first papers; 5 years after he got his second papers.

Ques. 8. Ask him in what court he obtained them in; whether county court, and who was the judge.—Ans. He says that he don't know the judge any more.

Ques. 9. Ask him if the court was up-stairs or down-stairs.—A. He says it was up-stairs in the old court-house when he got his papers.

Ques. 10. Ask him whether there was a clerk and judge and sheriff there.—Ans. He says that when he got his papers he saw three men there; he don't know what they were there for.

(Excused.)

85 cts. paid as fee by contestee.

STATE OF IOWA,
Johnson County, ss:

JOSEPH FRIESCH, being produced and sworn before Eldon Moran, a notary public for Johnson County, on this 5th day of April, A. D. 1883 (T. Brown appearing on the part of contestant, and J. W. Haddock and Milton Remley on the part of contestee), testifies as follows:

(Contestee objects to the testimony of the witness for the reason that the residence of the witness is not given in the notice.)

Ques. 1. What is your age?—Ans. 28.

Ques. 2. Where do you live?—Ans. In Newport Township, Johnson Co., Iowa.

Ques. 3. What is your business?—Ans. Farming.

Ques. 4. Where were you born?—Ans. In the old country.

Ques. 5. When did you come to this country?—Ans. 15 years ago.

Ques. 6. How old were you when you came to this country?—Ans. 18 years old.

Ques. 7. When did you get your citizen papers?—Ans. At the court-house, 3 years ago.

Ques. 8. You say you got your papers at the court-house in Iowa City?—Ans. Yes, sir.

Ques. 9. Who was the judge?—Ans. I say I cannot tell you.

Ques. 10. Who was your witness?—Ans. Michael Dvorsky.

Ques. 11. Have you papers with you?—Ans. I got both papers at the same time.

Ques. 12. By whom were those papers signed?—Ans. I don't think I could say.

Ques. 13. Have you them with you?—Ans. No, sir; not with me.

Ques. 14. Were you 18 years old when you came here?—Ans. No, sir; not quite 18.
Ques. 15. You say you got your papers 3 years ago?—Ans. Yes, sir; over three years ago.
Ques. 16. In the court-house in Iowa City?—Ans. Yes, sir.
Ques. 17. Did you vote at the election held in Newport Township, Johnson Co., Iowa, on Nov. 7, when the candidates for Congress were voted for?
(Objection: irrelevant and immaterial.)
Ans. Yes, sir; I did.
Ques. 18. What ticket did you vote?—Ans. I cannot tell.
Ques. 19. Who gave you the ticket you voted?—Ans. I cannot tell that either.
Ques. 20. Who gave it to you?—Ans. I cannot tell you that.
Ques. 21. Where did you get it from?—Ans. That I don't know who gave it to me.
Ques. 22. What were the man's politics that gave you the ticket?—Ans. I don't know that either.
Ques. 23. Did you vote the Republican or Democratic ticket?—Ans. I voted the Democratic ticket.
Ques. 24. What are your politics; what party do you belong to?—Ans. Democratic party.
Ques. 25. Do you know whether the name of Benjamin T. Frederick as candidate for Congress 5th district of Iowa was on the ticket you voted?—Ans. I cannot tell you now.
Ques. 26. Were there any scratches on that?—Ans. I cannot tell you now whether there were any marks on it or not.
Ques. 27. Did you mark anything off?—Ans. No, sir; not at all.
Ques. 28. Did any one else?—Ans. I cannot tell that.
Ques. 29. Did you read your ticket before you voted?—Ans. I cannot read English.

Cross-examination:

Ques. 30. Were your papers signed by the clerk of the court, and did they have a seal on?—Ans. Yes, sir; it has a seal on.
Ques. 31. Was there a district court and jury there?—Ans. Yes, sir; they had a jury there.
Ques. 32. It was district or circuit court?—Ans. Yes, sir; it was.
Ques. 33. You may have voted for Mr. Wilson, may you not?—Ans. I cannot tell who I voted for; that is a thing I cannot tell. I have voted the Democratic as long as I have lived.
($1.25 paid as fee by contestee.)

JOSEPH FREISCH.

STATE OF IOWA,
Johnson County, ss:

JOSEPH HOLTKE, being produced and sworn before Eldon Moran, a notary public for Iowa City, on this 5th day of April, A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant; W. J. Haddock, J. W. Cone, and Milton Remley, on the part of contestee):

(B. Shimek, interpreter.)
(Contestee objects to the testimony of this witness on the ground that no notice has been given; also, because the place of residence was not given.)
Ques. 1. Ask him his age.—Ans. 57 years.
Ques. 2. Where does he live?—Ans. In Newport Township.
Ques. 3. What is his business?—Ans. Farming.
Ques. 4. Ask him where he was born—in what county.—Ans. In Bohemia.
Ques. 5. Ask him when he came to this country.—Ans. 21½ years ago.
Ques. 6. Ask him if he voted at the election held in Newport Township the 7th of November, 1882, for Representative in Congress in the 5th district of Iowa.
(Contestee objects to the question for the reason that the question is not proper until it was shown that he was an illegal voter.)
Ans. Yes, sir; he voted.
Ques. 7. Ask him what ticket he voted last fall.—Ans. He does not want to answer that.
Ques. 8. Tell him there is no penalty for answering that.
(Contestee objects to the question for the reason that the witness cannot be obliged to answer any question of this kind until it is shown that he is an illegal voter.)
Ans. He says that he voted just as he pleases.
Ques. 9. Tell him that we want to know how he voted.—Ans. He says that he voted just what he pleases. I voted a Democratic ticket.
Ques. 10. Was it a straight Democratic ticket, or not?—Ans. He said that he could read English.
Ques. 11. Have you citizen papers?—Ans. He says that he did not know what he was to come here for; no one told him to bring them.

Ques. 12. Ask him if he has any.—Ans. Yes, sir; he has them at home.
Ques. 13. Ask him where he was naturalized.
(Contestant objects to the question as immaterial—not the best evidence.)
Ans. He says that he don't remember.
Ques. 14. Ask him what town he was in.—Ans. In Iowa City.
Ques. 15. Ask him when he got them.—Ans. He says about 17 or 18 years ago; I cannot tell positive.
Ques. 16 Who did he get them from?
(Contestant objects for the reason his testimony is not the best evidence.
Ans. Cannot remember.
Ques. 17. Ask him what court he got them in.
(Contestant objects—not the best evidence.)
Ans. I do not know that.
Ques. 18. Tell him that he must bring in his papers.

Cross-examination:

Ques. 19. Ask him if his subpœna was left with him.—Ans. No, sir; he says no such papers was left with him.
Ques. 20. You may tell the witness to come in to-morrow morning with them.—Ans. He says that he has work to do at home and don't like to travel through the mud in this way.
(No fee.) JOSEPH HOLTKE.

STATE OF IOWA,
Johnson County, ss:

JAMES LACINA, being produced and sworn before Eldon Moran, a notary public for Johnson Co., on this 5th day of April, A. D. 1883 (T. Brown appearing on the part of contestant, and J. W. Cone and Milton Remley appearing on the part of contestee), testifies as follows:

(Shimek sworn as interpreter.)
(Contestant objects because no notice has been given of the taking of the testimony of the witness; also because the residence of the witness is not stated; also because a false residence has been given, and the name not given so as to be intelligible to any man.)
Ques. 1. Ask him his age.—Ans. 44 years.
Ques. 2. Where does he live?—Ans. In Newport Township.
Ques. 3. What does he do?—Ans. He farms.
Ques. 4. Where was he born?—Ans. In Bohemia.
Ques. 5. When did he come to the U. S.?—Ans. He has been here about 12 years.
Ques. 6. Has he citizen papers?—Ans. Yes, sir; he has them.
Ques. 7. Has he them with him?—Ans. He says he was not told to bring them, and he has not them with him.
Ques. 8. We want him to get them. Ask him where he got his citizen papers?—Ans. In Iowa City.
(Contestant objects; not the best evidence.)
Ques. 9. Ask him when he got them.—Ans. 3 or 4 years ago.
Ques. 10. Who did he get them from?—Ans. He does not know the names.
Ques. 11. Ask him if they were his first papers that he got.—Ans. He says that he got both.
Ques. 12. When did he get his first papers?—Ans. He got his first papers about 8 years ago.
Ques. 13. Ask him who his witness was when he got his first and second papers.
(Contestant objects to the question for the reason that it is not best evidence.)
Ans. He does not remember positive, but he thinks that it was Michael Dvorsky; he was with him; but Frank Kesker was his witness.
Ques. 15. Ask him if he voted at the election held in Newport Township, Johnson Co., Iowa, on the 7th of November, 1882, at which election Representatives in Congress were voted for?
(Contestant objects to the question for the reason that it is not shown that the witness was an illegal voter; also it is irrelevant and immaterial.)
Ans. Yes, sir; he voted.
Ques. 16. What ticket did he vote?—Ans. Democratic ticket.
Ques. 17. Ask him whether or not the name of Benjamin T. Frederick was on the ticket for Representative in Congress?—Ans. He says that he cannot tell positive.
Ques. 18. Ask him if it was a straight Democratic ticket that he voted?—Ans. Yes, sir; it was.

Cross-examination:

Ques. 19. State, if you know, whether there was a clerk as well as a judge there when he got his papers.—Ans. Yes, sir; there was. He says the court was in session at the time.

Ques. 20. Was there a jury and sheriff there?—Ans. Yes, sir; there was.
Ques. 21. Was it Judge Shane's court?—Ans. He does not know.
Ques. 22. Was it Judge McCain's court?—Ans. He does not remember the name.
Ques. 23. Was it circuit or district court?—Ans. He says that he does not know.
Ques. 24. Ask him if the judge had a stiff neck.—Ans. He says he does not remember.
Ques. 25. Ask him if he knows what letters were on the seal.—Ans. He does not remember.
Ques. 26. Ask him if there was a stamp and seal on his papers.—Ans. He says that there is a seal on his papers.
Ques. 27. Ask him if he knows the clerk's name.—Ans. He does not know.
($1.55 paid as fee by contestee.)

JAMES LACINA.

STATE OF IOWA,
Johnson County, ss:

FRANK BLAHA being produced and sworn before Eldon Moran a notary public for Johnson Co., on this 5th day of Apr'l, A. D. 1883 (T. Brown appearing on the part of contestant, and J. W. Cone and Milton Remley appearing on the part of contestee, testifies as follows):

(B. Shimek sworn as interpreter.)
(Contestant objects to the evidence of this witness for the reason that sufficient notice of his residence is not given.)
Ques. 1. What is his age?—Ans. 47 years.
Ques. 2. Where was he born?—Ans. In Bohemia.
Ques. 3. Where does he live?—Ans. In Newport Township, Johnson Co.
Ques. 4. What does he do?—Ans. He is a farmer.
Ques. 4. When did he come to the U. S?—Ans. 15 years ago.
Ques. 5. Has he ever been naturalized? Did he ever get citizen papers?—Ans. He has his papers.
Ques. 6. Has he got them with him?—Ans. He says that he was not told to bring his papers.
Ques. 7. Where did he get his papers?
(Contestant objects to the question for the reason that it is not the best evidence.)
Ans. At the court house in Iowa City.
Ques. 8. When did he get them?—Ans. He got his first papers when he first came 15 years ago; he got his second papers 5 years afterwards.
Ques. 9. What year was that in?—Ans. He does not remember.
Ques. 10. Who was his witness? I mean when he got his second papers?—Ans. He thinks that it was John Mahring, but does not know for sure.
Ques. 11. Ask him if he voted at the election held in Newport Towship, Johnson Co., Iowa, on the 7th Nov., 1882 for Representative in Congress, 5th district of Iowa?—Ans. Yes, sir.
Ques. 12. What ticket did he vote?
(Contestant objects to the question for the reason that it is immaterial.)
Ans. Democratic ticket.
Ques. 13. Ask him if Benjamin T. Frederick appeared on that ticket as candidate for Congress?—Ans. He does not know.
Ques. 14. Ask him whether it was a straight Democratic ticket or not?—Ans. He does not know positive.
Ques. 15. Ask him if there were any names marked off on that ticket?—Ans. He does not know.
Ques. 16. Ask him if the name appearing at the time on that ticket was marked off?—Ans. He does not know.
Ques. 17. Who gave you that ticket?—Ans. He thinks that it was Dvorsky.
Ques. 18. What are Dvorsky's politics?
(Contestant objects to the question for the reason that it is immaterial).
Ans. He is a Democrat.

Cross-examination:

Ques. 19. Was there a court and jury in session when you got your papers?—Ans. He says that it is a good while ago, and he does not remember these things.
Ques. 20. Was there a judge and clerk both; did the judge sit on the bench?—Ans. He says that he cannot tell positive.
Ques. 21. He knows that it was in open court?—Ans. He says that there were a good many men there.

Redirect:

Ques. 22. Was it upstairs or downstairs?—Ans. He says that he is not positive, but he thinks that it was a large room up stairs.
($1.85 paid as fee by contestee.)

FRANK BLAHA.

STATE OF IOWA,
Johnson County, ss:

Deposition of witness produced and sworn before me, Eldon Moran, a notary public and commissioner agreed upon to take testimony on this 5th day of April, A. D. 1883, in a proceeding pending before the House of Representatives of the United States of America in a contested election for the office of Representative in Congress, in which proceedings Benjamin T. Frederick is contestant and James Wilson is contestee; J. W. Cone, W. J. Haddock, and Milton Remley, attorneys for contestee, appearing.

(Shimek being sworn in due form of law to act as interpreter.)

JOHN KOZISHEK, of lawful age, being produced and sworn in due form of law, testifies as follows:

(Contestant objects for the reason that it is not shown that the vote was illegal and the same is immaterial.)

Quest. 1. State your age?—Ans. He says 45 years.
Quest. 2. Where does he live?—Ans. In Newport Township.
Quest. 3. What does he do?—Ans. Farm.
Quest. 4. Where was he born?—Ans. Bohemia.
Quest. 5. When did he come to the United States?—Ans. 16 years ago, nearly.
Quest. 6. Ask him if he had citizen papers?—Ans. He has.
Quest. 7. Has he got them with him?—Ans. He says he was not told to bring them.
Quest. 8. Ask him if he was not told by any person not to bring them.—Ans. He says that nobody said anything to him about any papers.
Quest. 9. Ask him if the subpœna was read to him?—Ans. He says that it was read to him.
Quest. 10. Ask him if he understood it.—Ans. He says he understood a part of it, but not all of it.
Quest. 11. Ask him where he got his first papers.—Ans. Here, in Iowa City.
Quest. 12. When did he get his first papers?—Ans. Doesn't know exactly.
Quest. 13. When did he get his second papers?—Ans. First papers he got since he came here; second papers five years later.
Quest. 14. Ask him where he got them.—Ans. Court-house.
Quest. 15. Ask him what year he got his second papers in?—Ans. He doesn't know what year.
Quest. 16. Ask him about what he got them?—Ans. He does not know the year.
Quest. 17. Before what court or judge?—Ans. He does not remember the date; he says he does not remember the date.
Quest. 18. Ask him if he had a witness?—Ans. Yes, sir; he says that he had a witness.
Quest. 19. Ask him if he voted at the election; if he voted in Newport Township, November 7th, 1882?—Ans. Yes, sir; he did vote then.
Quest. 20. Ask him whom he voted for, for Representative in Congress, fifth district?—Ans. He does'nt know the name.
Quest. 21. Ask him what ticket he voted?—Ans. He thinks it was a Democratic ticket.
Quest. 22. Ask him what his politics are?—Ans. Democrat.
Quest. 23. Did he scratch any names off the ticket he had?—Ans. No, he did not.
Quest. 24. Ask him if somebody signed the papers, and if they had a seal on; of whether there was a stamp or seal on them?—Ans. He says that he does not remember.
Quest. 25. Ask him if there was a jury, clerk, or sheriff there?—Ans. He says there was no jury.
Quest. 26. Ask him if there was a clerk or sheriff there?—Ans. He does not know if there was a sheriff or not, but he says there was a clerk there.
($1.85 paid as fee.)

JOHN KOZISHEK.

STATE OF IOWA,
Johnson County, ss:

ALBERT STEMOCHER, being produced before Eldon Moran, notary public for Johnson Co., on this 5th day of April, 1883, testified as follows (J. W. Cone and Milton Remley appearing on the part of contestee, and T. Brown on the part of contestant. Shimek, interpreter):

(Contestant objects for the reason that it was not shown that the vote was illegal, and the same immaterial.)

Ques. 1. Ask him his age?—Ans. 45 years.
Ques. 2. Where does he live?—Ans. Newport Township.
Ques. 3. What is his business?—Ans. Farming.

Ques. 4. Where was he born?—Ans. Bohemia.
Ques. 5. When did he come to the U. S.?—Ans. 14 years ago.
Ques. 6. Has he his citizen papers?—Ans. Yes, sir; he has.
Ques. 7. When did he get first papers? Has he got them here?—Ans. No, sir.
Ques. 8. Where are they?—Ans. At home.
Ques. 9. Was he notified to bring them?—Ans. He was not.
Ques. 10. Was the subpœna read to him?—Ans. He says that it was read to him, but he asked what it was, and he was simply told that there was a contest, and that his evidence was wanted in the case.
Ques. 11. Ask him when he got his first papers.—Ans. Just after he came here.
Ques. 12. When did he get his second papers?—Ans. 5 years afterwards.
Ques. 13. Who was his witness?—Ans. Michael Devorska.
Ques. 14. Where did he get his second papers?—Ans. Here in the court-house.
Ques. 15. Ask him if he voted at the election held in Newport Township Nov. 7th, 1882.—Ans. Yes, sir; he did vote.
Ques. 16. What ticket did he vote?—Ans. Democratic ticket.
Ques. 17. Did he vote the straight Democratic ticket?—Ans. Yes, sir; the straight.
Ques. 18. Did he scratch any name off?—Ans. He did not.

Cross-examination:

Ques. 19. Ask him if the papers had a seal on them.—Ans. He thinks them had a seal, but he is not positive.
Ques. 20. Was there a clerk in the court?—Ans. Yes, sir; there was.
Ques. 21. Was there a jury or sheriff there, and open court?—Ans. Yes, sir; he says there was.
Ques. 22. Was there open court?—Ans. Yes, sir; it was in open court.
Ques. 23. Ask him whether he remembers whether it was a district or circuit court.—Ans. He does not know, but he says there was a court and jury there.
Ques. 24. Was it Judge Shane that held the court or not?
(Contestant objects to that suggestion.)
Ans. He says he does not know the name of the judge.
Ques. 25. How long has he voted?—Ans. He says he has voted ever since he got his second papers.

ALBERT STEMOCHER.

$1.75 paid as fee by contestee.

STATE OF IOWA,
Johnson County, ss:

Deposition of witness, produced and sworn before me, Eldon Moran, notary public and commissioner, agreed upon to take testimony on this 5th day of April, A. D. 1883, in a proceeding pending before the House of Representatives of the United States of America, in a contested election for the office of Representative in Congress, in which proceedings, Benjamin T. Frederick is contestant, and James Wilson is contestee, Brown & Carney appearing as attorneys for Benjamin T. Frederick and J. W. Cone, W. J. Haddock, and Milton Remley, attorneys for James Wilson, contestee.

ALBERT SCHONDLE, witness.

(Shimek, interpreter.)
(Contestant objects, for the reason that it is not shown that the vote was illegal, and the same is immaterial.)

Ques. 1. What is your age?—Ans. 59.
Ques. 2. Where does he live?—Ans. In Newport Township.
Ques. 3. What is his business?—Ans. Farming.
Ques. 4. Where was he born?—Ans. Bohemia.
Ques. 5. When did he come to the United States?—Ans. 14 years ago.
Ques. 6. Where first come to?—Ans. To Iowa City.
Ques. 7. Has he his citizen papers?—Yes, sir; he has.
Ques. 8. Where did he get his papers?—Ans. At the court-house.
Ques. 9. When did he get them?—Ans. He got his first immediately after he came here, and his second 5 years later.
Ques. 10. Has he his papers here?—Ans. He says that he was not told to bring them.
Ques. 11. Ask him if he voted at the election held in Newport Township November, 7th, 1882?—Ans. Yes, sir; he did.
Ques. 12. What ticket did he vote?—Ans. Democratic.
Ques. 13. Were there any names scratched off of that ticket?

Cross-examination:

Ques. 14. Ask him what court he got his papers in?—Ans. He says he got them at the court-house, and that there were a good many men there.

Ques. 15. Was there a judge or a clerk?—Ans. Yes, sir; there was.
Ques. 16. Who was the judge?—Ans. He does not know the name.
Ques. 17. Ask him if it was district or circuit court?—Ans. He says that he does not know.
Ques. 18. Ask him if there was a jury, grand jury, sheriff, or clerk.—Ans. Yes, sir; there was.
Ques. 19. Does he say there was a jury, sheriff, and clerk?—Ans. Yes, sir.
Ques. 20. Up-stairs in the court-room?—Ans. Yes, sir; up-stairs in the court-room.
Ques. 21. Did the judge sit on the bench, up high, and the clerk in front?—Ans. Yes, sir; he was in his place.
Ques. 22. Who was the clerk?—Ans. He does not know.
Ques. 23. Ask him if he has had his seal on his papers?—Ans. Yes, sir; he has.
Ques. 24. And stamp?—Ans. Yes, sir; stamp and seal.
Ques. 25. Ask him if he was subpœnaed to bring the papers?—Ans. He was not told to bring papers.
Ques. 26. Ask him if there was any copy of subpœna left?—Ans. There was no copy left; he said it was read to him.
Ques. 27. Ask him if he understood it when it was read to him?—Ans. He did not understand it.
Ques. 28. Ask him if it was interpreted to him?—Ans. It was not translated to him. He says he was told to be there.
Ques. 29. No copy left?—Ans. No, sir.

ALBERT SCHONDLE.

$1.45 paid as fee.

STATE OF IOWA,
Johnson County, ss:

JAMES KRATKY, being produced and sworn, before Eldon Moran, notary public for Johnson Co., on this 5th day of April, '83 (J. W. Cone and Milton Remley appearing on the part of the contestee, and T. Brown appearing on the part of the contestant), testifies as follows:

(Contestee objects, for the reason that it is not shown that the vote is illegal, and the same is immaterial.)

Ques. 1. What is his age?—Ans. Thirty-eight.
Ques. 2. Where does he live?—Ans. Newport Township.
Ques. 3. What business?—Ans. Farmer.
Ques. 4. Where born?—Ans. Bohemia.
Ques. 5. When did he come to the United States?—Ans. Eight years ago.
Ques. 6. Where did he get his citizen papers?—Ans. He got his first papers here, and his second in Cedar Rapids.
Ques. 7. Has he got his papers with him?—Ans. He says he was not told to bring his papers with him?
Ques. 8. Was his subpœna read to him?—Ans. He says it was brought to him, but that he didn't understand much of it.
Ques. 9. When did he get his papers?—Ans. He got his second papers two years ago.
Ques. 10. Before what court?—Ans. When the court was in session at Cedar Rapids.
Ques. 11. What court was it?—Ans. He says that he does not know which court it was.
Ques. 12. Was it Cedar Rapids or Marion?—Ans. It was not Cedar Rapids.
Ques. 13. Did he vote at the election held at New Port November 7, 1882?—Ans. Yes, sir; he did.
Ques. 14. What ticket did he vote?—Ans. Democratic ticket.
Ques. 15. Any name scratched off?—Ans. No, sir.
Ques. 16. Were you subpœnaed to bring papers here?—Ans. No, sir.
Ques. 17 Any copy of the subpœna left?—Ans. Yes, sir; here it is?
(Contestant here offers an evidence. The copy of subpœna produced by the witness, same marked by commissioner Exhibit "J." Subpœna in regular form. Copy served did not require witness to bring his citizen's papers.)
Ques. 18. Ask the witness if the papers have a seal on them.—Ans. Yes, sir.
Ques. 19. Was there a court and jury there?—Ans. Yes, sir; there was a jury there, also a judge and clerk.
($1.85 paid as fee by contestee.)

his
JAMES + KRATKY.
mark.

STATE OF IOWA,
Johnson County, ss:

JOHN WOREL, being produced and sworn before Eldon Moran, notary public for Johnson County, on this 5th day of April, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, Cone and Remley on the part of contestee):

(Contestant objects, for the reason that it is not shown that the vote is illegal, and the same is immaterial.)

Q. 1. What is his age?—A. 50.
Q. 2. Where live?—A. New Port Township.
Q. 3. What does he do?—A. He is a farmer.
Q. 4. Where born?—A. Bohemia.
Q. 5. When did he come to the United States?—A. Eighteen years ago.
Q. 6. Has he had citizen papers?—A. Yes, sir.
Q. 7. Where did he get them?—A. He got them both here in Iowa City.
Q. 8. Has he got them with him?—A. No, sir.
Q. 9. When did he get his papers?
(Contestee objects to the question on the ground that it is irrelevant and immaterial; not the best evidence.)
A. Good while ago; he does not remember.
Q. 10. Did he get more than one paper in the court-house?—A. Yes, sir; he had two papers.
Q. 11. When did he get first papers?—A. In the third year after he came here.
Q. 12. When did he get his second papers?—A. About 10 years ago he got his second papers; he doesn't remember exactly.
Q. 13. Did he have witness when he got second papers?—A. John Houza.
Q. 14. Did he vote at the election held in New Port Township, on November the 7th, 1882?—A. Yes, sir.
Q. 15. Ask him what ticket he voted?—A. Democratic.
Q. 16. Ask him if there were any names scratched?—A. He doesn't know; he didn't scratch any himself.

Cross-examination:

Q. 17. Ask him if there was a judge and clerk present?—A. Yes, sir; judge and clerk, and jury all there and the court in session.
Q. 18. Ask him if he has been subpœnaed to bring any papers?—A. He wasn't.
Q. 19. Have you got any copy of subpœna given to him?—A. No copy left.
Q. 20. Ask him if it was read to him, and if he understood it?—A. He says that he didn't understand it; and he was told to come here.
Q. 21. He wasn't told to bring any papers?—A. No, sir; he wasn't.
($1.35 paid as fee by contestee.)

JOHN M. WOREL.

STATE OF IOWA,
Johnson County, ss:

WEUTZEL PATERA, being produced and sworn before Eldon Moran, a notary public for Johnson Co., on this 5th day of April, A. D. 1883 (T. Brown appearing on the part of contestant and J. W. Cone and Milton Remley appearing on the part of contestee), testifies as follows:

(This witness testifies through an interpreter.)

Ques. 1. What is his age?—Ans. 39.
Ques. 2. Where does he live?—Ans. In Newport Township.
Ques. 3. What is his business?—Ans. He is a farmer.
Ques. 4. Where was he born?—Ans. In Bohemia.
Ques. 5. When did he come to the U. S.?—Ans. In 1867.
Ques. 6. Has he citizen papers?—Ans. He has.
Ques. 7. Where did he get them?—Ans. He got his first papers in Pennsylvania and the second he got in Iowa City.
Ques. 7. When?—Ans. He says that he does not remember what year it was in, but it was the year in which Rush Clark was elected to Congress.
Ques. 8. Was it the first or second time that Clark was elected to Congress?—Ans. He thinks that it must have been the second time, because he died soon after.
Ques. 9. Did he have a witness?—Ans. Anton Touishka was his witness.
Ques. 10. Did he vote at the election held in Newport Township on the 7th Nov., 1882?
(Contestant objects to the question for the reason that it is incompetent, immaterial, irrelevant, it not having been shown that the witness is an illegal voter.)
Ans. Yes, sir.

Ques. 11. What ticket did he vote?—Ans. He voted the Democratic ticket last year, but usually votes the Republican ticket.

Ques. 12. Ask him if there were any names scratched off the ticket that he voted last year.—Ans. He says there were no scratches on the State ticket, but there were some scratches on the local ticket.

Cross-examination:

Ques. 13. Ask him if he knows who he voted for for Representative in Congress.—Ans. He gives the name as Hendricks.

Ques. 14. In what court did he get his papers?—Ans. In the Oct. term of court. He says it was circuit court.

Ques. 15. Was it Judge McCain?—Ans. He says that it was a spare man; he thinks that it was the one who was paralyzed.

Ques. 16. Ask him if there was a jury and clerk.—Ans. Yes, sir; he says so.

Ques. 17. Ask him if it was in open court.—Ans. He says that it was.

Ques. 18. Were you subpœnaed to bring your papers?—Ans. He was not.

Ques. 19. Was any copy given you?—Ans. No copy.

Ques. 20. Was any subpœna read to you telling you to bring your papers?—Ans. None. Nothing was said about his bringing his papers.

WEUTZEL PATERA.

$1.45 paid as fee for contestee.

STATE OF IOWA,
Johnson County, ss:

JOSEPH LEHKY, being produced and sworn before Eldon Moran, a notary public for Johnson Co., on this 5th day of April, A. D. 1883 (T. Brown appearing on the part of contestant, and and J. W. Cone and Milton Remley on the part of contestee), testifies as follows:

(Shimek sworn as interpreter.)

Witness having presented a copy of the subpœna which was served on him, the contestee withdraws witness.

$1.75 paid as fee by contestee.

DOMINIC JARIVA, witness, being naturalized, is excused by contestee.

$1.25 paid as fee by contestee.

STATE OF IOWA,
Johnson County, ss:

JOHN KOPSA, being produced and sworn before Eldon Moran, a notary public for Johnson Co., on this 5th day of April, A. D. 1883 (T. Brown appearing on the part of contestant, and J. W. Cone and Milton Remley on the part of contestee), testifies as follows:

(Through an interpreter.)

Ques. 1. What is his age?—Ans. 65.

Ques. 2. Where does he live?—Ans. At Iowa City.

Ques. 3. What does he do?—Ans. He is a day laborer.

Ques. 4. Where was he born?—Ans. In Bohemia.

Ques. 5. When did he come to the U. S.?—Ans. In 1859.

Ques. 6. Where did he come to?—Ans. Directly to Iowa City.

Ques. 7. Did he have any citizen papers?—Ans. He did.

Ques. 7. Where did he get them?—Ans. At the court-house.

Ques. 8. Before what court?—Ans. He don't remember, it was so long ago.

Ques. 9. What year did he get them in?—Ans. He thinks it was about 1863.

Ques. 10. Does he know the name of the judge?—Ans. He does not.

Ques. 11. Did he have a witness?—Ans. Yes, sir.

Ques. 12. Who was the witness?—Ans. He does not remember.

Ques. 13. Did he vote at the Nov. election held in the north precinct of Iowa City on Nov. 7, 1882?—Ans. Yes, sir.

Ques. 14. Ask him what ticket he voted.—Ans. Democratic.

Ques. 15. Ask him if any names were scratched off of that ticket.—Ans. No, sir; none.

Ques. 16. Have you your naturalization papers?—Ans. He says that he could not find them.

Ques. 17. Ask him if he was directed to bring them.—Ans. He says that he was directed to, and that he searched for them about half an hour while Mr. Stephens was there, and could not find them.

Ques. 18. Ask him if he knows where they are, so that he could find them yet.—Ans. He don't know where just now.

Cross-examination:

Ques. 19. Didn't you have a seal on those papers?—Ans. Yes, sir; there was.

Ques. 20. Was there a clerk in the court when you procured your papers?—Ans. He says that there was a judge and clerk there.

Ques. 21. Ask him if court was in session.—Ans. Yes, sir; court was in session.

Ques. 22. Was there a grand jury there?—Ans. He says there was no jury there; no grand jury there.

Ques. 22. Was it upstairs, in the court-room?—Ans. Yes, sir; it was upstairs, in the court-room.

Ques. 23. Ask him what court, district or circuit.—Ans. He don't know.

Redirect examination:

Ques. 24. Some of these questions are asked by the contestant, whether it was by the county court.—Ans. I could not say.

Ques. 25. Was it before the judge that came here only occasionally, or one that lived here all the time?—Ans. One that lived here all the time.

Ques. 26. Ask him if it was Judge Miller.—Ans. He does not know the name.

Ques. 27. Ask him if it was Judge McCleary.—Ans. Yes, sir; he thinks that it was Judge McCleary.

Ques. 28. Ask him if he knows for certain; also, whether there was a clerk there. —Ans. He says that he does not know positively; he does not remember.

Ques. 29. Ask him if there was a court.—Ans. He says that it was so long ago that he does not remember.

Ques. 30. Ask him whether the judge was on the bench in the court-room.—Ans. Yes, sir; there was a judge on the bench. He says there was another man beside the man who swore them that made out the papers, and that it was up in a large court-room.

Ques. 31. Ask him if it was Judge Miller, and if his papers had dist. court on them. Ask him if it was Judge Rothrock.—Ans. He does not know.

Ques. 32. Ask him if he knows for certain that it was a judge that lived here.—Ans. He says that he is certain of that. That is, that he was the judge that gave him his second papers.

Ques. 33. Now ask him if it was Judge McCleary.

(Contestant objects—immaterial and unimportant, not the best evidence.)

Ans. He thinks that it was Judge McCleary.

Ques. 34. Was it the judge that lived in a big brick house on Market street?—Ans. From the description that the witness gives of it I think it must be Market street. He says that it is the street that the breweries are on. He says that it was in a large brick house.

Ques. 35. Which court house was it?—Ans. The court-house that is now used.

(85 cents paid as fee by contestee.)

JOHN KOPSA.

JOHN HOLTKA introduced. No testimony taken.

$1.45 paid as fee by contestee.

STATE OF IOWA,
Johnson County, ss:

MARTIN KEPPEL, being produced and sworn on this 5th day of Apr., 1883, before Eldon Moran, notary public of Johnson County (Milton Remley appearing on the part of the contestee and T. Brown on the part of contestant), testifies as follows (by interpreter):

Ques. 1. What is your age?—Ans. 64 years.

Ques. 2. Where do you live?—Ans. In Iowa City.

Ques. 3. What does he do?—Ans. Day laborer.

Ques. 4. Where was he born?—Ans. In Bohemia.

Ques. 5. When did he come to the U. S.?—Ans. About 27 years ago.

Ques. 6. Where was he naturalized, if at all?—Ans. At Iowa City.

Ques. 7. Ask him if that is a certificate of his naturalization.

(Presenting papers to the witness).

Ans. Yes, sir; that is it.

Ques. 8. Did you vote at the election held in the north precinct in Iowa City, Nov. 7th, 1882?—Ans. Yes, sir; he did.

Ques. 9. What ticket did he vote?—Ans. Republican.

Ques. 10. Who gave him the ticket?—Ans. He doesn't remember.

Ques. 11. How does he know that it was the Republican ticket?—Ans. He says that he is able to read that much.

Ques. 12. Ask him what names were on the ticket.—Ans. He says that he can't remember any of them.

Ques. 13. Ask him what are his politics.

Cross-examination:

Ques. 14. You say that this is your naturalization paper?—Ans. Yes, sir; that is it.

Contestant now offers the same in evidence. Contestee considers that it is a naturalization paper granted by the county court of Johnson County, Iowa, on this 19th day of Sept., 1863, signed by George W. McCleary, county judge, and doesn't purport to be a court having common law and jurisdiction.

MARTIN KEPPEL.

$.85 paid as fee by contestee.

STATE OF IOWA,
Johnson County, ss:

JOHN PECKMAN, being produced and sworn before Eldon Moran, a notary public for Johnson County, on this 5th day of April, A. D. 1883 (T. Brown appearing on the part of contestant and J. W. Cone and Milton Remley on the part of contestee), testifies as follows:

(Evidence taken in the presence of the contestant and his attorneys.)

Ques. 1. Where do you live?—Ans. In Lincoln Township, Johnson Co., Iowa.

Ques. 2. What is your age?—Ans. 58 or 59; I don't know exactly; I was born in 1824.

Ques. 3. Did you vote at the last Nov. election in 1882 for Representative in Congress?—Ans. Yes, sir; I voted the Democratic ticket.

Ques. 4. What ticket did you vote, Mr. Peckman?—Ans. I voted the Democratic ticket.

Ques. 5. Did you vote it straight last fall?—Ans. Yes, sir; I guess it was straight last fall anyway.

Ques. 6. State whether you voted for the Democratic nominee for Congress?—Ans. I voted the straight Democratic ticket.

Ques. 7. For Benjamin T. Frederick?—Ans. If he was on the Democratic ticket; I voted the ticket full.

Ques. 8. Where were you born; what country do you come from?—Ans. From Bohemia country.

Ques. 9. Where did you receive your citizen's papers?—Ans. I got them right here in Iowa City.

Ques. From what court did you receive them; any court?—Ans. Just the county judge made out the first and second papers; there was no court.

Ques. 10. Do you know the name of the county judge?—Ans. I do not know.

Ques. 11. Where did he live?—Ans. In a brick house.

Ques. 12. On Market street?—Ans. Yes, sir.

Ques. 13. Did you know his name; was it George McCleary, county judge?—Ans. Yes, sir; I think so.

Ques. 14. In what year did you receive your papers; that is, your naturalization papers?—Ans. The first right away, the second five years after.

Ques. 15. How long ago?—Ans. 20 years anyway.

Ques. 16. You haven't your papers with you?—Ans. No, sir; it has been so many years ago that they are worn out.

Ques. 17. Did you ever receive any other papers except the ones Judge McCleary gave you; did any other judge give you any citizen papers?—Ans. No, sir.

($1.65 paid as fee by contestee.)

JOHN PECKMAN.

STATE OF IOWA,
Johnson County, ss:

Deposition of witness is produced and sworn before me, Eldon Moran, a notary public, and commissioner agreed upon to take testimony, on this 6th day of April, A. D. 1883, in a proceeding pending before the House of Representatives of the United States of America, in a contested election for the office of Representative in Congress, in which proceedings Benjamin T. Frederick is contestant and James Wilson is contestee; W. J. Haddock, J. W. Cone, and Milton Remley appearing as attorneys for James Wilson, contestee, and Brown and Carney appearing as attorneys for Benjamin T. Frederick, contestant.

JOHN COONEY, of lawful age, being sworn in due form of law, testifies as follows:

Ques. 1. Where do you live?—Ans. Hardin Township, Johnson County, Iowa.

Ques. 2. What is your age?—Ans. 35 on the 27th of this month.

Ques. 3. Did you vote at the Nov. election, '82, at which the candidates for Congress were voted for?—Ans. Yes, sir.

Ques. 4. What ticket did you vote?

(Contestee informs witness that he need not answer unless he wishes.)

Ans. I voted the split ticket, as I generally vote.

Ques. 5. Do you vote the Democratic or Republican ticket, generally?—Ans. Mixed ticket, generally.

Ques. 6. At the last election?—Ans. Some Democratic, some Republican.

Ques. 7. For whom did you vote for Representative; Frederick or Wilson?—Ans. I cannot tell you that exactly; I do not know for certain; I do not know either one of them.

Ques. 8. What ticket did you use to cast your ballot?—Ans. Democratic.

Ques. 9. Have you any recollection of scratching off the name of Benjamin T. Frederick for Congress?—Ans. No, sir; don't have any recollection of it.

Ques. 10. Can't you state whether you voted for Frederick for Congress or not?—Ans. Well, to the best of my knowledge I did.

Ques. 11. I suppose so. Where were you born?—Ans. In Canada.

Ques. 12. When did you come to the United States?—Ans. In '50 or '51.

Ques. 13. Where were you naturalized, if anywhere?—Ans. In Iowa City.

Ques. 14. Before whom?—Ans. Judge Cavanaugh, in the fall of 1868.

Ques. 15. Have you your papers with you?—Ans. No, sir; they are lost.

Ques. 16. County judge?—Ans. Yes, sir; in the fall of '68; Cavanaugh was judge.

Ques. 17. You never have had any other naturalization papers except those you got through Cavanaugh?—Ans. No, sir; I didn't need them at the time, either, because I was a voter without the papers, and I did not know it.

Ques. 18. How was you a voter without them?—Ans. Because my father had his papers in Rochester in 1849 or '50.

Ques. 19. Did you know that?—Ans. He himself said that.

Ques. 20. You do not know anything about that, only what he himself said?—Ans. No, sir; that is all I know about it.

Ques. 21. You did not see him naturalized anywhere? How old was you when your father came here to live?—Ans. I was about 2½ or three years old; that is what they say; I was born in '47; they came to New York State in '50 or '51; I don't know which.

Cross-examination:

Ques. 22. Was your father a voter?

(Contestant objects to the question on the grounds that it is incompetent.)

Ques. 23. You may state whether you voted; whether your father attended the election and voted.—Ans. Yes, sir; he did; in Iowa.

Ques. 24. How old were you then?—Ans. I came here in the fall of '67, and in the year '68 I was 21.

Ques. 25. You know your father had been a voter after he came to Iowa, at least?—Ans. Yes, sir; I know he voted here; as to New York State, I don't remember.

Ques. 26. You understood that he was naturalized in New York?

(Contestant objects to the question on the ground that it calls for the witness's opinion.)

Ques. 27. You may state whether you understood your father to be naturalized.—Ans. Yes, sir.

Ques. 28. Did you come directly from New York here?—Ans. Yes, sir.

Ques. 29. Is you father living?—Ans. Yes, sir.

Ques. 30. Where does he live?—Ans. In Oxford, Johnson County, Iowa.

Ques. 31. What is his name?—Ans. Michael Cooney.

Ques. 32. How long have you known your father to be a voter; since '51?—Ans. I don't remember how long.

Ques. 33. He has voted a good many years, has he not?—Ans. Yes, sir; a good many years.

Ques. 34. Did you hear your father mention the fact that he was a citizen of the United States; is your father holding any office?

(Contestant objects to the question, on the ground that it is incompetent.)

Ans. No, sir.

Ques. 35. Have you heard him mention that he was a citizen of the U. S. and a voter?—Ans. I have heard him mention it, years ago.

Redirect:

Ques. 36. You say you never saw your father's papers?—Ans. No, sir; I did not.

Ques. 37. You say you don't know what court he got his papers from?—Ans. No, sir except as he told me.

JOHN COONEY.

$2.75 paid.

STATE OF IOWA,
Johnson County, ss:

JOSEPH BERANEK, being produced and sworn before Eldon Moran, a notary public for Johnson Co., on this 5th day of April, A. D. 1883 (T. Brown appearing on the part of contestant, and J. W. Cone and Milton Remley on the part of contestee), testifies as follows:

(B. Shimek sworn as interpreter.)

Ques. 1. Where does he live, and how old is he?—Ans. He lives in Iowa City, and his age is 43.

Ques. 2. Ask him whether he voted at the Nov. election in 1882 at which the nominees for Representative in Congress were voted for.—Ans. He says that he is not positive, but he thinks that it was a Democratic ticket he voted.

Ques. 3. Ask him who gave him the ticket.—Ans. Joseph Slezak.

Ques. 4. Ask him if he voted a straight ticket.—Ans. He says that he voted his ticket just as he got it.

Ques. 5. Ask him if he knows of any scratching being done on it.—Ans. He says that there were no names scratched on the ticket.

Ques. 6. Ask him if he voted for the Democratic nominee for Congress.—Ans. He says that he don't remember; if he was on the ticket he must have voted for him.

Ques. 7. Ask him where he was born?—Ans. In Bohemia.

Ques. 8. Ask him where he was naturalized, if at all.—Ans. In Iowa City.

Ques. 9. When was it?—Ans. He says that he cannot tell exactly; he does not remember.

Ques. 10. Ask him if he has his papers with him.—Ans. He says that he has.

Ques. 11. Ask him to let me look at them.

BROWN. Witness may do as he pleases.

Ans. Well, if he does not have to, he says that he does not care to; he says that he does not know that it was in the subpœna; that the officer told him to bring the paper.

Ques. 12. Please tell the witness to hand them to the commissioner.

(Witness produces papers in court.)

Ques. 13. Ask him if there is any other Joseph Beranek?—A. He says that there is one near Solon.

(85 cents paid as fee by contestee.)

JOSEPH BERANEK.

STATE OF IOWA,
Johnson County, ss:

Deposition of witness produced and sworn before me, Eldon Moran, a notary public and commissioner agreed upon to take testimony on the sixth day of April, A. D. 1883, in a proceeding pending before the House of Representatives of the United States of America, in which proceedings Benjamin T. Frederick is contestant and James Wilson is contestee (J. W. Cone, W. J. Haddick, and Milton Remley appearing as attorneys for Benjamin T. Frederick).

FRANK TREMMEL, of lawful age, being sworn in due form of law, testifies as follows:

(Contestant objects, for the reason that it is not shown that the vote is illegal, and the same is immaterial.)

Q. 1. Where do you reside?—A. Iowa City.

Q. 2. Did you vote at the November election?—A. Yes, sir; I voted.

BROWN. You are not obliged to answer any questions how you voted, for whom you voted, or whether you voted at all, unless you please.

(Contestant objects to the counsel instructing the witness.)

Q. 3. Which ticket did you vote?—A. Democratic ticket.

Q. 4. Did you vote for Frederick for Representative in Congress?—A. Yes, sir.

Q. 5. Where were you from?—A. In Germany.

Q. 6. How long have you lived in Iowa?—A. I came here in '45.

Q. 7. Where were you naturalized?—A. Right down at the court-house.

BROWN. You need not state where you were naturalized.

(Contestant objects to the counsel instructing witness.)

BROWN. You are not obliged to tell whether you are naturalized or not.

Q. 8. Were you naturalized here in the court-house?—A. Yes, sir.

Q. 9. Have you got your naturalization papers with you?—A. I lost them.

Q. 10. Before what court were you naturalized?

(Contestant objects on the ground that it is not best evidence.)

Q. 11. Tell the commissioner whether it was the county judge or not.—A. I could not tell what judge.

Q. 12. Do you remember the name of the man?—A. No, sir; not exactly any more. It was Sam. Workman, or old Stev. Groner, one or the other.

Cross-examination:

Q. 13. How long have you voted?

(Contestee objects to the question on the ground that is incompetent and immaterial.)

A. I guess I got my second papers in '45 or '50; I could not tell that; but I have voted the whole time.

Q. 14. You took second papers; did you have a seal of the court on them?—A. Yes, sir.

Q. 15. You were naturalized in the court, were you?—A. Yes, sir; in the court-house.

Q. 16. Did you have witnesses?—A. Yes, sir; not without that.

Q. 17. You had witnesses to prove you were a citizen, a good honest citizen?—A. Yes, sir; I can prove that.

Q. 18. Did you have this man up to the court-house; did you have witnesses when you got your second papers?—A. Yes, sir, I have; yes, sir. I couldn't tell any more who was there.

Q. 19. What room in the court house was it?—A. I could not tell that; I was a greenhorn at the time; I couldn't tell that.

Q. 20. There was a court-house there, was there?—A. Yes, sir.

Q. 21. Did they have jury and clerk, do you know?—A. No, sir; I don't know that.

FRANZ TREMMEL.

$0.85 paid his fee.

STATE OF IOWA,
Johnson County, ss:

ALBERT KESSEL, being produced and sworn before me, Eldon Moran, a notary public for Johnson County, Iowa, this 6th day of April, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and J. W. Cone and Milton Remley on the part of contestee):

(Contestant objects to the question, for the reason that it is not shown that the vote is illegal, and the same is immaterial.)

Q. 1. Where do you live?—A. In Iowa City.

Q. 2. Did you vote at the Nov. election, '82?

BROWN says: You need not tell how you voted unless you see fit.

(Contestee objects to any suggestions by the counsel to the witness.)

Q. 3. Did you vote last election?—A. I vote every election.

Q. 4. What ticket did you vote last fall?—A. Democratic ticket.

Q. 5. Did you vote for Frederick for Representative in Congress, on the Democratic ticket?—A. I don't know; I can't tell who all.

Q. 6. Did you vote the straight Democratic ticket?—A. Yes, sir; straight ticket.

Q. 7. Where were you born?—A. Born in Bohemia.

Q. 8. Where were you naturalized, if at all?—A. In Iowa City.

Q. 9. Is this the certificate of naturalization?—A. Yes, sir; this is the paper.

Q. 10. Is this the only one you have?—A. Yes, sir; this the only one. (Paper produced in court. It is agreed by the court that the paper produced is the certificate of naturalization by Judge McCrary, county judge, Sep. 28, '63, with the seal of Johnson County, Iowa, impressed upon it.)

Cross-examination:

Q. 11. Do you know you voted the Democratic ticket?—A. Sometimes; well, I voted it last fall.

Q. 12. Do you know for whom you voted as Representative in Congress?—A. No, sir.

Q. 13. Don't know whether you voted for Frederick or Wilson?—A. No, sir; I don't. I did not read it.

Q. 14. A good many of the Congressional tickets were straight tickets. You don't know how you voted?—A. Yes, sir; that is so.

Q. 15. How long have you voted?

(Contestee objects to the question on the ground that it is incompetent and immaterial.)

A. I can't tell.

Q. 16. A good many years?—A. Yes, sir; 17 or 18, I guess.

Q. 17. Voted ever since?—A. Yes, sir; I have been here 28 years.

Q. 18. Then, you don't know whether you voted for Frederick or Wilson for Congress?—A. No, sir; I don't.

Q. 19. You never looked at the ticket for the purpose of seeing it; you could not read it?—A. No, sir; I could not.

Q. 20. Do you know who you got your ticket of?—A. No, sir.

Redirect:

Q. 21. You voted the straight Democratic ticket last?—A. Yes, sir.

Recross-examination:

Q. 22. When you mean you did, you suppose you did. You don't know whether it was straight ticket or not. You suppose you did; you don't whether you did or not?—A. Yes, sir; I know it was.

Q. 23. Somebody told you so?—A. Yes, sir.

Q. 24. That is all you know about it?—A. Yes, sir; that is all the way I know.

(Signed) ALBERT KESLER.

Cross-examination (continued):

(Contestee objects to the further examination of the witness, for the reason that he has been excused.)

Q. 25. Did you not have a talk with Mr. Frederick in the back room?—A. Yes, sir.

Q. 26. Did he not tell you you voted a Democratic ticket?—A. I voted it.

Q. 27. Have you not said that you voted a Republican ticket for Congressman?—A. That was in the spring; I voted for two Republicans.

Q. 28. What did Mr. Remley tell you in the back room?—A. That is what he told me; that is all.

Q. 29. What did he tell you?—A. What ticket I voted; what kind of a ticket I voted.

Redirect:

Q. 30. Did you ask what ticket you voted?—A. Yes, sir.

Q. 31. Did I tell you, or just ask you? You told me what ticket you voted, did you not?—A. Yes, sir.

Q. 32. I asked you what ticket you voted?—A. Yes, sir.

($.85 paid as fee.)

STATE OF IOWA,
Johnson County, ss:

THOMAS REED, being produced before Eldon Moran, a notary public for Johnson County, but refuses to be sworn (T. Brown appearing on the part of contestant, and J. W. Cone and Milton Remley on part of contestee):

Q. 1. What is your name, age, place of residence, and occupation?—A. Thomas Reed; I don't know my age; I am a farmer.

Q. 2. About what is it?—A. Somewhere about 50; I never knew my age.

Q. 3. Where do you reside?—A. Pleasant Valley, Johnson Co.

Q. 4. I will ask you if you voted at the Nov. election in '82, when the candidates for Representative in Congress were voted for?—A. Yes, sir.

Q. 5. What ticket did you vote?

(You are not obliged to answer that question unless you please.)

(Objection to counsel instructing witness in that way.)

Q. 6. What ticket did you vote?—A. I don't know that I am obliged to answer that question.

Then you will have to take the responsibility.

BROWN. You can do that safely.

Q. 7. You must answer that question.—A. What is the reason people do not have tickets around so that everybody can see them?

BROWN. You are not obliged to answer unless you care to.

Q. 8. What ticket did you vote?—A. I voted some of each kind; I always split my ticket.

Q. 9. Did you vote for Representative in Congress?—A. No answer.

Q. 10. Did you vote for the Democratic Representative in Congress?

(Objection by the contestee, because it is leading; also, because witness is not obliged to answer that question.)

Q. 11. Now, you may answer the question.—A. I don't believe that I am obliged to answer it.

Q. 12. Well, we think you are. (Commissioner will instruct you.)

BROWN. Witness is not obliged to answer the question.

Q. 13. It cannot harm you to answer, whereas it may if you do not answer it.—A. I don't believe a man is obliged to tell how he votes, because, if so, then they might vote with open votes. The reason that they roll up ballots and shove them into the ballot-box and not open them for every one to see them. I don't want to let some one see how I vote.

Q. 14. It is a matter that we are entitled to inquire into.—A. I don't think that that is any other man's business.

BROWN. You are not obliged to tell those things unless you wish to.

A. I voted for some Republicans and some Democrats.

Q. 15. I am only asking you in regard to one candidate.—A. Well, how does that make any difference?

Q. 16. Do you decline to answer that question?—A. Yes, sir; I do.

Q. 17. Where were you born?—A. In Ireland.

Q. 18. How long have you been in this country?—A. I don't know how long I have been here.

Q. 19. Did you get your naturalization papers?—A. Yes, sir.

Q. 20. In what court; was it before the county judge?—A. Yes, sir.

Q. 21. What was his name?—A. Cavanaugh.

Q. 22. Have you your papers with you?—A. Yes, sir.

Q. 23. We will look at them.

BROWN. You need not show your papers unless you want to.

(Objection: contestee to counsel showing the witness how to answer.)

Q. 24. You will show these papers.—A. No, sir; I will not show them to you.

Q. 25. Show the commissioner these papers.—A. I showed my papers to the township clerk where I live.

(Contestee objects to the answer; not responsive to the question.)

Q. 26. What party do you generally vote for, Democrat or Republican?—A. I have told you I voted sometimes for each.

Q. 27. What are your politics, Democrat or Republican?—A. I am a Democrat.

Q. 28. Did you talk to anybody this morning?—A. Yes, sir; to two men about a cow scrape.

Q. 29. I mean about this testimony?—A. We had a law-suit yesterday about a cow.

Q. 30. Have you talked with any person in regard to your being a witness here this morning?—A. Who could I talk to?

Q. 31. Did you talk to any one?—A. I was talking about the cow lawsuit on the road yesterday; that is all.

Q. 32. Did any one tell you this morning not to testify until you had talked with Tim Brown?—A. No, sir.

Q. 33. Did any one tell you to see Mr. Brown before you had testified?—A. No, sir, they did not.

Q. 34. Did you talk to any one in regard to what you were to testify to here?

(Objection.)

Q. 35. Did you talk to any one?—A. I told you I talked with some one. I don't know who.

Q. 36. Did any one tell you not to testify until you saw Mr. Brown?—A. How?

Q. 37. Did any one tell you not to testify until you saw Mr. Brown? If so, who told you not to testify?—A. Who told me? That is some of Mr. Cone's work, there.

Q. 38. Who told you?—A. Who did you want to tell me.

Q. 39. Did you tell anybody that you wanted to see Mr. Brown? Did you tell any one that you wanted to see Mr. Brown before you testified?—A. Mr. Brown.

Q. 40. Yes, sir.—A. I don't know Mr. Brown.

Q. 41. Did you tell any one that?—A. Yes, sir.

Q. 42. Who did you tell?—A. I told that man I wanted my papers. I told him I wished to see Mr. Brown.

Q. 43. Who told you to see Mr. Brown?—A. No one told me.

Q. 44. Did any one talk to you about your being a witness here this morning?—A. Yes, sir.

Q. 45. Did any one speak to you this morning?—A. No, sir, only about the cow; that is all.

Q. 46. Did any one talk to you about this matter?—A. I don't know what you mean about this matter. I thought you hinted to play some trick on us up here. A man as long as he can't get to Congress by fair means, he might get there by foul means, likely.

($1.45 paid as fee by contestee.)

his
THOS. + READ.
mark.

STATE OF IOWA,
Johnson County, ss:

OWEN CAWLEY, being produced and sworn before Eldon Moran, a notary public for Johnson County, on this 5th day of April, A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant and J. W. Cone and Milton Remley on the part of contestee):

(Contestant objects, for the reason that the vote is not yet shown to be illegal.)

Ques. 1. Where do you live?—Ans. No answer.

Ques. 2. What is your business?—Ans. No answer.

Ques. 3. Did you vote at the election last fall, Nov. 7th, at which candidates for the office of Representative in Congress were voted for?—Ans. Yes, sir.

Ques. 4. What ticket did you vote?

(Brown objects, for the reason that the vote is not yet shown to be illegal.)
Ans. Democratic ticket.
Ques. 5. Did you vote a straight ticket?—Ans. Yes, sir.
Ques. 6. Did you vote for Democratic candidate for Congress?—Ans. Yes, sir.
Ques. 7. Where were you born?—Ans. In Ireland.
Ques. 8. How long have you lived in the county?—Ans. Longer in this country than I was in the other; since '48, I think; somewhere there.
Ques. 9. Where did you get your citizen papers?—Ans. In Ohio.
Ques. 10. That is your first papers?—Ans. Yes, sir; then I was in the Army, and when I came back I lost my papers.
Ques. 11. Where did you get your last papers?—Ans. Here in the city.
Ques. 12. From what court?—Ans. Well, it was a good while ago.
Ques. 13. Here is the name, is it not?—Ans. Yes, sir; Cavanagh.
Ques. 14. Is this the paper you got?—Ans. Yes, sir.
(Papers introduced in evidence the same as other; contestant objects, the introduction of the same is immaterial and incompetent, not best evidence; papers issued by James Cavanagh, Oct. 24th, 1868, with the seal of Johnson County, Iowa, attached to it; that he had served in the Army of the U. S. during the late rebellion; had resided in the U. S. over 5 years before his application.)
(Paper read.)

U. S. OF AMERICA,
State of Iowa, Johnson County, ss:

Certificate of naturalization.

Be it remembered that at a term of the county court held in the said county, State of Iowa, on the 24th day of Oct., in the year of our Lord 1868, was present the Hon. James Cavanagh, sole presiding judge and ex-officio clerk of said court, when the following among other proceedings, to-wit, was had: Owen Cawley, a native of Ireland, and at present residing in said State, appears in open court and makes application to be admitted as a citizen of the U. S., and it appearing to the satisfaction of the court that he had served in the Army of the U. S. in the late rebellion, and had resided in the U. S. 5 years before his application for admission, and that it was his bona fide intention to become a citizen of the U. S., and to renounce forever all allegiance to any state or sovereignty whatsoever, and especially to Victoria, Queen of Great Britain, to whom he was heretofore a subject; and said applicant having declared on oath before the court that he will support the Constitution of the U. S., and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, state and sovereignty whatsoever, and particularly to Victoria, Queen of Great Britain, of whom he was a subject. The court being satisfied by the testimony of David Flattes that said applicant has resided in the U. S. for the term of 5 years next preceding his admission, without being during that time out of the territory of the U. S., and within the State 1 year at least; and it further appearing to the satisfaction of the court that during that time he has behaved as a man of good moral character, attached to the principles of the U. S., and well disposed to the good order and happiness of the same. The court admit ing said applicant to become a citizen of the U. S., and ordered all the proceedings aforesaid to be entered of record, which was accordingly done by the clerk of this court.

In testimony whereof I, James Cavanagh, county judge and ex-officio clerk of the said court, have hereunto set my hand and fixed the seal of said court, at my office in Iowa City, in said county, this 24th day of Oct., A. D. 1868.

[SEAL.] JAMES CAVANAGH,
County Judge.

Cross-examination:
Ques. 15. You say you served in the rebellion?—Ans. Yes, sir, in the 6th Iowa Cavalry. I served there 9 months altogether. I got sick and got a discharge.
Ques. 16. Were you honorably discharged?—Ans. Yes, sir.
Ques. 17. How long have you voted?
(Objection. Immaterial and incompetent.)
Ans. Since I came to this country.
Ques. 18. Did you get citizen papers in Ohio?—Ans. I cannot say anything about that.
Ques. 19. Did you get citizen papers?—Ans. I got papers in Ohio after I was there 5 years.
Ques. 20. Before a court?—Ans. Yes, sir, the same as I did here in town; then I lost them.
Ques. 21. Did it have a seal on?—Ans. Yes, sir.

Ques. 22. What court was it?—Ans. I do not know.
Ques. 23. What court was it?—Ans. In Cincinnati, Ohio.
Ques. 24. In a court having a clerk and jury?—Ans. Yes, sir; the same as here.
Ques. 25. You have been here 5 years when you got these papers?—Ans. Yes, sir.
Ques. 26. After you got papers you voted?—Ans. I did not until I got papers; yes, sir.
Ques. 27. Then when you lost your papers you thought it necessary to get other papers?—Ans. Yes, sir; they swore me every time.
Ques. 28. You did have papers in Ohio?—Ans. Yes, sir; of course I did.

Redirect:

Ques. 29. You got first papers in Ohio?—Ans. Yes, sir.
Ques. 30. Did you get any second papers in Ohio?—Ans. I don't know.
Ques. 31. This is the only citizen paper you have?—Ans. I lost the other; I do not know where I lost it.
Ques. 32. You say you lost them?—Ans. Yes, sir.
Ques. 33. Did you get one or two sets in Ohio?—Ans. I think I must have two, for I could not vote with one.
Ques. 34. Were the papers there similar to these?—Ans. I think my naturalization papers were like these; perhaps they do not say it the same here; I do not know.

Recross-examination:

Ques. 35. You remember if there was a court and jury sitting there, and a judge sitting there on a bench?—Ans. Yes, sir; every other man was going in and getting papers.
Ques. 36. You voted after you got your papers?—Ans. Yes, sir; but not before I got them; I got these so as to certify so I would not have to be sworn.
($1.05 paid as fee by contestee.)

OWEN CAWLEY.

STATE OF IOWA,
Johnson County, ss:

STEPHEN BRADLEY, being produced and sworn before Eldon Moran, notary public for Johnson County, on this 5th day of April, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Cone and Remley on the part of contestee):

Q. 1. What is your age?—A. 32.
Q. 2. What is your business?—A. Clerk of the courts of this county.
Q. 3. What courts?—A. Dist. and the circuit courts.
Q. 4. Have you in your office, in your possession, the records of the naturalization of aliens to be citizens?—A. In what courts—dist. or circuit courts?
Q. 5. In all the courts; are you the custodian of all the records?—A. Yes, sir; of all the records in this office; I cannot say what courts.
Q. 6. Are you the custodian of the county court record?—A. As to naturalization?
Q. 7. Yes, sir.—A. Yes, sir; there are some records in there; I do not know whether they are complete or not; I never looked them.
Ques. 8. They are in your office?—Ans. Yes, sir; some of them.
Ques. 9. These three books here on the table belong to your office?—Ans. Yes, sir.
Ques. 10. Are these the only records you know of of naturalization?—Ans. The only records.
Ques. 11. These are the only records of naturalization, and the proceedings?—Ans. No, sir; there is one more down there.
Ques. 12. What is that—for first or second papers?—Ans. Second papers.
Ques. 13. It is generally called minute paper; that is what it is labeled on the back.—Ans. The records of naturalization are there.
Ques. 14. Is it a record of issuance of final papers?—Ans. Yes, sir.
Ques. 15. You say that it is a minute book?—Ans. Yes, sir; that is what we call it.
Ques. 16. Are the entries there transcribed into this?—Ans. I do not know whether or not; I never investigated the matter; never had occasion to.
Ques. 17. You did not see that name?—Ans. No, sir.
Ques. 18. You say you never examined it so as to know what it is?—Ans. No, sir; I did not understand your question.
Ques. 19. How did you know that it is a record of naturalization?—Ans. I say I never examined it to any extent; only that is the book that is intended for record of all matters transacted in the county court.
Ques. 20. It is to be recorded from that book into other records; is that it?—Ans. The book is not of any use now; I do not know enough about it to speak of it.
Ques. 21. These three books which you have here you can identify to be books, whether or not there are any naturalization papers in your office?—Ans. Yes, sir.

Ques. 22. What are these backs here called?—Ans. Naturalization Record No. 2.
Ques. 23. And this book is Record No. 1, is it?
(Witness examines the back.)
Ans. Yes, sir; this is No. 1 and there is No. 2.
Ques. 24. Now, Mr. Bradley, you may examine the record and state whether Frank Blaha was ever naturalized in Johnson Co.
(Contestant objects to the evidence, for the reason that it's incompetent, irrelevant, and immaterial, because the question does not identify the witness which was in the question, because there might have been a dozen in the country by that name.)
[Witness examines records.]
Ans. Shall I examine the books and all the records?
Ques. 25. Yes, sir.—Ans. There is no record of naturalization of a man of this name.
Ques. 26. You may tell the commissioner whether there is a record of the naturalization of Joseph Freisch.—Ans. Here is the record of Joseph Friest; it is pretty hard to get these Bohemians just right, especially for one that is not a Bohemian. That is the nearest approach to the name I can find.
Ques. 27. You may tell the commissioner whether there is a record or not of the naturalization of John K. Ozishk?—Ans. Here is John Koza. [Examines record.] I do not find it; I have not the record.
[Examines the other record, under the head of "C."] Ans. Here is John Konetshin.
Ques. 28. Give us the date when Konetshin was naturalized, according to the record.—Ans. He was naturalized in the county court by J. W. McCleary, Oct. 6th, 1860.
[Witness now examines records as to the "C."]
Ans. No, sir; I do not see it.
Ques. 29. Now, then, tell the commissioner whether there is a record of Albert Stemocher?—Ans. It is not in No. 2.
Ques. 30. What is No. 2 a record of—dist. and circuit court?—Ans. It is record of the present circuit court, also of the latter part of the county court. It is the present naturalization record used for the district and circuit court, the other record, I think, is of the county court altogether; record number one was used for the county court altogether.
Ques. 31. Now, look in No. one and state to the commissioner whether there is any record of the naturalization of Albert Stemacher.—Ans. No, sir.
Ques. 33. Tell the commissioner whether there is any record of the naturalization of Albert Schondle.
(Contestee objects to the question, for the reason that the record is the best evidence.)
Ques. 34. And the clerk can testify as to its contents?—Ans. I did not say that this is all the record or that the complete records are given. Well, sir; I do not find the name Schondle; I have looked under the head of "Sh," "Ch," and "Sch."
Ques. 35. Please examine the records of any person of the name Joseph Holthe?—Ans. That name has been used in our courts, because it was spelled Lhotka. I cannot find the name of Holthe as beginning with an H.
Ques. 36. Then look for it as spelled the other way?—Ans. Nor can I find the name commenced with an "L."
Ques. 37. Tell the commissioner whether there is a record of John Vorrel; whether there is such a person of that name with "V" or "W"?—A. No, sir; I can't find it.
Ques. 38. Did you look at both "V" and "W"?—Ans. Yes, sir.
Ques. 39. Common record, you say?—Ans. No, sir; not of these books I have examined, nor of records one or two.
Ques. 40. Tell the commissioner whether or not there is a a record of the naturalization of Weutzel Patera?—Ans. There is a record of Wa Clan; Shimek says that that is the same as Weutzel, which means James in English.
Ques. 41. Tell the commissioner whether there is a record of the naturalization of James Latcima?—Ans. Here is Weutzel Letzingal.
Ques. 42. What book is this, Mr. Bradley?
[Presents the book of the witness.]
Ans. It is the record of naturalization under Judge J. W. McCleary, part of it; I don't know whether all are there or not; also James Cavanagh, county judge.
Ques. 43. Please tell the commissioner whether there is any record of the naturalization of John Carrol?—Ans. Yes, sir; there is on page 488.
Ques. 43. Please turn to that page?—Ans. March 19, '80.
Ques. 44. Who was clerk of the court at that time?—Ans. Mr. George W. Koontz.
Ques. 45. Of what county was this Carrol a native?—Ans. Of Ireland.
Ques. 46. Look and see whether there is another John Carrol naturalized—whether there was one naturalized in '66 or '67?—Ans. Yes, sir.
Ques. 47. When was that?—Ans. 27th of Oct., 1868.
Ques. 48. Who was the clerk of the court at that time?—Ans. F. H. Lee.
Ques. 49. I will ask you if there is the record of Owen Cawley?
(Witness examines the record.)

Ques. 50. Was there any of the naturalization of Owen Caley by the county judge?—Ans. There is a record here of Caley's naturalization before Hon. James Cavanagh 24th Oct , '68.

(Record offered in evidence.)

(Contestant objects for the reason that he has not identified any parties who have testified. It is not shown that this Owen Caley is the identical person.)

Cross-examination as to the record:

Ques. 51. Do you know whether that is the record of the county court or not, and if it was that evidence have you that it is except what it has on the face of it?—Ans. I have no other record except what appears on the record.

Ques. 52. What appears on it except copies of naturalization papers?—Ans. Nothing more.

Ques. 53. Do it purport to be the record of the county court? Is it marked as the record of the county court?—Ans. It is marked first record of naturalization.

Ques. 54. What court does it say; is there any heading showing what court it is marked in; is it the court of naturalization?—Ans. Yes, sir; it is marked as naturalization certificate.

Ques. 55. Is there any other evidence except printed certificates that this is the record of naturalization, and does it appear printed on the back?—Ans. No, sir.

Ques. 56. Do you know that to be the copy of any record that was kept by the county court at the time that court existed, and a complete record of that county court kept at the time it was in existence?—Ans. No, sir; only as I found it in the office at the time that I came here.

Ques. 57. What law is there that makes you custodian of the record of county court, do you know?—Ans. No, sir; I never saw any; only I suppose there was when the county court record was showed.

(Contestee objects as incompetent and immaterial.)

Ques. 58. Is not the record of the county court generally kept with the clerk with the board of supervisors?—Ans. Yes, sir; part of it.

Ques. 59. Do you know of any law that provides that there should be any records of the naturalization of the county court kept by you?

(Contestee objects as calling for a———, and not for a matter of fact.)

Ques. 60. Do you know of any law whereby you are made custodian by the county judge as to naturalization?—Ans. No, sir; I don't know of any.

Ques. 61. What records of the county court are required by law to be kept in your possession; was it from the records of probate?

(Contestee objects, for the reason that the law is the best evidence.)

Ans. None that I know of.

Ques. 62. Does not the State require that the only record that shall be kept by the clerk of courts is the record of probate?—Ans. I don't know about that.

Ques. 63. Do you know that this a copy of the record used by any court except what is on its face?

(Objection.)

Ques. 64. Is there any indication of the record you referred to?—Ans. Yes, sir; there is to this one.

(Witness refers to the book.)

Ques. 65. Do you know of any record of any court that is not required to be indexed?—Ans. I don't know whether it is necessary or not; we have indexed the majority of them.

Ques. 66. Is there no index to this book that has been introduced?—Ans. No, sir.

Ques. 67. Is there anything outside of the printed sheets of this book indicating that it was other than you find it now; were there any copies of certain naturalization papers?—Ans. All I can find out about it I find on the face of it.

Ques. 68. State whether it is written or printed.—Ans. It is partly written and partly printed.

Ques. 69. What portion of it is written and what portion printed; is it not a blank naturalization paper, with the name of the party and the date, and the title of the court written out?—Ans. It has the date, and the name of the court, and the name of the presiding county judge, also the name of the person naturalized, and the place where he was born, and the name of the court; also the name of the reigning sovereign of the country where the naturalized person came from.

Ques. 70. That it is simply printed blank of naturalized record filled out, without indicating who did it other than what is written in the certificate?—Ans. I don't understand the question.

Ques. 71. Is there anything more than the blank naturalization paper filled out and unsigned?—Ans. Yes, sir; it is unsigned, but the name of the immigrant appears on it; the judge, as it appears here, was judge and ex officio clerk.

Ques. 72. Is it certified anywhere in the book as being the record of the county court by any certificate?—Ans. No, sir; I believe not.

Ques. 73. Do you know that this, the only record that was kept by the county court?—Ans. No, sir; I don't know.

Ques. 74. Do you know that the records you have noticed are all the records of naturalization in Johnson County?—Ans. No, sir, I don't; I did not examine the records in any office to know whether they were complete or not.

Redirect:

Ques. 75. Does this last book No 2 seem to be the only record of naturalization of district and circuit court of Johnson County?—Ans. I can't say positively; this is a record in use now, but I can't say positively what it is.

Ques. 76. How far back does it date?—Ans. The first entry made in this book of naturalization in the district court was made on the 6th of Nov. 1860.

Ques. 77. Now, then, is that book used and kept as a record of naturalization since that of all the naturalizations that had been made in the District and circuit courts? —Ans. I don't say as to that only as to my term of office.

Q. 78. Do you know of any other book, any other office, in which there is another copy?—A. No, sir; I don't know of any other book which purports to be the record of the county court of naturalization.

Q. 79. Where did you find that book—that book which Mr. B. Brown has in his hand on the one introduced in evidence among the records? How long have you been in office?—A. Over two years.

Q. 80. As a matter of fact, are not the records of the old county courts lying in your office?—A. No, sir.

Q. 81. Except as to the roads and county matters?—A. We have the probate records of the county courts; also, what I consider naturalization records. They appear to be naturalization records of the county court; whether complete or not, I do not know.

Q. 82. Now then, when where these records begun?—A. Jan. 12th, 1861.

Q. 83. When does it end, and when does the last record of naturalization made?—A. the third of Nov. '68 was the final entry of this book.

Q. 84. Do you know from your own knowledge when the circuit court was organized?—A. I forget now.

Q. 85. And when the county court ceased to be; was it on the 1st of Jan. 1869?—A. Yes, sir; I believe so.

Q. 86. When does this book that is called No. 1—when does it begin?—A. The first entry is made on the 31st day of May, 1859.

Q. 87. Now turn to the record that you made of Mr. Cowley, and see if you can find the records of naturalization of Owen Cowley; and if so by what court?

(Contestee objects to the question, that it is not the best evidence, record being best evidence.)

A. Yes, sir; it has.

Q. 88. What court is it in?—A. County court.

Q. 89. Do you identify that book as the record of the county court of naturalization, and are you the custodian of it?—A. Yes, sir; I am custodian of this book.

Q. 90. Do you identify it as the record of the county court, the record of naturalization?—A. Only by what appears on its face.

Q. 91. Do you recognize that as the book of record of naturalization?—A. Yes, sir; I do.

Q. 92. What is it you call this book?—A. Sole record of the county court.

Q. 93. Well, I will now offer in evidence this record.

(Copy offered in evidence.)

(Contestee objects for the same reason—that the record is without paging; because there is no index to it; because it does not purport to be the record of any court on its face. It is simply a lot of printed pages, certificates to be filled out. They may have been made by any one; because the law requires that all records shall be signed by each judge; also, incomplete and immaterial.)

(The copy read in evidence containing copy of the naturalization record of Owen Cawley.)

UNITED STATES OF AMERICA,
State of Iowa, Johnson County, ss:

Naturalization.

Be it remembered that at the term of the county court, on and for said county, in State of Iowa, on the 24th day of October, in the year of our Lord 1868, was presented the Honorable Jas. Cavanagh, sole presiding judge and ex-officio clerk of said court, when the following proceedings were had, to wit: Owen Cowley, native of Ireland, at present residing in the said State, appears in said court and makes application to be admitted to become a citizen of the United States, and it appearing to the satisfac-

tion of the court that he served in the Army in the United States in the late rebellion, and has been a resident of the United States over 5 years before his application for admission; that it was *bona fide* his intention to become a citizen of the United States, and to renounce forever all allegiance to any foreign prince, potentate, State, or sovereignty whatsoever, and particularly to Victoria, Queen of Great Britain, to whom he was formerly a subject; and said applicant having declared on oath before this court that he will support the Constitution of the United States, and that he doth absolutely renounce and abjure all allegiance to every prince, potentate, State, or sovereignty whatsoever, and particularly to Victoria, Queen of Great Britain, to whom he was a subject, the court being satisfied by the testimony of Daniel Flaltes that said applicant has resided in the United States for the term of five years next preceding his admission, without having been at any time within the said five years out of the United States, and within the State one year at least; and it further appearing to the satisfaction of this court that during that time he has behaved himself as a man of good moral character, attached to the Constitution of the United States, and well disposed to the good order and happiness of the same; thereupon the said court admitted the said applicant to become a citizen of the United States, and ordered the proceedings aforesaid to be entered upon the record, which was accordingly done by the clerk of this court.

Q. 94. I will ask you if you find the record of the naturalization of John Crey, in the fall of 1868?—A. Yes, sir.

Q. 95. What is the date of that record?—A. 19th of Oct., 1868.

Q. 96. In what court was that?—A. County court.

Q. 97. Who was the judge?—A. Jas. Cavanagh.

(Contestee offers in evidence the record of John Cooney.)

Q. 98. Is this the record of John Cooney?—A. I don't know whether it is or not; I have no evidence of it.

(Contestee now offers in evidence the record of naturalization of John Cooney, the witness who was examined this forenoon, before Jas. Cavanagh, as appeared in the same book before referred to, being the record of the county court.

Contestant objects to the same, for the reason that the record is not identified as any record, and as the record does not purport to be the record of any court; because the record is not signed as required by law; because it does not appear that the witness who has presented it is the custodian of any such record; because the printed record of naturalization of John Cooney does not appear to be the same John Cooney who has testified before this commission.

It is agreed that the form is the same as the one which is read in evidence, being the record of the naturalization of John Cooney, native of Canada; also it appearing to the satisfaction of the court that he came into the United States under the age of 18 years, and has resided in the U. S., &c., the court being satisfied, by the oath of Michael Cooney, that said applicant has resided in the U. S. for the term of 5 years.)

Q. 99. Did you find the record of the naturalization of Jas. Loney?—A. Yes, sir.

Q. 100. I will ask you if this is the record of the naturalization of Jas. Loney?—A. Yes, sir; it appears so here. I have nothing to identify it by.

(Referring to the same book.)

Q. 101. I will ask you what this book is you have before you?—A. What is it?

Q. 102. Yes, sir.—A. I got it in the clerk's office.

Q. 103. Is it not the record of the county court, the naturalization record?—A. I cannot swear it was; I found it there since I came there. I supposed it was, but have nothing to show me that it was anything more than what appears on the face of it.

Q. 104. Do you know of any other book of records of naturalization; is there any other in your office court for this period?—A. No, sir; I don't know of any except this one.

(Contestee offers the record in evidence.)

A. Well, this naturalization business, for years gone by, had been pretty badly mixed up. We find them in the court records or minutes, in the index of the court records; we find them in this book—in fact, in all three of these books.

Q. 105. There is no question of its having been done, for you find it in this book, is there?

(Objection.)

A. Here is the naturalization year, dated 1863.

Q. 106. Who is it by?—A. It does not say.

(Contestee offers in evidenc the record of the naturalization of Jas. Loney, also in the same form as the last record introduced. Both being natives of Ireland, came to the U. S. under the age of 18, and naturalized before Jas. Cavanagh Oct. 17th, 1868, both on the same day, Jas. Loney as witness for Patrick and Patrick witness for Jas.)

(Now offer in evidence naturalization of Thos. Reed, before Jas. Cavanagh, dated Oct. 10th, 1868.)

(Contestant objects to the same as irrelevant, immaterial, incompetent, not being required of any court; not identified by the same party; that it does not show that it is the same Thos. Reed that voted. Came to the U. S. under the age of 18 years-has resided here over 5 years; was a native of Ireland; naturalized by Judge Cav; anagh.

Contestee now offers in evidence page 103 of the record-book before referred to, being the record of naturalization of Michael Holland before county court here, Geo. W. McCleary, sole presiding judge and ex officio clerk; a native of Ireland; that he declared his intention before the Johnson County district court, being the court required, and the evidence was Elijah Quinn. Record otherwise the same as the last.

Contestant objects; incompetent, irrelevant, immaterial. It is not shown that the record has been identified; that it does not appear to be the same Michael Holland that testified; besides witness, Michael Holland, that he was naturalized in New York.

Contestee objects; incompetent, immaterial; that the record introduced is not shown to be the record of any court not identified as such, no record kept by law being found in the proper custody.)

Q. 107. Now, please turn to the minute-book in which you said there were some naturalization records, and state whether there was a record in that book of Frank Blaha.—A. No, sir; I have no such name on the index.

Q. 108. Look and see if you have there a record of the naturalization of Jos. Freisch.—A. No, sir; there is no such name that I find on the index.

Q. 109. Also examine whether you can find the recard of the naturalization of Jas. Kratka.—A. Here is the record of the man Jas. Kratka.

Q. 110. Please turn to that and see what the date is.

(Witness refers to the minute-book.)

Q. 111. Of what court is this a record?—A. I cannot tell you.

Q. 112. What do you do with the the book now?—A. Use it to make minutes of the issuance of marriage licenses.

Q. 113. What does this book purport to be, a minute-book?—A. It is the record of the county court.

Q. 114. Did you find the record of the name of Jas. Kratka upon the record of the county court?—A. Yes, sir; perhaps I can find Kratka also.

Q. 115. Please examine and see if you can find that also or not?—No, sir.

Q. 115. You find no record of the naturalization of Jas. Kratka; now, is there no record of the naturalization of John Kiozshek?—A. The index to our court record in the office has the names of men naturalized and indexed in the district court record. [Witness examines index.] No, sir; I have not any such name.

Q. Now examine whether or not there is any record of the naturalization of Albert Stanohaz.—[Witness examines index.] A. I find the record of no such names.

Q. 117. Now examine as to Albert Schondle.—A. I find no such name as Albert Schondle.

Ques. 118. Tell the commissioner whether in this index of the record there is a record of the naturalization of Joseph Holtke.—Ans. I don't find it under "H"; we looked awhile ago under the "L's."

Ques. 119. Tell the commissioner whether there is a record of the naturalization of John Wood.—Ans. No, sir; there is none here.

Cross-examination:

Ques. 120. Have you presented all the records of naturalization that there are in that county, so far as you know?—Ans. What would you call a record?

Ques. 121. I mean the records of naturalization in your county.—Ans. Well, I know there are to be some indexed; I don't know that there are any records.

Ques. 122. Have you examined all the records of that county, and do they contain records of naturalization?—Ans. No, sir; I never examined them closely.

Ques. 123. Must there not be records of naturalization in the complete record of the district court?—Ans. Yes, sir; there should be.

Ques. 124. Must there be records of naturalization in the records of the circuit court?—Ans. Yes, sir; there should be.

Ques. 125. Now, you may state if you didn't fine that the names of persons naturalized are misspelled in many instances.

(Objection, immaterial.)

Ans. Yes, sir.

Ques. 126. Don't you find in the records that there is much difficulty in identifying the names of persons naturalized on account of the manner in which they are spelled?—Ans. Yes, sir; I find much difficulty.

Ques. 127. Have you examined these records, so as to swear that these records do not contain the records of naturalization of this man John Worrell?—Ans. How is it?

Ques. 128. Can you swear that the records do not contain the record of naturalization of John Carroll; may he not have been naturalized for all you know in the district court of this county?—Ans. Yes, sir.

Ques. 129. Were there any records of naturalization in the United States district court that were permanently held in this county?—Ans. I have no knowledge only of hearsay of that.

Ques. 130. You know that there has been a United States district court held over here?—Yes, sir; I have heard that.

Ques. 131. Do you know that these books do not contain a record of the naturalization of Patrick Loney in the district and circuit court?—Ans. No, sir.

Ques. 132. Do you know that the records of the district court did not show that Patrick Loney was not naturalized in this court?—Ans. I have not thoroughly examined them, so I don't know.

Ques. 133. Do you know that there is no record of naturalization of John Kozihek?—Ans. No, sir; I don't.

Ques. 134. Do you know that there is no record of naturalization in this county of Stemocher?—Ans. I don't.

Ques. 135. What do you say as to Albert Shondle; do you know that there is no record of naturalization of that man?—Ans. I don't know.

Ques. 136. Do you know that there is no record of naturalization in the county of Joseph Holtka?—Ans. I don't.

Ques. 137. Do you know that there is no record of naturalization Wetzel Pautera?—Ans. We find record of some of them.

Ques. 138. If this record of naturalization is prepared from each council, are records in evidence; is there any signing of that record by any judge or clerk of any court; is there any signature of verification of the record itself; what is printed on the back of the book containing naturalization papers?—Ans. Well, I don't really know how to answer that; all the evidence I have is on the book itself.

Ques. 139. I will ask you if there is any certificate here attached to any of these records showing what kind of record it is?—Ans. No, sir; there is not.

Ques. 140. Do you know that that record was ever used in a county court as a record, to your own knowledge?—Ans. Of my own knowledge I don't know if it is such a court record.

Ques. 141. Have you presented all the records of naturalization in which the records of naturalization may be entered, that are in your county?—Ans. I don't know whether I have or not.

Ques. 142. Is there any index to all the books of all records of naturalization?—Ans. I can't answer that; I have never examined the naturalization papers in full of any.

Ques. 143. I will ask you if this record of naturalization from each council contains the record of Owen Cawley and John Cuney; is any paging in it?—Ans. The front part of it is paged. I think it has paging from one to three hundred and nine, inclusive.

Ques. 144. How much of the book does that take?—Ans. You mean the whole book, or what is filled out?

Ques. 145. First one and then the other.—Ans. Well, probably paging starts from one and went through the whole book. Yes, sir, all but those that have been recently kept.

Redirect:

Ques. 146. Were you subpœnaed to bring all the records of naturalization?—Ans. I don't know; I lost the copy of my subpœna.

Ques. 147. Do you understand that that was what you were subpœnaed for?—Ans. No, sir; Mr. Cone asked me if I had been supœnaed, right after dinner; I said no. He said that I was to be subpœnaed, and was talking about the books.

Ques. 148. Do you know of any records here other than these before the commissioner?—Ans. No, sir; I don't know of any others; I can't say that there are others.

Ques. 149. I will ask you if you know of any other?—Ans. No, sir; I don't know of any other.

Ques. 150. Mr. Bradley, in looking over the record that you have here this afternoon, have you ever known that there was any kindred in spelling or sound?—Ans. I don't know that I understand that question.

Ques. 151. Will you tell Mr. Brown that the names of these Bohemians may be spelled different, so that they would be difficult to recognize?—Ans. Yes, sir; I said so.

Ques. 152. Now, in your examination this afternoon, haven't you noted every name that had either kindred spelling or sound?—Ans. Noted them?

Ques. 153. Yes, sir; didn't you call your attention to the fact?—Ans. To the similarity here?

Ques. 154. Yes, sir; to the similarity between them.—Ans. I may or may not; I don't know.

155. Ques. Some names are given to you, and you find them to be in a little different form in the record?—Ans. Yes, sir.

Ques. 156. Where have you had reason to believe that the names you were looking for

appeared in so different form, you have so stated to the commissioner, have you?—Ans. I don't know whether I did or not; some of them I think I did.

Ques. 157. Didn't you intend to do it in every case?—Ans. I don't know that I did.

Ques. 158. As a matter of fact, wasn't it so in every case?—Ans. Yes, sir; in a number of cases at least.

Ques. 159. For instance, in the name Patera, beginning with "K" you looked at "C"?—Ans. Yes, sir.

Ques. 160. And when the name began with "H" you looked for "L"?—Ans. Yes, sir; once.

Ques. 161. Take now, for instance, the name of Joseph Freisch; you find a name that is similar?—Ans. Yes, sir.

Ques. 162. Well, in the case of Wertzel, Worckla (or something like that), you understood it to be the same?—Ans. Yes, sir.

Ques. 163. Now in the case of "Lacina," you understand that differently, don't you?—Ans. That was the same name.

Ques. 164. That was spelled differently on the record?—Ans No, sir; I think not.

Ques. 165. It had Ger instead of Na, didn't it?—Ans. Yes, sir; I believe so.

Ques. 166. Is there any case you can recollect now, any case of these names we have given to you, that you have omitted to state whether the record shows the name of the person a similarity there of sound and spelling?—Ans. Two; yes, sir.

Ques. 167. Have you omitted to state that?—Ans. Yes, sir; I have.

Ques. 168. You think that they were not sufficiently similar?—Ans. Yes, sir; and it also occupied too much time.

Ques. 169. Did you ever omit to give the name of the person that might have been the one?—Ans. Yes, sir; if we had had more time I would have mentioned more names.

Ques. 170. Are the names of the parties on the list that now appears on the record supposed to have been naturalized?

(Gives witness the list.)

Ques. 171. Have you any other records in your possession?—Ans. I am not positive about that. All I know about it is this, I think the names of naturalized persons on our court records away back.

Ques. 172. How far back?—Ans. I cannot say.

Ques. 173. Will you make any inquiries, and come in this afternoon?—Ans. Yes, sir; certainly.

Recross-examination:

Ques. 174. Have you time this afternoon to examine each page to see whether the persons are naturalized or not? Will you have time to examine each record and see?—Ans. No, sir

Ques. 175. Don't you find many records that are not indexed?—Ans. I find records, some that are not indexed; perhaps one or two.

Ques. 176. Do you ever find in your records some whole books that are not indexed?—Ans. I don't know about that.

Ques. 177. How about the book in your hand?—Ans. I think there is an index to this; probably these names are indexed in the minute book, if you would call that an index.

Ques. 178. Does it require a pretty extensive examination to determine whether or not there is a record of naturalization in your county?—Ans. Yes, sir; it would require quite a time to find it. It is almost as difficult to find as anything in the office.

Ques. 179. These different names have been spelt in different ways. In how many different ways is the name Wentzel spelled?—Ans. Some spell it "Wentzel"; some say the same as Voclav. I suppose that is the English of it.

Ques. 180. (By Mr. WILSON.) That is my name; I didn't know that I had so many names.—Ans. That is the reason Wilson got so far ahead of Frederick here.

Ques. 181. Are there others of these names spelled differently?—Ans. Yes, sir; Jake and John, for instance.

Ques. 182. How is that spelled?—Ans. Some spell John; some spell it Jon.

Ques. 183. Ever spell it Yon?—Ans. No, sir; I guess not.

Ques. 184. How in German?—Ans. Some Germans spell it, when they write their name for first papers, Yohan.

(Objection, incompetent and immaterial.)

Ques. 185. How is the name of Locina; in what different ways do you find that spelled?—Ans. I never met that name except in this record.

Ques. 186. How is the name of Shendel spelled?—Ans. Some with S, some with C, and some with Sch; some dle, and some del.

Ques. 187. Is the name of Kessel spelled in different ways?

(Objection, not proper examination.)

Ques. 188. How is Albert spelled in Bohemian?—Ans. I don't know; I never knew of any variation in that.

Redirect:

Ques. 189. You say you know of no other record of naturalization that you could call an index to this part of the record?—Ans. No, sir.

Recross-examination:

Ques. 190. Have you examined all the pages of this book; you have no index here that is called naturalization records?—Ans. No, sir; I haven't.

(Referring to the book marked Record of naturalization by the judge.)

Ques. 192. Have you examined all the pages in record No. 2 for naturalization?—Ans. No, sir.

Ques. 193. Do you know that to have been indexed?—Ans. No, sir.

STEPHEN BRADLEY,
Clerk of Courts, Johnson Co., Iowa.

$0.85 paid as fee by contestee.

STATE OF IOWA,
Johnson County, ss:

I, Eldon Moran, a notary public for Johnson County, and commissioner agreed upon to take testimony in this cause, in pursuance of the annexed agreement, attached to the testimony of J. L. Adams, whose testimony was taken Feb. 22d, 1883, do duly certify that on the 4th, 5th, and 6th days of April, 1883, in pursuance of the notice hereunto annexed, I took the depositions of the following witnesses: Pleasant Harris, Phillip Zimmerman, Joseph Bartocha, Joseph Zeozoley, Mathias Kratz, James Dobcky, John Kopsa, Frank Tremmel, Albert Kessel, Frank Jettek, Steven Benda, John Reynolds, Eckhart Hornel, James Loney, Patrick Loney, Michael Holland, J. W. Holland, John A. Holland, John Paters, John Carroll, Patrick O'Connor, John W. Wilson, Joseph Kirkoff, Frederick Rothweiler, Christian Schmidhelm, Joseph Friesch, Joseph Holtka, James Lacine, Frank Blaha, John Kozishek, Albert Stimocher, Albert Schondl, James Kratky, John Vorel, Wenzel Patera, Joseph Selky, Martin Keppel, John Peckman, John Cooney, Joseph Beranek, Frank Temmel, Albert Kessel, Thomas Reed, Owen Cowley, Stephen Bradley, whose testimony is set forth in the following manner: Each witness was first by me duly sworn or caused to be sworn in my presence, as provided by law, and when sworn the questions were propounded to him by the respective parties, Benj. T. Frederick, contestant, and James Wilson, contestee, by their respective att'ys, and the question by me read to the witness, who answered the same, and his answer by me in the language of the witness taken down under each question propounded, and reduced to writing till the deposition was completed.

I further certify that when the testimony of each witness was taken I carefully read the same over to the witness, who corrected the same, and each correction noted, and said testimony was then signed by the witness and sworn to by him before me.

I further certify that T. Brown & Carney appeared as counsel for the contestant, Benj. T. Frederick, and Milton Remley and J. W. Cone appeared as counsel for the contestee, James Wilson.

In witness whereof I have set my hand and seal hereunto, notarially, this 19th day of April, 1883.

[SEAL.]

ELDON MORAN,
Notary Public for Johnson County, Iowa, and Commissioner agreed upon to take Testimony.

No. 3.

MARSHALL COUNTY.

FREDERICK
v.
WILSON.

STATE OF IOWA,
Marshall County, ss:

Deposition of witnesses produced before me, Eldon Moran, a notary public and commissioner agreed upon to take testimony, and duly sworn before me, a notary public for Johnson County, Iowa, on this 9th, 10th, 11th, and 12th days of April, 1883, at Marshalltown, in pursuance of the notice hereunto attached in a proceeding pending before the House of Representatives of the United States of America, in a contested election for the office of Representative in Congress, in which proceeding Benj. T. Frederick is contestant, and James Wilson contestee; Brown & Carney for contestant, and J. H. Bradley for contestee.

The following testimony was taken before me:

STATE OF IOWA,
Marshall County, ss:

FRANK A. SCOTT, being produced and sworn before J. H. Bradley, notary public for Marshall County, on this tenth day of April, A. D. 1883, testifies as follows on the part

of contestee (T. Brown appearing on the part of contestant and J. H. Bradley on the part of contestee):

Q. 1. Were you one of the judges of election for Washington Township at the last election?—Ans. Yes, sir.

Quest. 2. Did you make a canvass of the votes on the evening of the election?—Ans. I helped to make it.

Quest. 3. What part did you take in counting the ballots?—Ans. I took half of the ballots in the box and looked them over carefully and handed them to the three judges to be read to the clerks and made tally of his reading.

Quest. 4. Who was the other judge who examined the ballots with you?—Ans. I declare I can't say positive. Mr. M. E. Andrews was one of the other judges and Mr. E. B. Potter was the other, but whether Mr. Andrews took the other half of the ballots in the box and handed them to Mr. Potter to read to the opposite I don't remember,

Quest. 5. Were the ballots correctly counted that night and was a correct return of the ballots made?

(Contestant objects to the question as leading.)

Ans. To the best of my knowledge, they were.

Quest. 6. What kind of light did you have?—Ans. Kerosene lamps.

Quest. 7. Was the light good or poor?—Ans. It was good.

Quest. 8. How many hands did these ballots pass through?—Ans. Two hands.

Quest. 9. Were any mistakes in counting that night that was ascertained?—Ans. No, sir; I didn't observe any mistakes.

Quest. 10. State to the court was to make a correct return and correct count.—Ans. Do you mean to ask how we handed the ballots in taking them from the box?

Quest. 11. Yes, sir.—Ans. Well, sir, we opened the box and one of the judges and Mr. Andrews took out five ballots, took one at a time, and looked it over carefully to see if it was straight Republican or Democratic ticket. If it proved to be a Republican ticket, he took out another that would correspond with his, was a straight Republican, until there were five, and after they were all straight, either Democratic or Republican, we counted all the votes, five at a time; read the name and tallied five for each candidate; think they were straight. We put them all back into the box until we had got out all the straight tickets on each side, then took out one ballot at a time and called out the candidate's name separately; that is, the correct ballots.

Quest. 12. From the manner in which you made the canvass, have you reason to believe that the return you made was a correct one?—A. Yes, sir.

Quest. 13. This was Washington Township, Marshall County, Iowa?—Ans. Yes, sir.

Quest. 14. At the November election, 1882?—Ans. Yes, sir.

Cross-examination:

Quest. 15. Did you know whether the clerks tallied correctly or not?—Ans. Speak louder, please; I don't hear.

(Question read.)

Quest. 16. Do you know whether the clerks tallied correctly or not?—Ans. I have every reason to believe that they did.

Quest. 17. Well, do you know whether they tallied correctly or not?—Ans. No, sir; I don't.

Quest. 18. Do you know whether all three judges called correctly?—Ans. No, sir.

Quest. 19. Were you not liable to make a mistake in the counting honestly?—Ans. Yes, sir; we are liable to make mistakes at any time.

Quest. 20. How many times were the ballots counted?—Ans. I don't know that I understand your question definitely to answer it. I would say that the ballots were not through our hands; we counted once, and after the tallies were made we went over the ballots again to see that they corresponded with the number on the tally list.

Quest. 21. Did you count over all the ballots and look to the number of Congress separately when you went over it the second time?—Ans. Yes, sir.

Quest. 22. Did you count them the second time just by straight tickets?—Ans. No, sir; we counted the number of tickets again to see that they corresponded with the number of ballots that had been tallied.

Quest. 23. You didn't count the ballots for the purpose of as certaining the name and number of any candidates the second time?—Ans. No, sir.

Quest. 24. Then you simply state here that you, as a public officer, tried to make a square count as far as you are concerned?—Ans. Yes, sir.

Quest. 25. You don't go any farther than that you would use nothing farther than hat you, as a public officer, made a correct and straight count?—Ans. Yes, sir; I did.

Quest. 26. That is as far as you can state?—Ans. Yes, sir.

FRANK A. SCOTT.

$2.25 paid fee by contestee.

STATE OF IOWA,
Marshall County, ss:

LEWIS HENNIS, being produced and sworn before J. H. Bradly, a notary public for Marshall County, on this 10th day of April, A. D. 1883, testifies as follows:

Ques. 1. Did you vote at the last November election in State Center Township?—Ans. Yes, sir.

Ques. 2. Marshall County, Iowa?—Ans. Yes, sir.

Ques. 3. Did you vote for a candidate for Congress?—Ans. Yes, sir.

Ques. 4. Did you vote for Mr. Frederick?—Ans. I suppose that is not a question that I need to answer.

BROWN. You are not obliged to answer until it is shown that the witness is an illegal voter.

Ques. 5. Do you refuse to answer who you voted for?—Ans. Yes, sir; I know who I voted for.

Ques. 6. Do you refuse to answer the question?—Ans. No, sir; not if you want it.

Ques. 7. Of course we want it; we want all you will give us. Did you vote for Mr. Frederick?—Ans. Yes, sir; I did.

Ques. 8. Now, I want to ask you how long you have lived in Iowa?—Ans. 15 years.

Ques. 9. Did you go to Dakota in 1882, and take up a homestead claim?—Ans. No, sir; I went to Dakota and took my soldier's declaratory; I took a soldier's claim last spring.

Ques. 10. Did you make a declaratory statement of the homestead right?—Ans. No, sir; not at that time.

Ques. 11. Did you at any time?—Ans. Yes, sir; 26th of December I went back and took homestead.

Ques. 12. Last December?—A. Yes, sir.

Ques. 13. Did you previous to November election, '82, make your declaration for homestead in Dakota?—Ans. No, I didn't have a homestead taken up at that time.

Ques. 14. Where were you born?—Ans. In Germany.

Ques. 15. When did you come to this country?—Ans. In '52; I am 31 years old next fall.

Ques. 16. Where were you naturalized?—Ans. I was naturalized in Chicago; then I have been in the Army. I got naturalization papers in Chicago.

Ques. 17. Then you say, previous to the election you didn't make any declaration for homestead?—Ans. No, sir; I didn't.

Ques. 18. How long were you in Dakota previous to the election?—Ans. First time I was three or four days there.

Ques. 19. What time was that?—Ans. In June.

Ques. 20. You were there only three or four days?—Ans. Yes, sir; that is all.

Ques. 21. At that time you made no declaration?—Ans. No, sir.

Ques. 22. Made none until in December?—Ans. Yes, sir; 26th of December, '82.

Cross-examination:

Ques. 23. Have you got a family living in Marshall County?—Ans. Yes, sir; in State Center.

Ques. 24. You had a family last election?—Ans. Yes, sir; 4 years right in State Center; lived in Minerva Township the rest of the time.

Ques. 25. Family there yet?—Ans. Yes, sir; it is there yet.

LOUIS HENNIS.

$2.25 paid as fee by contestee.

STATE OF IOWA,
Marshall County, ss:

W. H. STEWART, being produced and sworn before J. H. Bradly, a notary public for Marshall County, on this 10th day of April, A. D. 1883, testified as follows:

Ques. 1. Were you judge of the election in Taylor Township at the last November election, 1882, in the State of Iowa?—Ans. I was.

Ques. 2. Did you assist in making the canvass of the polls of that election?—Ans. Yes; I remained I think till about eight o'clock.

Ques. 3. At night?—Ans. Yes, sir.

Ques. 4. Were you present until the canvass was entirely made?—Ans. Nearly so; I handed Mr. Fogg the tickets out of the box; two tickets, perhaps, were left unstrung; I handed all of the tickets in the box.

Ques. 5. You mean those last two tickets?—Ans. Yee, sir; the two last.

Ques. 6. Who took the tickets out of the box?—Ans. I did.

Ques. 7. Did you take them both out?—Ans. Yes, sir.

Ques. 8. Those two were the last tickets in the box?—Ans. Yes, sir; I called them off for the clerk, Mr. Fogg.

Ques. 9. Did you examine them as you took them out of the box?—Ans. Yes, sir.
Ques. 10. Did Mr. Fogg examine them after that?—Ans. Yes, sir; I think that he did look them over.
Ques. 11. Did Mr. Malmsberry or their judge examine them?—Ans. He strung them on a string after we called them off.
Ques. 12. After they were called off?—Ans. Yes, sir.
Ques. 13. I will ask you if you were away from the polls about 5 o'clock, or before the polls closed that night?—Ans. I left there about 8 o'clock in the evening.
Ques. 14. You staid there until that time?—Ans. Yes, sir.
Ques. 15. Who went away with you when you left?—Ans. Nobody but the man who took me there—Horner.
Ques. 16. Is that William Horner, the man who testified in this case?—Ans. He was subpœnaed here before.
Ques. 17. What care was taken by you in making the count of the ballots to count correctly?—Ans. I took ballots out of the box. I would take out 5, and when we got 5 Republican tickets, I took them out and looked them over as I took them out; I turned them over to see that they were straight Republican tickets; then I counted them over to see that I had 5; then handed them to Mr. Fogg.
Ques. 18. Is that all?—Ans. Well, when I would come to the Democratic ticket, I would lay it down at one end of the desk until I got four; if they were straight when I got four or five I would count them.
Ques. 19. Did you count the ballots correctly as they were taken from the box?—Ans. I think that I did, sir.
Ques. 20. Made a correct assortment, did you?—Ans. Yes, sir.
Ques. 21. Who were present at the time you counted the ballots except the judges?—Ans. George Kaler was there most of the time; I don't remember; there might have been some others there when we first commenced to count.
Ques. 22. Were there any changes made in the ballots after they were put in the box by anybody?—Ans. No, sir.
Ques. 23. Did you make any changes?—Ans. No, sir.
Ques. 24. Did you see any made?—Ans. No, sir.
Ques. 25. Did you open the box during the day and count the ballots and examine them?—Ans. No, sir; the box wasn't opened until about five o'clock, I think.
Ques. 26. By anybody?—Ans. No, sir; not by anybody until five o'clock.
Ques. 27. Who had the key of the box?—Ans. Mr. Fogg had the key, I think; he opened the box.
Ques. 28. It wasn't opened then nntil you began to count, was it?—Ans. No, sir; it wasn't.
Ques. 29. Not any ballots handled whatever?—Ans. No, sir.
Ques. 30. I will ask you whether you remember a William Ernst asking you to look over the ballots, and how many Frederick tickets there were in the afternoon?—Ans. No, sir; no such thing.
Ques. 31. Did you take any ballots out of the box when you commenced to count?—Ans. No, sir.
Ques. 32. Were they taken out of the box for any purpose except for canvassing the returns?—Ans. No, sir; they were not.
Ques. 33. Did you at any time in the afternoon see Mr. Ernst the box, and the ticket with Wilson's name erased, and Frederick's name written on the ticket?—Ans. No, sir; I didn't.
Ques. 34. Do you know how many votes in Taylor Township were cast for Mr. Wilson for Congress?
(Contestant objects to the question as immaterial—not best evidence, the returns being better evidence than testimony of the witness.)
Ans. I have forgotten how many ballots there were cast in the township; I can hardly remember now.
Ques. 35. Were there any more tickets cast for Mr. Wilson than were counted for him, or taken from the box?—Ans. No, sir; there were not.
Ques. 36. Do you recollect when Mr. Ernst left the polls?—Ans. I don't know; I didn't see him around there after along toward evening, well, probably about—well, a little before sundown.
Ques. 37. Did you leave at the same time he did?—Ans. No, sir; that is not true; I left about eight o'clock; he was gone a good while before I left.

Cross-examination:

Ques. 38. Did you have a watch with you?—Ans. No, sir; I didn't.
Ques. 39. I mean on the day of the election?—Ans. No, sir; I didn't.
Ques. 40. Where did you go the night of the election?—Ans. I came home, and then went to town.
Ques. 41. Did you get away from town?—Ans. Yes, sir; went west.
Ques. 42. On what train?—Ans. I went west at about eleven o'clock.

Ques. 43. Did you leave the polls before dark?—Ans. No, sir.

Ques. 44. How long after dark?—Ans. Quite a while after dark. I got home at 9.20, drove three and three-fourths miles; we drove pretty lively; it was 9.20 when I got home.

Ques. 45. You didn't go with Mr. Ernst home, then?—Ans. No, sir; I didn't.

Ques. 46. How did you know that he was there when you went away?—Ans. Well, he wasn't in the house; I don't think he would be standing around out doors in the dark.

Ques. 47. How did you know that he wasn't there?—Ans. Because I didn't see him; don't think that he was there.

Ques. 48. Do you know that you didn't make any mistake in the count?—Ans. I feel pretty well satisfied that I didn't make any mistake.

Ques. 49. You don't know it as a matter of fact?—Ans. I know that we were just as particular as we could be.

Ques. 50. Had there been any announcement that the polls would be closed when you left?—Ans. No, sir; we had got through counting.

Ques. 51. The polls had not been closed when you left; you don't know but what there were more votes cast after you went away, do you?—Ans. No, sir; I don't think anybody voted.

Ques. 52. Well, do you know that there were any more votes cast after you went away?—Ans. I can't say about that.

Ques. 53. You are a Republican, are you not, and voted for Mr. Wilson?—Ans. Yes, sir; I am, and voted for Mr. Wilson.

Ques. 54. Do you say positively that the ballot-box wasn't opened at all until after five o'clock?—Ans. I say about five o'clock.

Ques. 55. What do you mean by about? you didn't look at your watch?—Ans. I went out doors; saw that the sun was about half an hour high. We were in the clerk's office with the poll-books; we were all counting; sun set within 15 or 20 minutes.

Ques. 56. You only judge by the sun. Did you see Mr. Hubbard there that day?—Ans. Yes, sir.

Ques. 57. Didn't you that he refused to vote because of the ballots being taken out and handled by you?—Ans. No, sir; I don't know any such thing.

Ques. 58. Did he say to you that he would not vote where there was such corruption in the ballot-box?—Ans. No, sir; he said no such thing at all.

Ques. 59. Was there any voting done after box was opened?—Ans. Yes, sir; after we commenced to count, I closed box and three——

Ques. 60. Several voted?—Ans. Yes, sir; two or three; I don't remember just how many.

Ques. 61. Didn't you receive a good many votes after the box was opened?—Ans. Not a great many.

Ques. 62. You received some?—Ans. Yes, sir; a few votes after we commenced to count.

Ques. 63. How many did you count out? How many did you leave in the box when you closed it for parties to vote?—Ans. I could not tell you.

Ques. 64. Didn't you get nearly all the ballots counted out?—Ans. No, sir.

Ques. 65. Didn't you announce to Mr. Ernst, and others, that Frederick could not have had more than 8 or 9 votes?—Ans. No, sir; I don't think that I did.

Ques. 66. Is it not true that the ballot-box was opened at three o'clock?—Ans. No, sir; that is not true.

Ques. 67. Did you show the ballots there to Mr. Ernst, and others, that had Mr. Frederick's name written on it?—Ans. No, sir; I didn't. Mr. Ernst sat behind me. I will state the facts in the matter. Ernst sat behind me; some man had scratched Mr. Jennings' name and put Mr. French on, for recorder. When I took up the ticket I saw they were running French for recorder. Ernst sat right behind me; he might have seen that; it was nothing in regard to Frederick and Wilson at all.

Ques. 68. You didn't sign the returns, did you?—Ans. I signed the poll-books in the returns.

Ques. 69. When did you sign the poll-book?—Ans. Just before I left.

Ques. 70. Then you signed the poll-book before the polls were closed, did you; before you were through counting?—Ans. We were just about through counting.

Ques. 71. It was before the polls were closed you signed it?—Ans. I signed it just before I left.

Ques. 72. That was before the polls had been closed?—Ans. No, sir; we were just through counting.

Ques. 73. There had been no announcement of the polls being closed, had there?—Ans. I don't know; I didn't get any announcement; I don't know whether the other gentlemen had or not.

Ques. 74. Were not the tickets in the box when you left?—Ans. No, sir; there were none. I handed out the last tickets in the box; at least had them in my hand.

Ques. 75. Did you know that the tallys were all made?—Ans. I think that they were, sir.

Ques. 76. Had those two tickets been called before they were tallied?—Ans. As to those two tickets, I saw them when they were counted; I didn't hear, but I suppose they were counted.

Ques. 77. You don't know whether they were connted or not; you don't know whether those tallies were made or not?—Ans. I can't say as to that.

Ques. 78. Then you don't know whether the return was made; don't know whether it was the correct return or not?—Ans. I can't say as to that; I suppose it was.

Ques. 79. Where was it you saw the poll-book? Was it in the front side or back side?—Ans. Well, I don't know; I saw the poll-book any way.

Ques. 80. That is the first time you had seen the poll-book that day?—Ans. Yes, sir. Well, I am not positive but that I know I saw it.

Ques. 81. That was the oath of office of election judge that you signed?—Ans. No, sir; it was not.

Ques. 82. Did you sign the poll-book, rather the return in the book, of the book for each officer, before the election polls were closed?—Ans. I signed the poll-books. When Mr. Sante, the clerk, handed the poll-books to me, he said you had better sign it before you go; I took the poll-book and signed it.

Ques. 83. You don't know what votes were cast after you left?—Ans. I don't know that there were any votes cast after I left.

Ques. 84. You don't know but what there was?—Ans. No, sir; of course not.

Ques. 85. You didn't tell Mr. Ernst that there were only 8 ballots for Frederick in the box?—Ans. I don't remember of telling him anything about that.

Ques. 86. Didn't you tell him in the afternoon only those votes were for Frederick, along about half past two o'clock, when you opened it?—Ans. No, sir; I didn't do any such thing: because the box wasn't opened.

Ques. 87. When it was opened didn't you tell him—didn't you finger over them—look at the Democratic ballots?—Ans. No, sir; I didn't.

Ques. 88. You didn't authorize anybody to sign the poll-books for you?—Ans. In the morning I told the clerk that I didn't know but that I had to go away; and if we could not get through, I would have to get them to sign my name; for it would be legal; I didn't know whether it would be or not. I told Mr. Sante that I would have him sign my name to the books if I had to go away before we got through.

Ques. 89. That was in the morning? Did you expect the position as judge of the election?—Ans. No, sir; I told them I didn't know whether I could stay until they got through; I didn't know when we could get through.

Ques. 90. Did you look at your watch when you left, or anybody's time?—Ans. I didn't have any time.

Ques. 91. You didn't look at any time?—Ans. Not until I got home, until 8 o'clock.

Ques. 92. You don't pretend to say it was just 8 o'clock?—Ans. I say that it was about 8 o'clock.

Ques. 93. Somewhere in the neighborhood of 8 o'clock?—Ans. Yes, sir; about that.

Redirect:

Ques. 94. What do you mean? That the polls did not close until about 8 o'clock? How late did you receive any tickets?—Ans. The last tickets might have been about 6 o'clock; about that time.

Ques. 95. Do you remember who voted before the last votes were cast?—Ans. I have the impression that William Horner was the last man that voted; that is my impression.

W. H. STEWART.

$1.15 paid as fee by contestee.

STATE OF IOWA,
Marshall County, ss:

ADNA FOGG, being produced and sworn before T. Brown, notary public for Marshall County, on this 10th day of April, '83, testifies as follows (T. Brown appearing on the part of contestant, and J. H. Bradley on the part of contestee):

Ques. 1. Were you one of the judges of the Nov. election in Taylor Township, last election?—Ans. Yes, sir; I was.

Ques. 2. I will ask you if you were present all the time during the casting and counting of the ballots?—A. Yes, sir, I was.

Ques. 3. Do you remember when Mr. Stewart went away from the polls?—Ans. Yes, sir; I remember about the time he went away.

Ques. 4. When was it?—Ans. About 8 o'clock.

Ques. 5. Were there any ballots cast after he went away?—Ans. No, sir.

Ques. 6. How near were you done counting at that time, and what was there to do

after that?—Ans. Mr. Stewart handed me the last two tickets out of the box before he left. Then we had our road-supervisor books to look over after that.

Ques. 7. This was the general election books?—Ans. Yes, sir.

Ques. 8. Do you recollect when Mr. Ernst left the polls?—Ans. It was about sundown.

Ques. 9. How long after that Mr. Stewart went away?—Ans. It seems to me as if he went away about 8 o'clock.

Ques. 10. How long was the last ballot cast before Mr. Stewart went away?—Ans. The last ballot was cast just before 6 o'clock; two hours before he went away.

Ques. 11. I will ask you whether the ballot-box was open during the afternoon before you commenced to count the ballots?—Ans. No, sir; it was not.

Ques. 12. I will ask you if there was any change made in the ballots cast that day by anybody to your knowledge?—Ans. No, sir; there was not.

Ques. 13. Did you see Mr. Stewart in the afternoon open the box to show the ballots to Mr. Ernst?—Ans. No, sir; he could not have opened the box, because I had the key myself.

Ques. 14. How long was the box kept locked?—Ans. Till about 5 o'clock.

Ques. 15. Was that the time you commenced counting?—Ans. Yes, sir; that is the time we commenced counting.

Ques. 16. Did you make a correct count of the ballots?—Ans. Yes, sir.

Q. 17. Did you examine them all?—A. Yes, sir; I did.

Ques. 18. Did Mr. Malmsberry examine them?—Ans. I don't know.

Ques. 19. Do you remember how many ballots there were cast at that election—what number?—Ans. I don't know.

Ques. 20. Do you remember how many ballots there were cast for Mr. Wilson—Mr. James Wilson?—Ans. I do not.

Ques. 21. Did you make a return of the ballots that night?—Ans. No, sir.

Ques. 22. Well, did you make a canvass?—Ans. Yes, sir; we made a canvass.

Ques. 23. Was that return made to the auditor's office a correct statement of the ballots?—Ans. Yes, sir; it was.

Ques. 24. Did Mr. Wilson receive the number of votes that the returns showed that he received?—Ans. Yes, sir.

Ques. 25. Did Mr. Stewart have a key during the day to the ballot-box?—Ans. No, sir.

Ques. 26. Until you commenced the canvass?—Ans. He did not have it at all.

Cross-examination:

Ques. 27. How many times did you count these votes?—Ans. Mr. Stewart took them out of the box; then I counted them; looked them over to see that they were correct.

Ques. 28. Are you sure you didn't make any mistake?—Ans. No, sir; we didn't make any.

Ques. 29. You are liable to make mistakes as well as anybody?—Ans. Yes, sir; I suppose anybody is liable to.

Ques. 30. Did you look over the ballots separately for each candidate on the ticket?—Ans. Yes, sir; separately.

Ques. 31. Did you read the names separately or did you read them by fives?—Ans. Yes, sir; we read them by fives; all the clerks looked over them.

Ques. 32. Was the box opened before sundown?—Ans. No, sir; at 5 o'clock.

Ques. 33. You say that the sun was shining brightly when the box was opened?—Ans. I don't remember; the sun was on the other side of the house.

Ques. 34. You had a watch with you.—Ans. Yes, sir.

Ques. 35. Did you notice what time it was when the box was opened?—Ans. Yes, sir.

Ques. 36. What time was it?—Ans. 5 o'clock.

Ques. 37. Was your watch correct?—Ans. Yes, sir.

Ques. 38. You were positive it was just 5 o'clock by your watch?—Ans. Yes, sir; 5 o'clock.

Ques. 39. Well, you say it was about 5 o'clock, or just 5 o'clock?—Ans. It would not have varied many minutes from 5 o'clock.

Ques. 40. It might have been a few minutes before 5 o'clock.—Ans. Yes, sir; it might have been.

Ques. 41. You don't remember just what time.—Ans. No, sir; not exactly.

Ques. 42. Did you receive votes after the box was opened—after you commenced counting?—Ans. Yes sir.

Ques. 43. Do you know how many you received?—Ans. I think about two votes.

Ques. 4 4. Might you not have received three or four?—Ans. I don't know just how many we received.

Ques. 45. Was not the box opened when Mr. Ernst was there?—Ans. I don't remember when he was there.

Ques. 46. Was it open when Mr. Hubbard was there?—Ans. I don't remember when he was there.

Ques, 47. How far does he live from the place of the election?—Ans. Two and a half miles, perhaps.

Ques. 48. Was the box open long enough before sundown for a man to go four and a half, and get home when the sun was shining?—Ans. No sir.

Ques. 49. Mr. Bosworth is incorrect when he says the sun was still shining when he got home, if he was there when the box was opened.—Ans. Yes sir; I think he was mistaken there.

Ques. 50. Where were the returns signed—the returns of the election you made to the auditor?—Ans. Those made to the auditor was signed there.

Ques. 51. Where were they signed?—Ans. In the auditor's office.

Ques. 52. Who was present; the judges and the clerks—all the judges present?—Ans. All except Mr. Stewart.

Ques. 53. Now, didn't you return the tally-list before you read the tally-list over?—Ans. I didn't.

Ques. 54. Did you bring it over sealed or unsealed?—Ans. Sealed.

Ques. 55. Did you open it afterwards?—Ans. Yes, sir; I did.

Ques. 56. You opened your returns?—Ans. Yes, sir.

Ques. 57. Did you return it to the auditor before you opened it?—Ans. No, sir; I forgot to sign it before we sealed it up; we took it in there and asked him about it; he says, open it and sign it; I said, have you any envelope; we will get a new envelope.

Ques. 58. Then you opened your returns at Marshalltown.—Ans. Yes, sir.

Ques. 59. You don't know whether the clerks counted off the returns correctly or not?—Ans. I suppose they counted them right; the books corresponded.

Ques. 60. You don't know whether they counted them right or not?—Ans. I know that the books corresponded.

Ques. 61. With what?—Ans. With each other.

Ques. 62. You don't know whether they were counted correctly or not?—Ans. I can't tell, of course.

Ques. 63. Did Mr. Stewart want to do his chores that evening; is that the reason he wanted to go away?—Ans. No, sir; he said he wanted to go on the train, 11 o'clock.

Ques. 64. Was he out during the afternoon at any time?—Ans. No, sir.

Redirect:

Ques. 65. When you opened the return to sign it, was there any change made in the return?—Ans. No, sir; there was no change made at all.

Ques. 66. How far do you live from here?—Ans. 7 miles.

ADNA FOGG.

$1.45 paid as fee by contestee.

STATE OF IOWA,
Marshall County, ss:

ISAAC MAULSBERRY, being produced and sworn before T. Brown, notary public for Marshall Co., on this 10th day of April, '83, testifies as follows (T. Brown appearing on the part of contestant, and J. H. Bradley on the part of contestee):

Ques. 1. Were you one of the judges of the election in Taylor Township last November?—Ans. Yes, sir.

Ques. 2. Did you help to count the ballots, eve of the election?—Ans. I remember I looked over them a little and strung them.

Ques. 3. Did you examine them when they were called off to discover whether any mistakes had been made?—Ans. No, sir; I did not take much notice. I did not look over all of them; I supposed it was all right, of course.

Ques. 4. Were there any changes made during the counting that you saw or discovered?—Ans. No, sir.

Ques. 5. At what time were the polls closed?—Ans. About 8 o'clock.

Ques. 6. At what time was the last vote cast?—Ans. I can't tell exactly; pretty well towards 6 o'clock.

Ques. 7. How long were you counting the ballots?—Ans. We commenced at 5 o'clock, and were busy until 8 o'clock.

Ques. 8. Was the ballot-box open before you commenced counting?—Ans. No, sir.

Ques. 9. Did you know who had the key?—Ans. Mr. Fogg had it. I did not see it that day.

Ques. 10. Did you see Mr. Stuart have the ballot-box open in the afternoon?—Ans. No, sir.

Ques. 11. Did he show the ballot to Mr. Ernst at any time?—Ans. No, sir.
Ques. 12. Do you remember how many votes at your election was cast for Wilson for Congress?—Ans. No, sir; I did not pay much attention to it; I could not tell much about it.
Ques. 13. Was the number made by the return a correct number?—Ans. Yes, sir; it was a correct one.
Ques. 14. You intended to sign the returns that night?—Ans. Yes, sir.
Ques. 15. You signed it the next day, did you?—Ans. Yes, sir.
Ques. 16. Now, was there any change made in the return at the time you signed it?—Ans. No, sir.
Ques. 17. At any other time?—Ans. No, sir.
Ques. 18. Do you recollect seeing Mr. Ernst there that afternoon?—Ans. Yes, sir; I saw him there in the afternoon.
Ques. 19. Do you remember what time he went away?—Ans. No, sir; I do not know what time he went away.
Ques. 20. How long did Mr. Stuart stay?—Ans. He left about 8 o'clock.
Ques. 21. Had you finished counting votes?—Ans. Yes, sir; the last two tickets were handed out just before he left.
Ques. 22. Do you remember with what care the ballots were counted out?—Ans. As much care as I ever saw in counting; as much as I have ever used in counting; we were very careful in counting.
Ques. 23. Was there more than one return made from that township from the election?—Ans. No, sir.
Ques. 24. The return that was made was the one counted out that night, was it?—Ans. Yes, sir; it was the only one.
Ques. 25. Now, if that return shows 48 votes cast for Wilson, it is correct. is it?—Ans. Yes, sir; I won't swear to that, because I did not pay much attention to it. I supposed that it was all right.

Cross-examination:

Ques. 26. You did not count the votes to know how many votes were cast for Wilson or Frederick, did you?—Ans. No, sir, I did not.
Ques. 27. You were one of the judges?—Ans. Yes, sir; but I did not particularly count them.
Ques. 28. You do not know whether the votes were counted correct or not, do you?—Ans. Well, no, sir; I don't say that I do, for I supposed they were counted correctly.
Ques. 29. You relied upon those other gentlemen entirely?—Ans. I did not question them about it; no, sir.
Ques. 30. You do not know but what Frederick received more votes than you know of so far as your own observation is concerned?—Ans. I do not know that he did.
Ques. 31. Well, I mean by your own count?—Ans. I did not count particularly.
Ques. 32. Did you consult your watch when that box was opened?—Ans. No, sir; I saw Mr. Fogg's watch.
Ques. 33. Did you know what time it was?—Ans. About 5 o'clock.
Ques. 34. Do you know whether before or after 5 o'clock?—Ans. I do not know whether it was a few minutes before or after 5 o'clock.
Ques. 35. It might have been several minutes before that time?—Ans. No, sir; I think not many minutes.
Ques. 36. You do not know whether his watch was correct or not?—Ans. I do not know that.
Ques. 37. You saw William Ernst there after that, did you?—Ans. No, sir; I do not recollect seeing William Ernst after that. He left some time in the afternoon; I cannot say just when he left.
Ques. 38. Didn't Stewart talk about how parties voted in the presence of Ernst about Mr. Horner voting? Did he say anything to you? Did not Stewart want to see Horner's ticket to see how he voted?—Ans. I cannot say that I know anything about that; I was not paying much attention.
Ques. 39. These returns were signed in the morning? They were sealed up and brought to the auditor's office before they were signed, were they not?—Ans. Before they were signed they were brought to the auditor's office.
Ques. 40. They had been sealed before that?—Ans. Yes, sir.
Ques. 41. They were put in an envelope and sealed and you went into the office and signed them?—Ans. Yes, sir.
($1.25 paid as fee by contestee.)

ISAAC MAULSBERY.

STATE OF IOWA,
Marshall County, ss:

Deposition of witness produced before me, J. H. Bradley, a notary public and commissioner agreed to take testimony this eighth day of April, A. D. 1883, in a proceeding before the House of Representatives of the United States of America, in a contested election for the office of Representative in Congress; in which proceedings Benjamin T. Frederick is contestant and James Wilson is contestee, T. Brown appearing as attorney for B. F. Frederick, and J. H. Bradley appearing as attorney for James Wilson.

(Lewis Hennis sworn as interpreter.)

ADAM DEUTCH, of lawful age, being produced and sworn in due form of law, testifies as follows:

Ques. 1. Where do you live?—Ans. French Grove.
Ques. 2. Did you vote at the last election, Minerva Township?—Ans. Yes, sir.
Ques. 3. I will ask you if you voted for Benjamin Frederick for Representative in Congress?—Ans. He voted straight Democratic ticket.
Ques. 4. Was Frederick's name on that ticket?—Ans. Yes, sir; he said that he voted straight ticket.
Ques. 5. Ask him if he reeollects voting for Frederick?—Ans. He said that he voted straight Democratic ticket.
Ques. 6. Ask witness where he was born.—Ans. In France.
Ques. 7. Ask him how long he has been in Iowa.—Ans. 16 years.
Ques. 8. Ask him where he lived in the United States before he came to Iowa.—Ans. In Illinois.
Ques. 9. How long did he live there?—Ans. He said he might have lived there 10 or 12 years before he came here, he is not very certain.

Cross-examination:

Ques. 10. How long have you voted at elections?—Ans. He says he has since he has had his last papers.
Ques. 11. Where was he naturalized?
(Contestee objects to the question.)
Ans. In Carroll County, in this State.
Ques. 12. How many papers did he get?
(Contestee objects to the question, as his papers are best evidence.)
Ques. 13. Has he his papers now?—Ans. Yes, sir.
Ques. 14. With him?—Ans. Yes, sir; they are here.
(Witness produces papers.)
(It is admitted by contestee that papers are good and sufficient.)
$2.55 paid his fee to—

ADAM DEUTCH.

STATE OF IOWA,
Marshall County, ss:

Deposition of witness produced before me, T. Brown, a notary public and commissioner agreed to take testimony, this tenth day of April, A. D. 1883, in a proceeding before the House of Representatives of the United States of America, in a contested election for the office of Representative in Congress, in which proceedings Benjamin T. Frederick is contestant and James Wilson is contestee, T. Brown appearing as attorney for B. T. Frederick and J. H. Bradley appearing as attorney for James Wilson.

AUGUST GERMAIN, of lawful age, being produced and sworn by T. Brown, in due form of law, testifies as follows:

Ques. 1. Where do you live?—Ans. In Marshall County, Minerva Township.
Ques. 2. Did you vote at the last November election in Minerva?—Ans. Yes, sir.
Ques. 3. Did you vote for Mr. Frederick?—Ans. Yes, sir.
Ques. 4. For Congressman?—Ans. Yes, sir.
Ques. 5. Where were you born?—Ans. Marshall County.
Ques. 6. Is your father Augustus Germain?—Ans. Yes, sir.
Ques. 7. What is your age?—Ans. 24, 20th October.
($2.75; paid his fee by contestee.)

STATE OF IOWA,
Marshall County, ss:

Deposition of witness produced before me, T. Brown, a notary public and commissioner agreed to take testimony, this tenth day of April, A. D. 1883, in a proceeding before the House of Representatives of the United States of America, in a contested election for the office of Representative in Congress, in which proceedings Benjamin T. Frederick is contestant and James Wilson is contestee, T. Brown appearing as attorney for B. T. Frederick and J. H. Bradley appearing as attorney for James Wilson.

AUGUST ECHHART, Jr., of lawful age, being produced and sworn by T. Brown, in due form of law, testifies as follows:

Ques. 1. How old are you Mr. Echhart?—Ans. 22 years old, October 5th.
Ques. 2. Last October or next October?—Ans. Next October.
Ques. 3. Where were you born?—Ans. Marshall County.
Ques. 4. Did you vote in Minerva Township?—Ans. Yes, sir.
Ques. 5. Last election?—Ans. Yes, sir.
Ques. 6. Did you live in Minerva?—Ans. Yes, sir.
Ques. 7. How long have you lived in Minerva?—Ans. Just as long as I have been out here.
Ques. 8. Always lived there?—Ans. Yes, sir.
Ques. 9. You say you were born here?—Ans. Yes, sir.
Ques. 10. Always lived here?—Ans. Yes, sir.
Ques. 11. What was your father's name?—Ans. August Germain.
Ques. 12. You have traveled five miles from State Centre?—Ans. Yes, sir.
($2.75; paid his fee by contestee.)

AUGUST ECHHART, JR.

STATE OF IOWA,
Marshall County, ss:

Deposition of witness produced and sworn before me, T. Brown, a notary public and commissioner agreed upon to take testimony, on this 10th day of April, A. D. 1883, in a proceeding pending before the House of Representatives of the United States of America, in a contested election for the office of Representative in Congress, in which proceedings Benjamin T. Frederick is contestant and James Wilson is contestee, T Brown appearing as attorney for Benjamin T. Frederick and J. H. Bradley appearing as attorney for James Wilson.

LOUIS GERMAN, of lawful age, being produced and sworn in due form of law, by T. Brown, testifies as follows:

Ques. 1. Where do you live?—Ans. Minerva Township.
Ques. 2. What is your age?—Ans. 22.
Ques. 3. When were you 22?—Ans. 15th October.
Ques. 4. Last October?—Ans. Yes, sir.
Ques. 5. Where were you born?—Ans. In Minerva Township.
Ques. 6. Did you vote in Minerva Township last fall?—Ans. Yes, sir.
Ques. 7. You traveled some distance, did you not?—Ans. No, sir; six miles from State Centre.
Ques. 8. In what year were you born?—Ans. I cannot tell you exactly; I was 22 years old 15th October.
Ques. 9. Who told you that?—Ans. My father.
Ques. 10. How long ago did you know that; have you been told a good many years?—Ans. Yes, sir.
($2.85; paid his fee by contestee.)

STATE OF IOWA,
Marshall County, ss:

AUGUST C. VOSS, being produced and sworn before T. Brown, notary public for Marshall County, on this 10th day of April, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, J. H. Bradley on the part of contestee):

Q. 1. Where do you live?—A. In Minerva Township.
Q. 2. What is your business?—A. Nothing much of anything now; I was farming.
Q. 3. Where did you live in Nov. last?—A. In Minerva Township.
Q. 4. Did you vote in Minerva Township or State Center last fall?—A. I voted in Minerva Township.
Q. 5. Did you live in State Center last fall?—A. No, sir; I kept a saloon there, but I did not live there.
Q. 6. Are you a married man?—A. Yes, sir.
Q. 7. Did you vote at last election, Nov., for Frederick for Congress?—A. Yes, sir.

Q. 8. You say you live in Minerva Township?—A. Yes, sir.
Q. 9. What section did you live on?—A. On No. 35; but I would not be positive, but I think so; it was on Louis Hennie's place.
Q. 10. Is it 85–20, or is it 85–18; you live on section 35; on 34 or 35?—A. On 34 or 35, I don't know which.
Q. 11. How far from the township line is it?—A. Half a mile from State Center Township line.
Q. 12. Did you live at home at the time you kept your saloon?—A. I lived there then, at the time of the election.
Q. 13. How long had you lived in Minerva Township at the time of the election?—A. I lived there in Story County 2 years; also for a short time I lived in Marshall County.
Q. 14. At the time of the election how long had you lived in Minerva Township?—A. Two years.
Q. 15. Where did you live before that?—A. In Story County.
Q. 16. You lived there until about when?—A. Two years ago.
Q. 17. Did you live in Minerva 2 years before the election?—A. I lived there from the 20th of March, last month it will be two years the 20th of March.
Q. 18. Have you lived there ever since?—A. Yes, sir.
Q. 19. Your family lived there?—A. Yes, sir.
Q. 20. Are you a married man?—A. Yes, sir.
Q. 21. At that time, last election, you kept saloon in State Center?—A. I had an interest in a saloon there.
Q. 22. Didn't you stay in State Center most of the time?—A. I hardly have stopped overnight there; I have been there several times.
Q. 23. You voted in Minerva, you say?—A. Yes, sir; I didn't suppose I had any right to vote in State Center, because they challenged my vote.
Q. 24. How far did you live from State Center?—A. Two and a half miles.
($2.55 paid as fee by contestee.)

AUGUST C. VOSS.

STATE OF IOWA,
Marshall County, ss:

JAMES DUNN, being produced and sworn before Brown, a notary public for Marshall County, on this 11th day of April, A. D. 1883, testifies as follows (J. H. Bradley appearing on the part of contestee, and T. Brown appearing on the part of contestant):

Ques. 1. Where do you live?—Ans. Liberty Township.
Ques. 2. Did you vote at the election in your township in Nov.?—Ans. Yes, sir.
Ques. 3. Did you vote for a candidate for Congress? did you vote for Frederick?—Ans. Well, now, I cannot answer that.
Ques. 4. You voted Democratic ticket, didn't you?—Ans. Yes, sir.
Ques. 5. You supposed you voted the straight ticket, didn't you?—Ans. Yes, sir.
Ques. 6. You have reason to believe that you voted for Frederick?—Ans. Well, I would not wonder.
Ques. 7. You voted in Liberty Township?—Ans. Yes, sir.
Ques. 8. Where were you born, Mr. Dunn?—Ans. In Ireland.
Ques. 9. When did you leave Ireland; how old were you when you left Ireland?—Ans. That I cannot tell, either.
Ques. 10. How old are you now?—Ans. I am about 40; yes, sir, I think I am about that.
Ques. 11. You were about 21 when you left there, were you?—Ans. I have no date for it.
Ques. 12. How long have you been here in Iowa?—Ans. I think I have been here 18 years in Iowa; couple years back in New York.
Ques. 13. Where did you get your papers?—Ans. Right here in this court-house.
Ques. 14. In this county?—Ans. Yes, sir.
Ques. 15. Have you got them with you?—Ans. No, sir; but the date is all there, I expect; if not, I have them at home.
Ques. 16. Have you your papers at home?—Ans. Yes, sir; certainly.
Ques. 17. How many papers have you; more than one?—Ans. Yes, sir.
Ques. 18. This was last Nov., '82, that you voted?—Ans. Yes, sir.
Ques. 19. In Liberty Township?—Ans. Yes, sir.

Cross-examination:

Ques. 20. What court did you get them before; in what court did you get your papers?
(Contestee objects to the testimony; not best evidence.)
Ans. 13 or 14 years ago.
Ques. 21. In the district court or circuit court?—Ans. I cannot say.

Ques. 22. You havn't been subpœnaed to bring your papers?—Ans. No, sir.
Ques. 23. You have correct naturalization papers?—Ans. Yes, sir.
Ques. 24. At home?
(Contestee objects to the testimony as not being the best evidence.)
Ques. 25. How long have you been voting?—Ans. Each year.
Ques. 26. Have you been a voter several years?
(Objects to testimony; not the best evidence.)
Ans. Yes, sir; certainly; I suppose 13 or 14 years; may be more; I am 20 years here altogether, but I didn't take out papers at first; you know I was there three years; that is necessary for us.

JAS. DUNN, JR.

$2.85 paid as fee by contestee.

STATE OF IOWA,
Marshall County, ss:

JOHN DUUN, being produced and sworn before T. Brown, a notary public for Marshall County, on this 11th day of April, 1883 (T. Brown appearing on the part of contestant, and J. H. Bradley on part of contestee), testifies as follows:

Q. 1. You live in Liberty Township?—A. Yes, sir.
Q. 2. Did you vote at the last Nov. election there?—A. Yes, sir.
Q. 3. Did you vote for Mr. Frederick for Congress?
BROWN. You need not state unless you please.
A. I don't know who I voted for.
Q. 4. You voted the Democratic ticket, though, did you not?—A. I don't know whether I did or not.
Q. 5. You say you voted the Democratic ticket?—A. I never voted very much.
Q. 6. Don't you know what ticket you voted?—A. No, sir.
Q. 7. Don't you know what names were on your ticket?—A. I don't any more than I got a ticket and threw it into the box.
Q. 8. Who did you get the ticket of?—A. I don't know, there were so many men there.
Q. 9. Don't you remember who gave you your ticket?—A. I don't remember it now.
Q. 10. Who was present when you voted?—A. When I put it into the box Bailey was there, Dunn, Sam Maloney, and some others.
Q. 11. Is William Dunn your father?—A. No, sir.
Q. 12. Have you any idea whether you voted the Democratic or Republican ticket?—A. No, sir; I could not say which.
Q. 13. Did you not see your ticket, and see whether it was Democratic or Republican?—A. Well, I did not look at it; I couldn't read it.
Q. 14. You may have voted the Republican ticket?—A. I don't know whether or not.
Q. 15. Do you think you did?—A. I cannot say whether I did or not.
Q. 16. You believe you vote the Republican ticket?—A. No, sir; I don't.
Q. 17. You believe you voted the Democratic ticket?—A. No, sir; I don't; I don't know what ticket I voted.
Q. 18. You did not vote the Greenback ticket, did you?—A. I don't know whether I did or not.
Q. 19. Did you ever vote any other than the Democratic ticket?—A. I never voted only that time, I guess.
Q. 20. Is that the only time you ever voted?—A. Yes, sir.
Q. 21. How long have you been in Iowa, Mr. Dunn?—A. Pretty nearly 13 years.
Q. 22. Where were you born?—A. In Ireland.
Q. 23. How old are you?—A. 31 or 32.
Q. 24. Did you ever get any naturalization papers?—A. Yes, sir.
Q. 25. What court did you get them from and what county?—A. Right here.
Q. 26. Have you them with you?—A. No, sir.
Q. 27. Now, Mr. Dunn, don't you know you voted the Democratic ticket?—A. Well, I cannot say; I just threw it in; I don't know whether it was a Democratic or Republican.
Q. 28. Did you not at the time suppose you were voting the Democratic ticket?—A. No, sir; I did not.
Q. 29. Did you suppose you were voting the Republican ticket?—A. No; I did not.
Q. 30. At the time did you suppose you were voting the Republican ticket?—A. No; I did not.
Q. 31. Do you not know who gave you your ticket; from whom did you get your ticket?—A. 9 or 10 gave me tickets; sometimes there were 5 or 6 at a time.
Q. 32. How many gave you this ticket you voted?—A. I don't know; I don't remember who gave it to me.

Q. 33. You saw your ticket?—[To a bystander. Did you see my ticket?]—A. I cannot say now who gave it to me.
Q. 34. Did you ever vote before this last fall?—A. No, sir.
Q. 35. When did you get your papers; how long ago?—A. My last paper?
Q. 36. When did you get any paper?—A. I got my first paper about 6 or 7 years ago.
Q. 38. When did you get the other?—A. I got that here, too.
Q. 39. When did you get it; last Dec.?—A. Yes, sir.
Q. 40. Don't you know you voted the Democratic ticket?—A. I told you two or three times I did not.
Q. 41. You don't know that you did?—A. No, sir.
Q. 42. Did you not at the time suppose you were voting the straight Democratic ticket?
(Objection.)
Q. 43. Did you not at the time suppose you were voting a straight Democratic ticket?—A. I don't know, I think.
Q. 44. You don't know what you supposed at the time?—A. I don't know what ticket.
Q. 45. Don't you know what you supposed at that time?—A. Not being accustomed to voting, the first thing I did was to throw the ticket in; there were dozens of them there; I picked up one; I did not know which one.
Q. 46. That is the first time, you say, you ever voted? When you got your papers the last time, who was the judge; was it Henderson?—A. I don't know. It was at the time of Smith's term over here.
Q. 47. Who was present besides Mr. Saint and Wm. Dunn; was Peter Dunn present?—A. Yes, sir; also 50 or 60 men there.
Q. 48. Did you look at the head of your ticket to see what was upon it?—A. No, sir.
Q. 49. To see whether Democratic or Republican ticket?—A. I did not notice.
Q. 50. Did you know at that time what ticket you voted?—A. No, sir; I do not know as to what ticket. I was not very particular, I guess.
Q. 51. You intended to vote the Democratic ticket?—A. No, sir; I was not particular.
Q. 52. Are you not a Democrat?—A. I do not know; I never voted much; I never knew what Democrat or Republican was; I suppose I am a Democrat.
Q. 53. Would you not be likely to look at that Republican ticket if you supposed it to be such?—A. Well, I was not interested enough in the matter.
($2.85 paid as fee.)

JOHN DUNN.

STATE OF IOWA,
Marshall County, ss:

PATRICK DUNN, being produced and sworn before J. H. Bradley, a notary public for Marshall County, on this 10th day of April, A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant, and J. H. Bradley appearing on the part of contestee):

Did you live in Liberty Township?—Ans. Yes, sir.
Ques. 2. Do you know John Dunn just on the witness stand?—Ans. Yes, sir.
Ques. 3. Were you present when he voted in Liberty Township last fall?—A. I might have been; I cannot testify to it; I may have seen him there; I cannot say as to that.
Ques. 4. Do you know what ticket he voted?—Ans. No, sir; I know nothing about it.
Ques. 5. Did you ever hear him say how he voted?—Ans. I never heard him say anything about it.
Ques. 6. Do you know his politics?—Ans. No, sir; I don't know.
Ques. 7. Do you know how he voted?—Ans. Perhaps, like myself, voted for whomever is a good man.
Ques. 8. Wasn't it your understanding that he was a good man?—Ans. If there was a good man on the Republican ticket we voted the Republican ticket; if not, we voted the Democratic ticket.
Ques. 9. Do you know whether he voted for Frederick or not?—Ans. No, sir; I don't know anything about it.
Ques. 10. Did you vote there yourself?—Ans. Yes, sir.
Ques. 11. For Frederick?—Ans. Yes, sir; I did.
Ques. 12. That was last Nov. election?—Ans. Yes, sir.
Ques. 13. Where were you born, Mr. Dunn?—Ans. In Ireland.
Ques. 14. How long have you been here?—Ans. 18 years in Iowa; 5 years in this city; well, any way, I am 18 years in Iowa.
Ques. 15. From what place did you get your papers?—Ans. In this court-house here.
Ques. 16. In this county?—Ans. Yes, sir; the first papers I ever got.

Ques. 17. Have you got your papers with you?—Ans. No, sir.
Ques. 18. When did you last get your papers, Mr. Dunn?—Ans. I suppose it must be, in my opinion, 14 or 15 years.

Cross-examination:

Ques. 19. That is, your second papers?—Ans. Yes, sir.

PATRICK DUNN.

$2.85 paid as fee by contestee.

STATE OF IOWA,
Marshall County, ss:

HENRY DUNN, being produced and sworn before T. Brown, notary public for Marshall County, on this 10th day of April, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and J. H. Bradley on the part of contestee):

Q. 1. You live in Liberty Township?—A. Yes, sir.
Q. 2. Did you vote for Frederick for Congress?—A. I voted the Democratic ticket.
Q. 3. Straight ticket, was it?—A. I suppose so.
Q. 4. I suppose that you voted for Frederick?—A. That was the calculation.
Q. 5. You have no doubt of it?—A. The ticket was handed to me by a Democrat; I suppose, probably, it was a Democratic ticket; I didn't read the name.
Q. 6. You have no reason to doubt it now; the ticket was full, except for the township, and that you filled out yourself?—A. Yes, sir.
Q. 7. It was a regular Democratic ticket?—A. Yes, sir.
Q. 8. Where were you born?—A. In Ireland.
Q. 9. Were you present when Mr. John Dunn voted?—A. No, sir.
Q. 10. Do you know how he voted?—A. I wasn't at the polls only a few minutes.
Q. 11. Do you know what ticket he votes usually?—A. No, sir; I didn't really think that he was a voter; I never saw him vote.
Q. 12. You knew as a fact that he wasn't a voter at that time—you understood at that time that he wasn't a voter?—A. No, sir; I didn't understand anything about it.
Q. 13. How long have you been here in Iowa, Mr. Dunn?—A. 29 years.
Q. 14. How old are you now?—A. 53, past.

Cross-examination:

Q. 15. How long have you been a voter here?
(Objection; incompetent.)
A. Since I got my papers; at the time Jim Williams was a clerk at Marietta.
Q. 16. How long have you been in the United States?—A. I came here in 1848; landed in N. Y. 26th of May, 1848; I came here to Iowa in 1854.
Q. 17. You came to N. Y. in 1848?—A. Yes, sir.
Q. 18. You have been in the United States ever since 1848?—A. Yes, sir.
Q. 19. Were you subpœnaed to bring your citizen's papers?
(Objection; incompetent.)
A. Yes, sir.
Q. 20. James Williams was clerk of the court when you got your papers?—A. Yes, sir.
Q. 21. You got them in the district court?
(Objection; incompetent.)
A. Yes, sir.
($2.95 paid as fee by contestee.)

HENRY DUNN.

STATE OF IOWA,
Marshall County, ss:

WILLIE WALLACE, being produced and sworn before T. Brown, notary public for Marshall County, on this 10th day of April, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, J. H. Bradley on the part of contestee):

Q. 1. You live here in the city?—A. Yes, sir.
Q. 2. You voted for Frederick for Congress?—A. Yes, sir; I did.
Q. 3. In what ward did you vote?—A. In the 2nd ward.
Q. 4. Your ballot was put into the box?—A. Yes, sir; I saw it.
Q. 5. You say your name is Willie Wallace?—A. Yes, sir.
Q. 6. Do you know whether your name appears on the poll-books as Will or William?—A. I guess it is Will or William; there is another William Wallace here, a machinist, in this town, in another ward; lives on North 3d st., 112, in the 2d ward.

Cross-examination:

Q. 7. You are a citizen of the United States?
(Objection; incompetent.)
A. Yes, sir; I am.
Q. 8. How long have you resided in this county?—A. Since last August.
Q. 9. Have you resided in the county since last August?—A. Yes, sir.
Q. 10. How long have you resided in this State?—A. About 27 years.
Q. 11. What time in August did you get here?—A. 7th, I think, was the date.
($0.85 paid as fee by contestee.)

WILL. WALLACE.

STATE OF IOWA,
Marshall County, ss:

WM. GADA, being produced and sworn before J. H. Bradley, notary public for Marshall County, on this 10th day of April, 1883, and examined before me, testifies as follows (T. Brown appearing on part of contestant, J. H. Bradley on the part of contestee):

Q. 1. Did you vote at the last Nov. election in this town?—A. Yes, sir.
Q. 2. In which ward?—A. 4th ward.
Q. 3. You live in the 4th ward?—A. Yes, sir.
Q. 4. Did you vote for Mr. Frederick for Congress?—A. Yes, sir.

Cross-examination:

Q. 5. How long had you lived there in that ward when you voted?
(Objection; incompetent.)
A. Only one year.
Q. 6. How long did you live in the State?—A. 7 years.
Q. 7. You lived in the ward you voted in one year?
(Objection; incompetent.)
A. Yes, sir.
($0.85 paid as fee by contestee.)

WM. GADA.

STATE OF IOWA,
Marshall County, ss:

GEORGE BOWMAN, being produced and sworn before J. H. Bradley, notary public for Marshall County, on this 10th day of April, 1863, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and J. H. Bradley on the part of contestee):

Q. 1. You are the son of Geo. Bowman, are you?—A. Yes, sir.
Q. 2. You are a voter in the county, are you not?—A. I guess so.
Q. 3. Do you know John Stindoff who worked for Bowman brothers?—A. Yes, sir.
Q. 4. Do you know where is now?—A. No, sir.
Q. 5. Do you know that he voted last Nov. here?—A. I could not swear.
Q. 6. Were you present last Nov. when he voted?—A. I was here; I did not see him vote.
Q. 7. Were you not at the polls when he voted?—A. No, sir.
Q. 8. You know where he lives?—A. No, sir; not now.
Q. 9. Where did he live then?—A. All I know is that he worked for Bowman.
Q. 10. Did you know Fred. Slingman?—A. Yes, sir.
Q. 11. While he worked for Bowman?—A. Yes, sir.
Q. 12. Does he now?—A. Yes, sir.
Q. 13. Did he vote last Nov. election?—A. I could not swear to that either.
Q. 14. Were you not present when he voted?—A. No, sir.
Q. 15. Did you recollect telling Mr. Stindoff and Slingman voting?—A. Yes, sir; I don't say that they voted.
Q. 16. Don't you know that they voted?—A. I could not swear to that. They might have done so, and I not have known anything about it.
Q. 17. You know that they were not legal voters, don't you?
(Objection not proper, asking the opinion of the witness.)
Q. 18. Where were they born?—A. I could not tell where; whether in the old country or no.
Q. 19. Don't you know what country they are natives of?—A. I don't know whether from Pennsylvania or not.
Q. 20. May they not be natives of Germany?—A. It would be as well to say I am a German.
Q. 21. I know you are a German, but are they not Germans?—A. I could not swear to that.

Q. 22. What is the fact about their having voted; don't you know Fred. Slingman voted for Frederick?
(Objection, leading.)
A. I don't know whether he voted or not; I was not at the polls when he voted.
Q. 23. Didn't you hear him say that he voted?
(Objection, hearsay.)
A. I never asked him whether he voted, or not.
Q. 24. Didn't you hear him say that he voted for Frederick?—A. No, sir, I never.
Q. 25. Where is Slingman now?—A. You were born in this city?—A. Yes, sir, in this city.
Q. 26. How old are you?—A. Going on 24.
Q. 27. You say you didn't see these men, either of them, vote?—A. Yes, sir.
Q. 28. You didn't hear them say they voted?—A. I never did; didn't hear them say anything about it.
Q. 29. Don't you know that they voted?—A. I don't know anything about it; they may have voted for all I know; I could not swear to it.
($0. 85 paid as fee by contestee.)

GEORGE BOWMAN.

STATE OF IOWA,
Marshall County, ss:

THOMAS DUNN, being produced and sworn before ——— Brown, notary public for Marshall County, on this 10th day of April, 1883, testifies as follows (J. H. Bradley appearing on the part of contestee and T. Brown on the part of contestant):

Ques. 1. Where do you live?—Ans. Liberty Township.
Ques. 2. Did you vote for Frederick for Congressman?—Ans. Yes, sir, if his name was on the paper I voted. I voted the straight Democratic ticket.
Ques. 3. He was the Democratic candidate, was not he?—Ans. Yes, sir.
Ques. 4. You supposed you were voting for Frederick?—Ans. Yes, sir.
Ques. 5. There is no doubt about it, is there?—Ans. I didn't read it over; I took ticket from the man that was giving them out.
Ques. 6. Where were you born?—Ans. In Ireland.
Ques. 7. You know John Dunn?—Ans. Yes, sir.
Ques. 8. I mean a young man 32 or 33 years old; do you know of his voting last fall there in that township?—Ans. No, sir.
Ques. 9. You don't know; were you not present when he voted—when John Dunn voted?—Ans. No, sir.
Ques. 10. Did you ever hear him say how he voted?—Ans. No, sir.
Ques. 11. How far have you come?—Ans. 20 miles.

Cross-examination:

Ques. 12. How long have you been a voter here?
(Objection, incompetent.)
Ans. Well, I am 18 years here the last month past, and since I got my papers out I have voted.
(Objected to, the testimony recorded best evidence.)
Quest. 13. Where did you get your papers?—Ans. In this town.
(Objected to, the testimony recorded best evidence.)
Ques. 14. In what court?—Ans. I don't know what court; over in this court-house here.
Ques. 15. Who is the clerk?—Ans. When I got my last paper Jack Williams was in.
Ques. 16. When you got first papers?—Ans. James Williams was in.
Ques. 17. That is Jim Williams?—Ans. Yes, sir; I got first papers when he was in.
Ques. 18. Then Jack Williams is James Williams's brother?—Ans. Yes, sir; the two Williams; I got my first paper from one brother and my last from the other one.

THOMAS DUNN.

$2.75 paid as fee by contestee.

STATE OF IOWA,
Marshall County, ss:

JAMES E. DUNN, being produced and sworn before ——— Brown, notary public for Marshall County, this 10th day of April 1883, testifies as follows (J. H. Bradley appearing on the part of contestee, and T. Brown on the part of contestant):

Ques. 1. Where do you live, in Liberty Township?—Ans. Yes, sir.
Ques. 2. Did you vote in Liberty Township last Nov. election?—Ans. Yes, sir.
Ques. 3. You voted for Frederick for Congress, did you?—Ans. That I won't swear to.

Ques. 4. What ticket did you vote?—Ans. I voted the Democrat ticket; I can't say if he was on the ticket I voted or not.

Ques. 5. You didn't look to see?—Ans. No, sir; I went there late in the evening, about the last voting that was done; I asked for a ticket; I supposed I had a straight ticket; I just handed it in.

Ques. 6. You have no reason to believe you didn't vote for him, have you?—Ans. I have as much reason to believe I didn't as I did, as long as I don't know.

Ques. 7. Have you doubt about it?—Ans. No, sir; I didn't read it; I am no scholar; I supposed I was voting the Democratic ticket.

Ques. 8. Did you look at it?—Ans. I just folded it up and voted it.

Ques. 9. You didn't vote the Democratic ticket?—Ans. Yes, sir; probably.

Ques. 10. Who gave you the ticket, do you remember?—Ans. I think Mr. Tite.

Ques. 11. Was your ticket put into the box?—Ans. Yes, sir.

Ques. 12. By the judges of the election?—Ans. Yes, sir.

Ques. 13. Was Mr. Tite giving out Democratic tickets?—Ans. I don't know what kind he had been giving out.

Ques. 14. Mr. Tite is a Democrat?—Ans. Yes, sir; he claims to be; I just got there about the last voting; I just went up and asked for a ticket.

Ques. 15. Where were you born?—Ans. In Ireland.

Ques. 16. How long have you been in the United States?—Ans. Some over 20 years.

Ques. 17. Do you know about John Dunn's voting?—Ans. No, sir.

Ques. 18. Were you there when he voted?—Ans. No, sir.

Ques. 19. Ever hear him say that he voted?—Ans. No, sir; never heard him speak anything concerning the election whatever.

Cross-examination:

Ques. 20. How long have you been a voter?

(Objection, recorded best evidence.)

Ans. 25 or 6 years.

Ques. 21. How long have you been in the United States?—Ans. Over 25 years.

Ques. 22. Have you got citizen's papers?

(Objection, recorded best evidence.)

Ans. Yes, sir.

Ques. 23. What court did you get them before?—Ans. I don't remember what court was in session at the time I got them; Mr. Williams was in office at the time I got them.

Ques. 24. He was clerk, was he?—Ans. Yes, sir.

Ques. 25. They were got in this county?—Ans. Yes, sir.

Ques. 26. Here at Marietta?

(Same objection, recorded best evidence.)

Ans. It was here I got my last papers, I think—part of them—in Marietta.

Redirect:

Ques. 27. How long since you got last papers?—Ans. Something over 20 years ago, to the best of my opinion.

Ques. 28. Have you got them at home?—Ans. Yes, sir.

Ques. 29. How far did you come?—Ans. Twenty miles.

his
JAMES × DUNN.
mark.

$2.75 paid as fee by contestee.

STATE OF IOWA,
Marshall County, ss:

LEWIS S. LARSON, being produced and sworn before T. Brown, on this 10th day of April, A. D. 1883, testifies as follows (J. H. Bradley appearing on the part of contestee, and T. Brown appearing on the part of contestant):

Ques. 1. You live in Washington Township?—Ans. Yes, sir.

Ques. 2. What is your business?—Ans. Blacksmithing.

Ques. 3. Did you vote at the last November election at Washington Township?—Ans. Yes, sir.

Ques. 4. Did you vote for Frederick for Congress?—Ans. Yes, sir.

Ques. 5. Where were you born?—Ans. In Sweden.

Ques. 6. How long have you been in the United States?—Ans. Fifteen years.

Ques. 7. When you voted for Frederick was your vote put in the ballot-box?—Ans. I presume so; I handed it to them: I think it was put in.

Ques. 8. Where did you get your papers?—Ans. I never had any papers; I was always told that if I came over with my father before I was of age that made me a citizen.

Ques. 9. How old are you?—A. Thirty-three, I believe, on my birthday.

Ques. 10. How old were you when you came?—Ans. Some over 18 years when I came to this country.
Ques. 11. You were in your 19th year?—Ans. Yes, sir.
Ques. 12. Did you come with your father?—Ans. I came before he did.
Ques. 12. Where did your father live here?—Ans. In Webster County.
Ques. 13. How long has he lived there?—Ans. Fourteen years.
Ques. 14. Did you know when he was naturalized there?—Ans. Two or 3 years ago. I do not know just when, only I know that he was naturalized.
Ques. 15. Two or 3 years ago, you understood it?—A. Yes, sir; I judge so.
Q. 16. You mean you were over 18 when you came to Iowa or when you came to the United States?—A. I came straight to Iowa.

Cross-examination:

Q. 17. Do you know what day you landed in the United States?—A. I cannot tell you; I forgot that.
Q. 18. Do you know how old you were when you started?—A. No, sir; but I can figure it out.
Q. 19. What year did you come here in?—A. '68.
Q. 20. How old did you say you are now?—A. I think I will be 33.
Q. 21. When will you be 33?—A. New Year's.

Redirect:

Q. 22. Did your brother vote last election?—A. No, sir.

Recross-examination:

Q. 23. Did you live with your father after you came to the United States?—A. Yes, sir; I did.
($1.45 paid as fee by contestee.)

LOUIS S. LARSON.

LEWIS LARSON recalled.

Ques. 1. When did your brother come to the United States?—Ans. He came in Oct., '69. I came in '68, in May or June.
Ques. 2. What month was that, do you remember?—Ans. In May or June; I do not remember which.

Cross-examination:

Ques. 3. Has your father held any office?—Ans. Yes, sir.
Ques. 4. What office did he hold?—Ans. School director.
Ques. 5. How long was he school director?—Ans. I think that it was last year.
Ques. 6. Had he been such before?—Ans. No, sir.
(Excused.)

STATE OF IOWA,
Marshall County, ss:

OSCAR LARSEN, being produced and sworn before ——— Brown, a notary public, on this 10th day of April, A. D. 1883, testifies as follows (J. H. Bradley appearing on the part of contestee, and T. Brown appearing on the part of contestant):

Ques. 1. You live in Washington Township?—Ans. Yes, sir.
Ques. 2. Did you vote at the last general election?—Ans. Yes, sir.
Ques. 3. Did you vote for Frederick for Congressman?—Ans. Yes, sir.
Ques. 4. Where were you born?—Ans. In Sweden.
Ques. 5. Did you come to this country when your brother Lewis did?—Ans. No, sir.
Ques. 6. Before he did or afterward?—Ans. Afterward.
Ques. 7. How old are you now?—Ans. 26 last birthday.
Ques. 8. When was your last birthday?—Ans. 27th of September past.
Ques. 9. How long have you been here?—Ans. 13 years last October.
Ques. 10. You have been here 13 or 14 years?—Ans. Yes, sir.
Ques. 11. You came here since your brother did?—Ans. Yes, sir.
Ques. 12. When did you come? Any way, in what year did you come?—Ans. I was a little shaver; I didn't pay much attention to it.
Ques. 13. You have been here 13 years?—Ans. Yes, sir.
Ques. 14. How long had your brother been here when you came?—Ans. I guess a couple of years, if I can remember right.
Ques. 15. Have you ever had naturalization papers?—Ans. No, sir.
Ques. 16. Did you live with your father since coming to this country?—Ans. Yes, sir
Ques. 16. Where did you live?—Ans. In Webster County.
Ques. 17. Did you know whether your father was naturalized there?—Ans. I never saw his papers.

Cross-examination:

Ques. 18. Did you know of your father being a voter?—Ans. I never saw him vote.

Ques. 19. Did you understand that he was a naturalized voter?—Ans. So he told me.

Ques. 20. He claimed to be a citizen, and to be naturalized?—Ans. Yes, sir. I would not swear to it, as long as I did not see his papers.

Ques. 21. Where did your father live?—Ans. In Webster County.

Ques. 22. What is his post-office?—Ans. Calander.

Ques. 23. What is his full name?—Ans. Lewis N.

Ques. 24. Did you know of your father serving on juries?—Ans. No, sir.

Redirect:

Ques. 25. When did you understand from your father that he had his naturalization papers; how long ago?—Ans. I guess it is about 2 years; well, it was only 2 years, if I remember right; we talked about it then.

Recross-examination:

Ques. 26. You understood that he just got his papers then?—Ans. Yes, sir.

Ques. 27. Did you know in what year he got his papers?—Ans. No, sir.

Ques. 28. You understood, then, that he had them, any way?—Ans. Yes, sir.

Ques. 29. You didn't know whether he got them then or before?—A. No, sir, I don't know.

OSCAR LARSEN.

$1.45 paid as fee by contestee.

STATE OF IOWA,
Marshall County, ss:

J. B. SHELDON, being produced and sworn before J. H. Bradley, notary public for Marshall Co., on this 10th day of Apr., '83, testifies as follows (T. Brown appearing on the part of contestant and J. H. Bradley on the part of contestee):

Ques. 1. Do you know one A. N. H. Gadd?—Ans. I don't think I ever heard the name.

Ques. 2. Do you remember a man by the name of Gadd voting in the second ward last Nov. election?—Ans. He might have been at the polls there; I don't vote in that ward, though.

Ques. 3. Don't you remember of the fact of being there and recommending him as a voter at the polls?—Ans. No, sir; I don't remember the man?

Ques. 4. You don't remember anything about it?—Ans. No, sir.

Ques. 5. You don't know any such man?—Ans. I think I have heard the name; I think I knew him by such; but I don't know for certain that I have heard the name.

Ques. 6. What ward do you live in?—Ans. In the fourth ward. I suggest here that it is possible that you have that mixed; I have recommended some other man by the name of Burr that lived in the second ward. I know that he desired me to be there that evening of the election. I think that he can read and write. I think that he can read. I presume that this may be your impression.

Ques. 7. You don't know any such man as A. N. H. Gadd? Do you know of any other Sheldon?—Ans. No, sir; not in town. There is one near Albion.

J. H. SHELDON.

$0.85 paid as fee by contestee.

STATE OF IOWA,
Marshall County, ss:

B. B. POTTER, being produced and sworn before J. H. Bredley, notary public for Marshall County, on this 10th day of April, 1883, testifies as follows (T. Brown appearing on the part of contestant, and J. H. Bradley on the part of contestee):

Ques. 1. You live in Washington Township?—Ans. Yes, sir.

Ques. 2. You were one of the judges of the election at that time, were you not?—Ans. Yes, sir.

Ques. 3. Did you assist in making the canvass of the returns of the votes that night after the election?—Ans. Yes, sir.

Ques. 4. Who assisted you?—Ans. Mr. Andrews and Mr. Scott.

Ques. 5. Mr. Scott now moved to State Center?—Ans. No, sir; I think out to Eagle Grove. He has sold his farm.

Ques. 6. Did you examine the ballots that night?—Ans. Yes, sir; what I counted I did.

Ques. 7. Who counted the ballots besides yourself, what other judge; who examined the ballots to see what they were?—Ans. Mr. Andrews and Mr. Scott.

Ques. 8. You may tell the commissioner what care you exerted to see that no mis-

takes were made in counting the ballots carefully.—Ans. We counted them out by fives; that is my own manner of doing. If there were any straight tickets they were counted so; if there were any tickets that were split, so called, they were counted the same way. Of them we took out five ballots at a time. We would take out five Republican votes, probably, and the next time five Democratic votes, next time five Greenback votes, if there were as many as five.

Ques. 9. Didn't you make a pretty thorough examination in the canvass?—Ans. Yes, sir; I did.

Ques. 10. Did you count the ballots correctly?—Ans. We endeavored to.

Ques. 11. From the one in which you counted them have you reason to believe you made a correct count?—Ans. I have.

Ques. 12. Who was the clerk of the election?—Ans. Mr. Ezra Wyatt. His assistant, I think, was his brother.

Ques. 13. That was the last Nov. election?—Ans. Yes, sir.

Ques. 14. Do you know where the ballot-box was left after the election?—A. Mr. Wyatt took charge of it.

Ques. 15. That was the box left in the school-house?—Ans. I don't know anything about whether it was or not. I don't know whether I staid there; I might have staid to walk home with M. Wyatt; but whether at the scool-house I do not know.

Cross-examination:

Ques. 16. You didn't count all the votes, did you?—Ans. No, sir.

Ques. 17. You don't know how the other judges counted them?—Ans. No, sir.

Ques. 18. You don't say it was impossible for you to have made a mistake?—Ans. No. sir; I didn't.

Ques. 19. You only counted them once?—Ans. That is all; that is, we counted to see they tallied all right.

Ques. 20. You selected as near as you could, you took the straight ticket, laid down a ticket, and waited until you got five?—Ans. No, sir; we laid it back in the box.

Ques. 21. Didn't you object to the mode or manner of counting there?—Ans. No, sir; I don't know that I ever made it known that I objected; I have been on the board, and we always counted by ones. I don't think I said anything about it.

Ques. 22. You don't think you made it as carefully as you are accustomed to make it?—Ans. I always felt better satisfied to count by ones; we always did it.

Redirect:

Ques. 23. Did you take the tickets out of the box?—Ans. Yes, sir.

Ques. 24. Did you examine each ticket?—Ans. Yes, sir.

Ques. 25. In bunching you examined each one separately?—Ans. Yes, sir.

Ques. 26. And each name on the ticket?—Ans. Yes, sir.

B. B. POTTER.

$1.45 paid as fee by contestee.

STATE OF IOWA,
Marshall County, ss:

M. E. ANDREWS, being produced and sworn before J. H. Bradley, a notary public of Marshall County, on this 11th day of Apr., 1883 (J. H. Bradley appearing on the part of the contestee, and T. Brown on the part of the contestant), testified as follows:

Ques. 1. Were you one of the judges at the election in Washington Township?—Ans. Yes, sir.

Ques. 2. Did you assist in making the canvass on the night of the election?—Ans. Yes, sir

Ques. 3. You may tell the commissioner what care you exercised; how you examined the ticket with reference to correctness?—Ans. Well, sir, we selected 5 straight tickets that were not scratched, so far as the State and the county were concerned; the township office we were not so particular as to the scratching. We invariably took 5 so far as we found them straight tickets. Where we found tickets that were scratched we took them in ones. The township clerk of the election tallied. When he tallied 5 he said "tally," and if there were no mistakes; if the other clerks didn't come out with the tally at the same time, then it was corrected before the ballots were laid down or disposed of in any way. That is as near as we could state as to how we counted them.

Ques. 4. Was the Congressional ticket scratched some?—Ans. Yes, sir; some.

Ques. 5. Did you examine each name on each ticket as you bunched them?—Ans. Yes, sir; I did.

Ques. 6. You were careful about that?—Ans. Yes, sir.

Ques. 7. Do you believe that the count that you made was correct?—Ans. Yes, sir.

Ques. 8. Have you any reason to believe from what has been said that the count was incorrect?—Ans. No, sir.

Cross-examination:

Ques. 9. Did you count all the ballots?—Ans. No, sir.

Ques. 10. You don't know whether the rest made any mistakes or not?—Ans. Not so far as I examined; I examined as far as I could.

Ques. 11. Well, do you know whether they made any mistake or not?—Ans. I don't know whether they did or not.

Ques. 12. Do you know that it was impossible for you to make a mistake?—Ans. Well, rather improbable.

Ques. 13. You were liable to make mistakes even if you were careful, were you not?—Ans. I don't know as we were, sir.

Ques. 14. You didn't say you couldn't make a mistake, even if you meant to do it accurately?—Ans. It is possible; I don't know; I do not think probable.

Ques. 15. You, as an officer, attempted to count them correctly?—Ans. Yes, sir.

Ques. 16. You believe all the judges did?—Ans. Yes, sir.

Ques. 17. You don't know but what the clerks might have made a mistake in tallying the votes, for all you know?—Ans. I think not in tallying.

Ques. 18. You heard them announce the tally?—Ans. Yes, sir.

Ques. 19. But you don't know but what the clerks might have made a mistake when Wilson's name was tallied? Suppose they had their pencils and marked so many for Wilson and you called the tally off as they marked it, might you not have made a mistake in tallying on the Wilson list?—Ans. No, sir; not as liable for 5 as for one.

Ques. 20. They might have done it, might they not?—Ans. Yes, sir; of course.

Ques. 21. Some tickets were scratched for Wilson and Frederick?—Ans. Yes, sir.

Ques. 22. When they came to call these single ballots they might have made a mistake then?—Ans. I don't know, sir; I can't tell whether or not; I am not positive as to that. It is possible we might.

Ques. 23. If you recounted them yourself and saw that a mistake had been made you would not say that it was impossible for a mistake to have been made?—Ans. No, sir; we did that before the tallies were closed; before the count was made.

Ques. 24. Well, suppose you had done afterwards, after the ballot-box had been perfectly kept?—Ans. Yes, sir, of course I would have to succumb to a mistake.

Ques. 25. You don't say but what there might have been a mistake in counting a larger number of tickets?—Ans. No, sir, of course not.

Ques. 26. Tickets were not all passed through your hands, were they?—Ans. Pretty much so.

Redirect:

Ques. 27. In taking tickets out of the box what did you do with them; did you pass them to another judge of the election?—Ans. Yes, sir; it was so required.

Ques. 28. Well, it is not impossible to make a mistake. You mean that it is impossible in view of the fact that this ballot-box was unopened for 3 or 4 months?—Ans. I say a mistake on that evening was not improbable.

Ques. 29. Do you know as a fact anything about where this ballot-box was kept?—Ans. Yes, sir; on top of a cupboard in a school-house.

Ques. 30. Did you see it there?—Ans. Yes, sir; I saw it there.

Ques. 31. Did you see it there during the lyceum meeting there, or other meeting?—Ans. I saw it there one day in the school-house.

Ques. 32. Did you know whether the box had been opened or not?—Ans. No, sir.

($2.25 paid as fee by contestee.)

M. E. ANDREWS.

STATE OF IOWA,
Marshall County, ss:

CHAS. S. AUSTIN, being produced and sworn before J. H. Bradley, notary public for Marshall County, on the 11th day of April, '83 (T. Brown appearing on the part of contestant, and J. H. Bradley on the part of contestee), testifies as follows:

Ques. 1. You have a brother named Austin?—Ans. Yes, sir.
Ques. 2. Where does he live now?—Ans. In Gladbrook, this State.
Ques. 3. Where did he live in Nov. last?—Ans. Marshalltown, Iowa.
Ques. 4. What is his name?—Ans. Edward Austin—T. E. Austin.
Ques. 5. You say that he lived here last fall, Nov.?—Ans. Yes, sir.
Ques. 6. How old is he?—Ans. 21, the 30th of June.
Ques. 7. You mean of this year, '83?—Ans. Yes, sir.
Ques. 8. Do you know whether he voted here last fall?—Ans. No, sir; I don't know anything about that.

Cross-examination:

Ques. 9. Do you know his age absolutely?—Ans. Yes, sir; that is what I have been told. He is older than I am.

Redirect:

Ques. 10. That is family history, as you understand it?—Ans. Yes, sir.
($.85 paid as fee by contestee.)

CHARLES S. AUSTIN.

STATE OF IOWA,
Marshall County, ss:

N. PETER HANSON, being produced and sworn before J. H. Bradley, notary public for Marshall County, on this 11th day of April, '83 (T. Brown appearing on the part of contestant, and J. H. Bradley on the part of contestee), testifies as follows:

Ques. 1. Did you vote in this State at the last Nov. election?—Ans. I voted for Mr. Frederick.
Ques. 2. What ward did you vote in?—Ans. Fourth ward.
Ques. 3. You voted for Frederick for Representative in Congress?—Ans. Yes, sir.
Ques. 4. You worked for Frederick?—Ans. Eleven years.
Ques. 5. Where were you born?—Ans. In Denmark.

Cross-examination:

Ques. 6. How long have you been a voter?
(Contestant moves to strike out the answer as incompetent and immaterial, being a statement of the records without producing them.)
Ans. I got my paper when Mr. Frederick was at home.
(Witness returns with proper naturalization papers, dated June, '82. Papers admitted by the parties to be good and sufficient.)

It is agreed that WILLIAM BRODHEAD is a resident and occupant of the "Poor-House Farm," in Marshall County, and that he was unable to appear, but will testify as follows:

That he did not read his ticket at the last Nov. election, State of Iowa, Washington Township, but supposed that he was voting a straight Democratic ticket, and that he got his papers at New Orleans, in the year '38 or '39, he is not positive which. He got them from George Baldwin; that he voted in Washington Township, and is 87 years old. Now, E. S. Shaw says that he will testify and thinks that he is in his 78th year. I think that is his age from the register. He got his first papers and made application at a place called Brigham City, Utah Territory; got second papers at Omaha, Neb., and Samuel Wedlock was his voucher. He was going to a place where he usually stopped and left them in an old trunk here, and says that he voted straight Democratic ticket. This man also is a resident of the "Poor-House Farm."
(The agreement is that the witness would testify as above. Also, that neither of these men never were naturalized in this county; the second man mentioned was naturalized several years ago.)

STATE OF IOWA,
Marshall County, ss:

HENRY SCHNEIDER, being produced and sworn before T. Brown, a notary public for Marshall County, on this 11th day of April, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, J. H. Bradley on the part of contestee):

Ques. 1. Where do you live?—Ans. I work for Bowman's, in this city. I voted last November election for Frederick for Congress.
Ques. 2. In what ward did you vote, Mr. Schneider?—Ans. In the 4th ward.
Ques. 3. Where were you born?—Ans. In Wisconsin.
Ques. 4. Were you born in Wisconsin?—Ans. Yes, sir.
Ques. 5. How long have you lived in this city?—Ans. Over three years; three years last month.
Ques. 6. Did you know Mr. Wellinggan?—Ans. Yes, sir.
Ques. 7. Do you know whether he voted at the last November election?—Ans. I don't know whether he voted at the last November election.
Ques. 8. You didn't see him vote?—Ans. No, sir.
Ques. 9. Did you know John Stendove?—Ans. Yes. sir; I know him.
Ques. 10. He was at work for Bowman last fall?—Ans. Yes, sir; he used to work there; I do not know where he works now.
Ques. 11. Do you know whether he voted last election?—Ans. I cannot tell you.

HENRY SCHNEIDER.

85 cents paid as fee by contestee.

STATE OF IOWA,
Marshall County, ss:

JOSEPH BERANEK, being produced and sworn before T. Brown, a notary public for Marshall County, on this 11th day of April, A. D. 1883, testifies as follows (J. H. Bradley appearing on the part of contestee, and T. Brown appearing on the part of contestant):

Ques. 1. Did you work for Bowman?—Ans. Yes, sir.
Ques. 2. Did you vote at the last election in this city?—Ans. Yes, sir.
Ques. 3. Did you vote for Frederick?—Ans. Yes, sir.
Ques. 4. In the fourth ward?—Ans. Yes, sir.
Ques. 5. Where were you born?—Ans. At La Crosse, Wis.
Ques. 6. Did you know whether Frd. Slungman voted last fall or not?—Ans. I do not know whether or not; I did not see him at all.
Ques. 7. Did you know John Lengan?—Ans. No, sir; I do not know him.
Ques. 8. Did he work at Bowman's?—Ans. I do not remember that.
Ques. 9. How old are you?—Ans. I am 22—going on 22 on the 24th of August.
Ques. 10. You were 21 last August, were you?—Ans. In this August coming I will be 22.
Ques. 11. Were you 21 last August?—Ans. Yes, sir.
($0.85 paid as fee by contestee.)

JOSEPH BERANEK.

STATE OF IOWA,
Marshall County, ss:

GEORGE BOWMAN, being produced and sworn before T. Brown, notary public for Marshall County, on this 11th day of April, 1883 (T. Brown appearing on the part of contestant, J. H. Bradley appearing on the part of contestee), testifies as follows:

Ques. 1. Do you know George Stendove?—Ans. Yes, sir.
Ques. 2. He worked for you last fall?—Ans. Yes, sir.
Ques. 3. Did he vote at the last November election?—Ans. Don't know whether he did or not.
Ques. 4. Did you know of his coming to the polls?—Ans. Well, sir, I think that he voted.
Ques. 5. Do you know what ticket he voted?—Ans. I don't know, I am sure.
Ques. 6. Did you see him vote any ticket?—Ans. Well, I think that he voted.
Ques. 7. Do you know whether he voted the Democratic or Republican ticket?—Ans. Well, I think that he voted the Democratic ticket.
(Contestant objects unless he knows positively or not.)
Ques. 8. Don't you know for certain whether he voted or not?—Ans. If he voted I think he voted for Frederick.
Ques. 9. Do you recollect of hearing some talk about it at the time?
(Contestant objects; incompetent.)
Ques. 10. Don't you recollect his having voted—having a ticket for Frederick, and talking about his having it; and don't you have reason to believe that he voted it?
(Contestant objects; incompetent, leading, hearsay.)
Ques. 11. Were you at the polls when he voted?—Ans. I don't know whether I was or not; it seems to me I was.
Ques. 12. Don't you remember about the question of his voting for Congressman what it was, and after that he voted for Frederick?—Ans. Just as I say; I am sure I cannot say.
Ques. 13. Are you right in the impression that he voted?—Ans. Yes, sir; I think so.
Ques. 14. He is a Democrat in his politics?—Ans. I think so. I never spoke to him about it.
Ques. 15. About Mr. Willingon, did he vote?—Ans. That is something I can't say.
Ques. 16. You don't know whether he voted or not.—Ans. I cannot say.
Ques. 17. Was he working for you then?—Ans. Yes, sir.
Ques. 18. Where did John Stendove vote—in what ward?—Ans. If he voted at all he voted in the 4th ward.
Ques. 19. Do you know what Wellingon's politics are?—Ans. No, sir; I never asked him; never had any conversation with him about it.
Ques. 20. Was there a man working for you by the name of John Langan?—Ans. No, sir; no such man ever worked for use.

Cross-examination:

Ques. 21. You have no recollection of seeing the ticket—of knowing what ticket it was? You don't know what ticket Stendove deposited?—Ans. No, sir; I have no recollection of seeing his ticket at all. My recollection is that he was up there at the time I voted. Stendove quit working the 11th or 12th of last month—that is, in March.

GEORGE BOWMAN.

85 cents as fee by contestant.

STATE OF IOWA,
Marshall County, ss:

GEORGE CATHER, being produced and sworn before J. H. Bradley, notary public for Marshall Co., on this 11th day April, 1883, testifies as follows (J. H. Bradley appearing on the part of contestee, and T. Brown on the part of contestant):

Ques. 1. Where do you live?—Ans. I live here with my family—here in Marshalltown.

Ques. 2. Were you here at the last Nov. election—the State election?—Ans. Yes, sir.

Ques. 3. Did you vote at that election?—Ans. Yes, sir.

Ques. 4. Did you vote for member of Congress?—Ans. Yes, sir; I suppose I did. I had a ticket. I had a gentleman read the names over particularly.

Ques. 5. Did you vote for Mr. Frederick?—Ans. I say I did not read the names, but I called to a man. My sight was not very good; his was. I said, "What kind of tickets have you?" He said, "I suppose you will vote for member of Congress."

Ques. 6. You supposed you voted for Frederick?—Ans. I voted what I thought was the straight Democratic ticket. I asked him if he had straight Democratic tickets; he said that he had both kinds. I told him I wanted a straight Democratic ticket.

Ques. 7. What ward did you vote in?—Ans. In the fourth ward.

Ques. 8. How long have you lived in the State?—Ans. I have lived in the State most 3 years, lacking a month. Then I was gone, I forget how long a time, perhaps nine months. My family was still here. I came back the first time I voted in June.

Ques. 9. How long were you here before Nov.?—Ans. I came back a year ago this month in April. I worked in Chicago; then I came back in Apr., a year ago this month. I do not recollect the day.

Ques. 10. Can you tell what time it was in April?—Ans. I think it was about the 20th that I came back, as near as I can recollect. I do not remember the date exactly.

Ques. 11. You think it was not earlier than the 20th of April?—Ans. I think it was thereabouts. I worked some in April. I was here some days before I went to work. I think about the 20th of April. I drew pay, as the books show.

Ques. 12. You think you came back about the 20th of April?—Ans. I stated to you that I came back about the 20th of April. I can't tell just the day.

Ques. 13. Are you a native of the U. S.?—Ans. Yes, sir; born and raised in Penn., and my father before me.

Cross-examination:

Ques. 14. You had a family here, did you?—Ans. Yes, sir.

Ques. 15. Where did they live?—Ans. Here across the street creek on Center street.

Ques. 16. In Marshalltown?—Ans. Yes, sir.

Ques. 17. Your family lived here how long?—Ans. They have lived here a number of years. It is perhaps all of 5 years. I cannot answer exactly as to that.

Ques. 18. Were you away only temporarily?—Ans. Yes, sir; went away and worked some and went back again.

($0.85 paid as fee by contestee.)

G. W. CATHER.

STATE OF IOWA,
Marshall County, ss:

M. J. ROWLEY, being produced and sworn before J. H. Bradley, notary public for Marshall County, on this 11 day of Apr., A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant and J. H. Bradley on the part of contestee):

Ques. 1. Were you here at the general election, Nov., last year?—Ans. Yes, sir.

Ques. 2. Did you vote at that election in the city?—Ans. Yes, sir.

Ques. 3. What ward did you vote in?—Ans. 4th ward.

Ques. 4. Did you vote a full ticket for the member of Congress?—Ans. Yes, sir.

Ques. 5. Who did you vote for for Congress?—Ans. Have I got to tell who I voted for?

By BROWN. It is not necessary to tell it at this stage of the proceeding.

Ques. 6. There is this about it: This is a proceeding before Congress. We can ask the House of Representatives to send and arrest a man.—Ans. I voted for Ben. Frederick.

Ques. 7. We don't want to have any trouble about it. You say you voted in the 4th ward?—Ans. Yes, sir.

Ques. 8. Now, Mr. Rowley, you work for the Central R. R., don't you?—Ans. Yes, sir; I do.

Ques. 9. How long have you lived in Marshalltown?—Ans. 12 or 13, may be possibly 14.

M. J. ROWLEY.

$0.85 paid as fee by contestee.

STATE OF IOWA,
Marshall County, ss:

JOHN HORIGAN, being produced and sworn before me, J. H. Bradley, notary public for Marshall County, on this 11 day of Apr., A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant and J. H. Bradley on the part of contestee):

Ques. 1. Where do you live?—Ans. In the 3rd ward.
Ques. 2. Did you vote at the last general election in 3rd ward?—Ans. Yes, sir.
Ques. 3. Did you vote for Mr. Frederick for Congress?—Ans. Yes, sir.
Ques. 4. What is your age, Mr. Horigan?—Ans. 23 years old last June.
Ques. 5. Is your father Peter Horigan?—Ans. Yes, sir.
Ques. 6. You say you are 23 years old?—Ans. Will be next June.
Ques. 7. You say you voted in the 3rd ward?—Ans. Yes, sir.
Ques. 9. Did the sheriff pay you any fee?—Ans. No, sir.
Ques. 10. I will pay you 85 cents.

JOHN HORIGAN.

$0.85 paid as fee by contestee.

STATE OF IOWA,
Marshall County, ss:

W. J. ROLLEY, being produced and sworn before T. Brown, a notary public for Marshall County, on this 12th day of April, A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant, and J. H. Bradley on the part of contestee):

Ques. 1. Where do you live?—Ans. In the 3rd ward.
Ques. 2. Are you a brother of M. J. Rolley, the last witness?—Ans. Yes, sir.
Ques. 3. Did you vote last election in the 3rd ward?—Ans. Yes, sir.
Ques. 4. Did you vote for Mr. Frederick for Congress?—Ans. Yes, sir.
Ques. 5. How long——Whereabouts in the 3rd ward did you live?—Ans. South 1st st., 504.
Ques. 6. How long have you lived in that ward?—Ans. Between 13 and 14 years.
Ques. 7. You worked for the Central Railroad Co.?
($.85 paid as fee by contestee.)

W. J. ROLLEY.

STATE OF IOWA,
Marshall County, ss:

JOHN LACINA being produced and sworn before T. Brown, a notary public for Marshall Co., on this 11th day of April, A. D. 1883 (T. Brown appearing on the part of contestant, and J. H. Bradley on the part of contestee), testifies as follows:

Ques. 1. Where do you live?—Ans. In Quarry, State of Iowa, Marshall Co.
Ques. 2. Did you vote at the last Nov. election, 1882?—Ans. Yes, sir.
Ques. 3. Did you vote for the candidate for Congress?—Ans. Yes, sir.
Ques. 4. For which one did you vote, Frederick or Wilson?—Ans. Well, I voted the straight Democratic ticket. I always did. I voted in Legrand Township.
Ques. 5. You understood that Mr. Frederick's name was on the ticket for Congress, did you?—Ans. Yes, sir.
Ques. 5. Where have you lived during the past 2 years?—Ans. There, at Quarry.
Ques. 6. Are you the same Lacina convicted of conspiracy over here?
(Brown objects; not the best evidence.)
Ans. Yes, sir.
Ques. 7. Were you sent to the penitentiary for that offense?—Ans. Yes, sir.
Ques. 8. Was it about July, 1881?—Ans. It will be 2 years in June; 27th.
Ques. 9. Did you serve your time out?—Ans. Yes, sir; I did.
Ques. 10. Was it in this Co. you were convicted?—Ans. Yes, sir; I believe so.
Ques. 11. That was the Iowa penitentiary, was it?—Ans. Yes, sir.

Cross-examination:

Ques. 12. Did you get a pardon?
(Contestant objects to the question; not proper.)
Ques. 13. Did you get a pardon? Any remission of that time?—Ans. Well, I was sent for three months, but I didn't stay three months, but I got off 6 days sooner than my time.
Ques. 14. You say you were sent for three months?—Ans. Yes, sir.
Ques. 15. Did you get any papers when you came out?—Ans. No, sir.
Ques. 16. Let us see what you have got?
(Witness produces papers—the same offered in evidence. The same is a certified copy of the record of naturalization of this man, dated 23 June, 1882, from the Marshall Co. dist. court, certified in due form of law.)

Redirect:

Ques. 17. Did you receive any papers of pardon from the governor?—Ans. No. sir.
Ques. 18. You simply got off 6 days for good behavior; is that what you call it?—Ans. I do not know anything about that.
Ques. 19. This paper you got since you came out?—Ans. Yes, sir.

Recross-examination:

Ques. 20. You may state whether you served your whole time out?—Ans. Yes, sir; within 6 days; I would have had to stay 6 days longer.
(Witness states that he was not naturalized before his conviction.)
(85 cents paid as fee by contestee.)

JOHN LACINA.

STATE OF IOWA,
Marshall County, ss:

C. L. PETIT DEMANGE, being produced and sworn before J. H. Bradley, notary public of Marshall County, on this 11th day of Apr., 1883 (J. H. Bradley appearing on the part of the contestee, and T. Brown on the part of the contestant), testifies as follows:

Ques. 1. Where do you live?—Ans. State Center.
Ques. 2. Did you vote at the Nov. election held at State Center on the 7th of Nov. last fall?—Ans. Yes, sir.
Ques. 3. At the general election whom did you vote for for candidate for Congress?—Ans. I forget.
Ques. 4. You voted, did you?—Ans. Yes, sir; for somebody.
Ques. 5. What ticket did you vote, Democratic or Republican?—Ans. I have forgotten that.
Ques. 6. Who was present when you voted?—Ans. I can't understand.
Ques. 7. You say that you voted?—Ans. Yes, sir; State Center.
Ques. 8. Do you know what candidate you voted for? Do you know this man with a hat on (pointing to Frederick)?—Ans. Yes, sir.
Ques. 9. Did you vote for him?—Ans. I don't know the name.
Ques. 10. Do you know his name?—Ans. Yes, sir; I do now.
Ques. 11. Did you vote for Frederick?—Ans. I have forgotten everything.
Ques. 12. Have you been sick since?—Ans. I can't tell.
Ques. 13. Have you been sick since then?—Ans. I can't tell.
Ques. 14. Don't you know what ticket you voted?—Ans. I have forgotten. My son was shot; I have had trouble.
Ques. 15. Did you see the ticket you voted?—Ans. Yes, sir; I wanted to see it before I voted.
Ques. 16. Was it Democratic or Republican ticket?—Ans. I have forgotten.
Ques. 17. Do you mean to say that you have forgotten how you voted?—Ans. I don't know whether it was Democratic or Republican ticket.
Ques. 18. Don't you know whether you voted Democratic or Republican ticket?—Ans. I have forgotten; I can't tell.
Ques. 19. Did anybody give you a ticket?—Ans. 5 or 6 gave me tickets.
Ques. 20. For whom did you intend to vote for Congress, Frederick or Wilson?—Ans. I thought to vote for that name that you say.
Ques. 21. Did you intend to vote for Frederick, Wilson, or Platner?—Ans. I have forgotten now.
Ques. 22. You have forgotten how you did vote; don't you know what party you voted for?—Ans. I don't understand that.
Ques. 23. Don't you know which side you voted with, or for whom?
(Shakes head.)
Ques. 24. What was the paper you gave that gentleman? Have you a son?—Ans. Yes, sir; Ernest.
Ques. 25. Is there another man of that name at State Center?—Ans. I have one brother.
Ques. 26. What is his name?—Ans. Sylvester.
Ques. 27. Have you a wife?—Ans. Yes, sir.
Ques. 28. Have you a family at State Center?—Ans. No, sir; only one boy.
Ques. 29. How old is your boy?—Ans. Twenty.
Ques. 30. How old are you?—Ans. Fifty-three.
Ques. 31. How long have you lived in Iowa?—Ans. At State Center, Iowa, some 11½ years.
Ques. 32. Where were you born?—Ans. What county I came from?
Ques. 33. Yes, sir?—Ans. From France.
Ques. 34. When did you leave France? You recollect these things pretty well; you lived in State Center eleven years?—Ans. Yes, sir; and a half.

Ques. 35. What has been your business there—a shoemaker?—Ans. Yes, sir.
Ques. 36. Have you carried on a shoemaker's business ever since you came over here?—Ans. No, sir; not much business.
Ques. 37. Now, don't you remember you voted Democratic ticket?—Ans. I have forgotten that; I cannot tell.
Ques. 38. Do you believe you voted Democratic ticket?—Ans. I do not know.
Ques. 43. Didn't you suppose you voted for Mr. Frederick for Congress?—Ans. I had two tickets offered me and I took one.
Ques. 44. Which one did you take?—Ans. I wanted to vote for a good man; I am not like some men who vote any way for whoever offers them a cigar.
Ques. 45. Who was the good man you voted for?—Ans. I cannot tell.
Ques. 46. Didn't you vote for Frederick; wasn't his name on your ticket?—Ans. I saw that man on a couple of tickets.
Ques. 47. Frederick's name on both the tickets you had in your hands?—Ans. I have forgotten names.
Ques. 48. Was it on the tickets you gave the judges to put in the box; what is your religious faith—are you a Catholic?—Ans. Yes, sir.
Ques. 49. Is there any other oath more binding than the one you have taken?—Ans. I don't understand.
Ques. 50. Is there any other oath you could take that is more binding upon you than the one you have taken with the uplifted hand?—Ans. That is pretty hard for me to answer that.
Ques. 51. Did you see Mr. Frederick's name on both tickets you had?—Ans. Yes, sir; on a couple of tickets.
Ques. 52. Did you put one of these tickets in the box?—Ans. I cannot tell; I have forgotten.
Ques. 53. Has anybody told you that you had better not remember?—Ans. Yes, sir; lots of them.
Ques. 54. Who has done so?—Ans. I have forgotten again.
Ques. 56. Is there anything that took place before the election that you have forgotten?—Ans. I have forgotten that, too.
Ques. 57. You recollect of seeing Frederick's name on the tickets you had, do you?—Ans. I have forgotten that.
Ques. 58. Did you ever vote before last Nov.?—Ans. Last fall, I guess, was it.
Ques. 59. That is the first time you voted?—Ans. Yes, sir.
Ques. 60. Do you know who gave you the ticket you voted? Did you see Wilson's name on any of the tickets?—Ans. I saw both Democratic and Republican tickets.
Ques. 61. Now, which one did you select?—Ans. Well, I do not know; I have forgotten.
Ques. 62. You voted one of them, you are sure of that; you have not forgotten that?—Ans. I do not know.
Ques. 63. Have you been sick since election?—Ans. I don't know that; maybe I have forgotten it; you had better get a man to talk French.
Ques. 64. Who is there here to talk French?—Ans. No one.
Ques. 65. Have you talked with this man since the election [pointing to Frederick]?—Ans. I have forgotten that, too.
Ques. 66. Have you talked with this man since the election [pointing to Wilson]?—Ans. I do not know.
Ques. 67. You do not know that?—Ans. No, sir.
Ques. 68. Ever talked with that man over there [pointing to Brown]?—Ans. I guess not.
Ques. 69. Did you ever talk with me before?—Ans. I do not know you.
Ques. 70. Do you want us to understand you do not know what ticket you voted?—Ans. I do not know that.
Ques. 71. Are you not wiliing to tell what ticket you voted?—Ans. The trouble for me is to understand that. I can talk some, but I cannot understand.
Ques. 72. Where did you get your papers?—Ans. In this county—Marshalltown.
Ques. 73. When?—Ans. I do not know when.
Ques. 74. Last night, was it?—Ans. Yes, sir; I have forgotten the names of all.
Ques. 75. You did not get but one paper?—Ans. Yes, sir, one; I have got it out home.
Ques. 76. You got them last night?—Ans. Yes, sir.
Ques. 77. Who was with you when you got your papers as witness?—Ans. Ady Thompson, of State Center; also, John Goody. I didn't come down to Marshalltown in Sept. I didn't have time.
Ques. 78. Don't you remember who you voted for? Who was with you when you got your papers?—Ans. Jene ———.
Ques. 79. Did anybody tell you that you had better forget?—Ans. No, sir; I have forgotten enough myself.

Ques. 80. What was your trouble?—Ans. My boy was the trouble; that was enough to give trouble.

Ques. 81. Where did you come from?—Ans. St. Anthony. He gave the other De Mange $3.25; he gave me $3.

C. L. PETIT DEMANGE.

Paid as fee by contestee, $3.

STATE OF IOWA,
Marshall County, ss:

W. H. HART, being produced and sworn before T. Brown, a notary public for Marshall County, on this 12th day of April, A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant and J. H. Bradley on the part of contestee):

Ques. 1. Where do you live?—Ans. On Railroad st.; I do not know the number of the house; I presume it has a number; but it is not on the house.

Ques. 2. What ward did you live in?—Ans. 3rd ward.

Ques. 3. Did you vote at the last. Nov. election in this city?—Ans. No, sir; I did not vote.

Ques. 4. Do you know H. H. Hart?—Ans. No, sir; but there is another W. H. Hart; I do not know any H. H. Hart; I have been told that there was a W. H. Hart, conductor on the railroad; I recollect that, and some letters of his are directed the same as mine.

Ques. 5. Do you live in town?—Ans. Yes, sir; I have been here ever since Angust.

($0.85 paid as fee by contestee.)

W. H. HART.

STATE OF IOWA,
Marshall County, ss:

FRANK J. BATES, being produced and sworn before J. H. Bradley, notary public for Marshall County, on this 11th day of April, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant and M. P. Mills on the part of contestee):

Q. 1. Did you vote in the city at the last election in November?—A. Yes, sir; I did.
Q. 2. Did you vote for Frederick for Congressman?—A. Yes, sir; I did.
Q. 3. What ward?—A. 3rd ward.
Q. 4. That was the Nov. election, 1882?—A. Yes, sir.

Cross-examination:

Q. 5. Were you a resident of the city at that time?—A. Yes, sir.
Q. 6. How long did you reside in the city?
(Objection, incompetent, immaterial.)
A. I have been here 7 years, about that time; I have been absent 4 months.
Q. 7. Have you a family?—A. No, sir.
Q. 8. Absence temporary or permanent?—A. Traveling for a Chicago house from April until Aug. I came back a year ago last Aug., and roomed here ever since.
Q. 9. Then you have been here a year before the election?—A. Yes, sir.

Redirect:

Q. 80. What city are you a native of?—A. New York City.
Q. 11. You are in the city here?—A. Yes, sir.
($0.85 paid as fee by contestee.)

F. J. BATES.

STATE OF IOWA,
Marshall County, ss:

LOUIS SHEIDING, being produced and sworn before J. H. Bradley, notary public for Marshall County, on this 12th day of April, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of the contestant and J. H. Bradley on the part of the contestee):

Q. 1. Where do you reside?—A. Across the creek.
Q. 2. You live in the 4th ward?—A. Yes, sir.
Q. 3. Did you vote last Nov. election, in 1882?—A. Yes, sir.
Q. 4. That was in Nov., 1882?—A. Yes, sir.
Q. 5. Did you vote for Frederick for Congressman?—A. Yes, sir; I believe; I don't know; I can't tell.
Q. 6. You understood that you were voting for him, didn't you; you intended to?—A. I cannot swear to it; I worked until after 6 o'clock; I was busy.
Q. 7. What ticket did you vote?—A. Democratic.
Q. 8. You supposed you were voting straight Democratic?—A. I can't swear to it; I took a ticket and voted it.

Q. 9. Do you know who gave you the ticket?—A. No, sir; a fellow in the court-house gave it to me; I voted it anyhow.

Q. 10. Was it your purpose to vote for Mr. Frederick? You know him, don't you?—A. Yes, sir; I know him.

Q. 11. It was your purpose to vote for him?—A. I was going to attend to my business; I didn't care much, anyhow.

Q 12. You supposed you were voting straight Democratic ticket, didn't you?—A. Yes, sir; that is what I thought.

Q. 13. Have you not in your mind now who you voted for?—A. No, sir; I could not swear.

Q. 14. You mean you could not read your ticket?—A. I took the ticket and put it in; that is all I know.

Q. 15. It was Democratic ticket?—A. Yes, sir.

Q. 16. You didn't scratch it?—A. No, sir; I didn't scratch anything; I don't do such things as that.

Q. 17. Did you ever vote before?—A. Yes, sir; I have been here 18 years.

Q. 18. Where were you born?—A. In Germany.

Q. 19. Is there any other Louis Scheidings now in the 4th ward?—A. Only my brother, and he is not here.

Cross-examination:

Q. 20. How long have you been a resident in that ward?—A. I came here in 1866, to Marshalltown.

Q. 21. Have you lived here since 1866?—A. It was just a little town when I came here.

Q. 22. Lived here ever since that time, have you?—A. No, sir; not all the time; I was out in the country some of the time; I voted out in the country.

Q. 23. You have been a voter for a good many years?

(Objection, incompetent, immaterial.)

A. Sometimes I voted, and sometimes I have not been there.

Q. 24. You have citizens' papers?—A. Yes, sir; I have got one; I haven't got it here, though.

Q. 25. Who was your witness when you got your citizens' papers, and where did you get them?—A. From here in the court-house.

Q. 26. Do you know who was your witness?—A. Mr. Wilter.

Q. 27. What is your age?—A. I am 41.

Ques. 28. How long have been in the U. S.?—Ans. 18 years.

Redirect:

Ques. 29. You didn't get but one paper, did you?—Ans. That is all.

Ques. 30. When did you get your last one, last Feb.?—Ans. Yes, sir; I believe so.

Ques. 31. You got it the last Jan. term of court, didn't you?—Ans. I believe that is when it was.

32. Ques. That is last winter, wasn't it, since last Nov.?—Ans. I cannot tell now.

Ques. 33. Wasn't it Jan. 17th of this year?—Ans. I believe it was; I cannot tell.

Ques. 34. You never had but one paper?—Ans. I guess I must have had as many as ten.

Ques. 35. You got your paper in this court-house here?—Ans. Yes, sir.

Recross-examination:

Ques. 36. You say you don't know who you did vote for?—Ans. I cannot swear who I voted for. I was too old to learn English when I came to this country.

Ques. 37. Did Frederick speak to you about the election?—Ans. No, sir.

Ques. 38. Didn't you intend to vote for Frederick—didn't you suppose you were voting for him at the time?—Ans. I cannot say about that.

Ques. 39. That was what you intended to do, wasn't it?

(Objection, leading)

Ques. 40. You supposed you were voting the straight Democra ic ticket, didn't you?—Ans. Yes, sir; that is what I thought.

LEWIS SCHEIDING.

85c. fee.

(Parties here introduced evidence, a certificate of the sec. of state, showing the returns from every county in the 5th Congressional district, and particularly Marshall Co., marked Exhibit "J.")

EXHIBIT J.

STATE OF IOWA,
Marshall County, ss:

We, the undersigned, members of the board of supervisors, and ex-officio board of county canvassers for Marshall County, hereby certify the following to be a true

and correct abstract of the votes cast in said county at a general election held on the 7th day of November, A. D. 1882, for the office of Representative in Congress, for the fifth Congressional district, as shown by the poll-books returned from the several townships and election precincts: For the office of Representative in Congress, there were thirty-four hundred seventy-six (3,476) votes cast, of which James Wilson, received eighteen hundred (1,800) votes, B. T. Frederick received sixteen hundred seventy-six (1,676) votes.

In testimony whereof, we have hereunto set our hands and caused this to be attested by the clerk of the board of supervisors, and the seal of said county.

Done at Marshalltown, the county seat of said county, this 13th day of November, A. D. 1882.

[SEAL.]

GEORGE A. TURNER,
Chairman.

R. H. ARCHERD,
J. M. GILCHRIST,
Members of the Board of Supervisors, and ex-officio Board of County Canvassers.

Attest:

A. N. FRENCH,
County Auditor, and Clerk of Board of Supervisors.

We, the board of supervisors of Marshall County, Iowa, hereby certify to the following facts in regard to the canvass of votes cast at the last general election in Taylor Township, in said county, on November 7th, 1882:

The poll-book of votes cast in said Taylor Township showed that it was attested as "a true return" by two judges of said election signing their names in proper form and in the proper place; but the name of the third judge, W. H. Steward, was written in the following manner: "W. H. Steward, per cl'k," and showed on its face that the returns were not signed by W. H. Steward. Two clerks signed the said returns in proper form as clerks of said election.

We further certify that the said returns show that—

For Sect'y of State:
J. A. T. Hull rec'd 54 votes.
T. O. Walker " 4 "
Wm. Gaston " 2 "

For Auditor of State:
John L. Brown rec'd 54 votes.
Wm. Thompson rec'd 4 "
G. A. Wyatt " 2 "

For Treas. of State:
Edwin H. Conger rec'd 54 votes.
John Foley rec'd 4 votes.
Geo. Derr " 2 "

For Attorney-General:
Smith McPherson rec'd 54 votes.
J. H. Bremerman " 4 "
James Rice " 2 "

For Judge of Supreme Court:
Wm. H. Seevers rec'd 54 votes.
Charles E. Bronson rec'd 4 votes.

For Clerk of Supreme Court:
Gilbert B. Pray received 54 votes.
H. F. Bonorden " 4 "
E. N. Clark " 2 "

For Reporter of Supreme Court:
Ezra C. Ebersole rec'd 54 votes.
L. A. Palmer " 4 votes.
I. H. Wilson " 2 "

For Judge 11th Judicial Dist.:
H. C. Henderson rec'd 54 votes.
B. L. Burritt " 5 "

For Dist. Attorney 11th Judicial Dist.:
John L. Stevens received 54 votes.
Martin W. Anderson rec'd 4 votes.

Forty-eight votes were cast in said Taylor Township for James Wilson for Representative from the 5th Congressional district of Iowa, and that eight votes were cast at said election for B. T. Frederick, and two votes were cast for David Platner, candidates for said office.

We further certify that because the said returns showed they were not signed by all of the judges of the election in Taylor Township, we rejected the vote of said town-

ship, and if the same should be counted under the facts shown, the votes above named should be added to the number of votes of each candidate named.

The auditor is hereby directed to certify to the State canvassing board the returns from Taylor as they appear on file in his office.

Done at Marshalltown this 14th day of November, 1882.

Moved by Supervisor Archerd that the within certificate be adopted and spread upon the records. Seconded by Supervisor Gilchrist. On call of the roll Supervisors Turner and Archerd voted aye, and Supervisor Gilchrist voted nay. So the motion was adopted.

Done at Marshalltown, Nov. 14, '82, in session.

GEORGE A. TURNER,
R. H. ARCHERD,
Members of the Board of Supervisors and ex-officio Board of County Canvassers.

Attest:
[SEAL.]
A. N. FRENCH,
Co. Auditor and Clerk of the Board of Supervisors.

Board of supervisors' seal, Marshall Co., Iowa.

I, A. N. French, auditor and clerk of the board of supervisors of Marshall County, Iowa, do hereby certify that the within is the original certificate as presented and passed by the board of supervisors as aforesaid.

A. N. FRENCH,
Co. Aud. and Clerk of Board.

(Indorsed:) Certificate of election on vote of Taylor Township. Filed Nov. 14th, 1882.—A. N. FRENCH, *Co. Auditor.*

Abstract of votes cast at the general election held on the seventh day of November, A. D. 1882, *for the office of Representative in Congress for the fifth Congressional district of the State of Iowa, in the several counties composing said district, to wit: The counties of Benton, Iowa, Johnson, Linn, Marshall, and Tama.*

[For Representative in Congress, Congressional District No. 5.]

Counties.	James Wilson.	B. T. Frederick.	David Platner.	Scattering.
Benton	2,017	1,768	213	1
Iowa	1,335	1,406	179	.....
Johnson	1,813	2,635	132	1
Linn	2,800	2,858	542	8
Marshall	1,848	1,684	2	.....
Tama	1,978	1,417	185	.....
Total	11,791	11,768	1,253	10

STATE OF IOWA, *ss:*

We, the undersigned board of State canvassers of the State of Iowa, do hereby certify that at the general election held on the seventh day of November, A. D. 1883, there were twenty-four thousand eight hundred and twenty-two (24,822) ballots cast for the office of Representative in Congress for the fifth Congressional district of the State of Iowa, of which James Wilson received eleven thousand seven hundred and ninety-one (11,791) votes, and B. T. Frederick received eleven thousand seven hundred and sixty-eight (11,768) votes, and David Platner received one thousand two hundred and fifty-three (1,253) votes, and scattering received ten (10) votes.

We therefore declare that James Wilson is duly elected Representative in Congress of said district for the term of two years, ending March 3d, A. D. 1885.

In testimony whereof, we have hereunto set our hands and caused to be affixed the great seal of the State, at Des Moines, this 11th day of December, A. D. 1882.

[SEAL.]
BUREN R. SHERMAN,
J. A. T. HULL,
W. V. LUCAS,
E. H. CONGER,
Board of State Canvassers.

STATE OF IOWA,
Office of the Secretary of State:

I, John A. T. Hull, secretary of state of the State of Iowa, hereby certify that the foregoing is a true and correct copy of the regular and supplemental returns from Marshall County of votes cast at the general election held Nov. 7th, A. D. 1882, for

the office of Representative in Congress for the fifth Congressional district of the State, and of the abstract made by the board of State canvassers of the votes cast at said election for said office in all the counties composing said fifth district, to wit, the counties of Benton, Iowa, Johnson, Linn, Marshall, and Tama, as appears from the records of this office.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State at Des Moines, this 20th day of February, A. D. 1883.

[SEAL.]

J. A. T. HULL,
Secretary of State.

STATE OF IOWA,
Marshall County, ss:

ROBERT BINFORD, being produced and sworn before T. Brown, notary public for Marshall County, on this 11th day of Apr., 1883, testifies as follows (T. Brown appearing on the part of contestant, and J. H. Bradley on the part of contestee):

Ques. 1. You are township clerk of Marshall Township?—Ans. Yes, sir.

Ques. 2. Were you during last year, '82?—Ans. Yes, sir.

Ques. 3. What is the population of Marshalltown by the last census?

(Objection, not the best evidence).

Ans. I don't know exactly, but think somewhere in the neighborhood of 62 or 65 hundred.

Ques. 4. I mean the census before the last election.—Ans. Yes, sir.

Ques. 5. There was a register made of the voters for the different precincts of Marshalltown Township, of Marshalltown, for the last Nov. State election?—Ans. Yes, sir.

Ques. 6. Have you the record of papers in your office of that register?—Ans. Yes, sir.

Ques. 7. Will you turn to the 4th ward and tell me whether Wm. Gada was registered before that election?

(Contestant objects as incompetent, and immaterial whether or not he was registered, because it does not show that there was any necessity for a register, because there was no report of the amount of the census by the sec. of state to the trustees or to the auditor of the county certifying the number of inhabitants in Marshalltown as provided by the law, because it is immaterial and incompetent).

Ans. I don't find his name at all registered in the fourth ward.

Ques. 8. I will ask you who made this register?

(Objection by contestant as immaterial and incompetent.)

Ans. I made the register.

Ques. 9. As township clerk?—Ans. Yes, sir.

Ques. 10. You don't find Wm. Gada on the register?—Ans. No, sir.

Ques. 11. Is there anything on the register or any affidavit filed there in that precinct which remains on record in your office showing that an affidavit was made of the qualifications for voting in that ward?

(Contestant objects—incompetent, irrelevant, immaterial.)

Ans. Well, I find a paper here which says Wm. Gada, 4th, 302 South 2nd avenue, by the handwriting of Wm. Gada, signed Gilchrist, signed by the judges of election, and signed by the members of the board of the election.

Ques. 12. Is that in the paper there attached to it?—Ans. Yes, sir; except the heading.

Ques. 13. Please read the proper evidence.

(Objection; incompetent, irrelevant, immaterial.)

Ans. Wm. Gada, 4th ward, 302 South 2nd avenue; signed Wm. C. Gada, J. M. Gilchrist; Wm. C. Gada signed Gilchrist.

Ques. 14. Is that all there is in the nature of the paper?—Ans. Yes, sir.

Ques. 15. Look for the name of Peter Hanson, 4th ward, first; observe whether his name is on the register.—Ans. Yes, sir; his name is on the register.

Ques. 16. Look for Henry Schneider, 4th ward? (Witness examines register.)
Ans. I don't find his name on the register.

Ques. 17. See whether you find any affidavit filed in your office of his qualifications as an elector of that precinct?

(Objection; incompetent, irrelevent, immaterial.)

Ans. I find one described similar to the other one I read in evidence.

Ques. 18. Did you find any affidavit?—Ans. No, sir; but a paper described similar to the one made out for Wm. Cada. [Copy]: Henry Schneider, 4th ward; Byron Webster, Henry Schneider, Byron Webster, R. Estabrook.

Ques. 19. Look for Joseph Beranak, as to whether or not he is registered?

(Witness examines the register.)

(Contestant objects to the question as incompetent, immaterial.)

Ans. I don't find his name on the register.

Ques 20. Now, look as an affidavit being filed?—Ans. I don't find any affidavit; but

find a paper similar to the one being presented. [Copy:] Joe Beranak, 4th ward; Joe Baranek, Chas. Bushnald, Joe Beranak, Chas. Bushnald, R. Estabrook. Filed, marked Nov. 7th, '82.

(This file marked is on all the papers.)

Ques. 21. Look for George Carther, 4th ward.

(Objection; incompetent, immaterial.)

Ans. He is registered.

Ques. 22. Now pass to M. J. Rowley. (Witness examines register.)—Ans. I do not find him on the register.

Ques. 23. Look and see whether there is any affidavit of his qualifications.—Ans. I find a paper similar to the others; nowhere any affidavit. [Copy:] M. J. Rowley, 4th ward; M. J. Rowley, and also J. M. Colcords, J. M. Rowley, J. M. Colcords, R. Estabrooks. Filed, 4th ward, Dec. 7, 1882.

Ques. 24. Now take Jno. Langan, 4th ward, and see if you find his name on the register. (Witness examines.)—Ans. I do not find him registered.

Ques. 25. See whether there is any affidavit of his qualifications.

(Objection; incompetent and immaterial.)

Ans. I find a paper similar to the others.

Ques. 26. Any affidavit?—Ans. No, sir. [Copy:] Jno. Langan, 4th ward; Jno. Langan, Frank Loucks, Jno. Langan, F. Loucks, R. Estabrooks. Filed; Jno. Langan, 4th ward, Nov. 7th, 1882.

Ques. 27. Now look for Frank Lourcks, 4th ward.

(Objection; incompetent, immaterial.)

Ans. He is registered 309 South, as voting.

Ques. 28. Look for C. C. Shepherd.—Ans. He is not registered.

Ques. 29. Examine whether or not there is any affidavit on file.—Ans. I find a paper similar to the other paper here.

Ques. 30. Any affidavit?—Ans. No, sir.

Ques. 31. Give a copy of the paper.

(Objection; immaterial and incompetent.)

[Copy]: C. C. Shepherd, 4th ward; C. C. Shepherd, Charles Jacobs, C. C. Shepherd, Charles Jacobs, R. Estabrooks. Filed; C. C. Shepherd, 4th ward, Nov. 7, 1882.

Ques. 32. Look in the 3rd ward for Frank J. Bates, and see whether or not he is registered there.—Ans. He is registered; 207 West Church street.

Ques. 33. Is it F. J. Bates?—Ans. This is F. Bates; I do not find any F. J. Bates.

Ques. 34. See if there is any affidavit showing his qualifications to vote in that ward.

Q. 35. Now take Amasy Hoit.—A. He is registered in the 3rd ward.

Q. 36. Take John Hagan, 2nd or 3rd ward; who vouched for him?—A. I find a paper here.

Q. 37. Do you find any affidavit at all?—A. No, sir; not any.

Q. 38. What is the paper?—A. It is a blank sheet of paper with the exception of two names.

Q. 39. What names are on it?—A. John Hagan and J. J. Hall.

(Objection by Brown, as the question is leading.)

Q. 40. You mean that his name is on the register back of that day?—A. Yes, sir.

Q. 41. And the paper was used as an authority for registering him?—A. Yes, sir.

Q. 32. Who put his name on the register; did you do it?—A. No, sir; I did not put it on. I think it was done by O. P. Arnold. I saw the man who attended to the register, for he was there. It looks like the handwriting that he writes.

Q. 33. This was on election day?—A. Yes, sir.

Q. 34. Take the 3rd ward and the name of Eugene Kirkaff.—A. His name is on the register; put there on election day.

Q. 35. Is there any affidavit for the authority in the register?—A. There is a paper.

Q. 36. Any affidavit?—A. No, sir.

Q. 37. What is the paper?—A. It is a half sheet with the name of Kirkaff and John Herbert.

Q. 38. Do you know Herbert?—A. Yes, sir.

Q. 39. Where does he live?—A. I am not positive where he lives.

Q. 40. Is Herbert's name on the register?—A. Yes, sir; he is registered at 701 South street.

Q. 41. Now look for John Seener.—A. Yes, sir; his name is on there; spelled Seaner.

(Objection; incompetent, immaterial.)

Q. 42. When registered?—A. On election day.

Q. 43. Any affidavit?—A. No, sir.

Q. 44. What is on the paper?—A. John Seaner, T. C. Brady.

Q. 45. Look for the name of O. J. Worley in that ward.

(Objection; incompetent, immaterial.)

A. O. J. Worley was registered on election day, but there is no affidavit. There is a paper with the names of O. J. Worley and J. K. Haas.

Q. 46. Is Haas registered in the 3rd ward?—A. He is registered 301 South 2nd street.

Q. 47. That is in the 3rd ward?—A. Yes, sir.

Q. 48. Look for Wm. Wallace, in the 2nd ward.

(Objection; incompetent, immaterial, irrelevant; and for the further reason that it does not appear to be the same identical person referred to.)

Q. 49. See if there is any affidavit for a register?—A. I find an affidavit for Rowley.

Q. 50. There is no W. J. Rowley registered?—A. I will look and see if I can find any W. J. Rowley. There is some one who voted and gave his name as W. J. Rowley. (Witness examines the book.)—A. I don't find him.

Q. 51. State who made affidavit for qualifications for W. Rowly.—A. A. Boyl was the man who vouched for him.

Q. 52. Does the affidavit show the residence of Mr. Rowley; where does he reside?—A. No, sir.

Q. 53. Does the affidavit show the number of the street of Boyl in the ward?—A. No, sir.

Q. 54. C. F. Boyl; he is on that register, in that precinct?—A. I believe so; Andrew Boyl, South Center street; on the ward west side of the city is one ward; another ward is on another side; I know where he lives.

Q. 55. Now take 2nd ward; W. Wallace.—A. He was registered on election day.

Q. 56. See if there is an affidavit of his qualifications.—A. I don't find any affidavit of W. Wallace.

Q. 57. Do you find any paper?—A. I find a sheet of paper.

Q. 58. What is the paper; what is upon it?—A. Two rows of names, marked non-registered voters; the others are voters; among these is the name of Will Wallace; opposite is the name of D. K. Wolf.

Q. 59. Is Wolf registered in 2nd ward?—A. Yes, sir; also F. J. Bates' name is in the same list.

Q. 60. Let's have it.—A. F. J. Bates is registered on election day, and there is no affidavit for him; I find his name in this list as spoken of as a non-registered voter; voucher, Byron Webster.

Q. 61. That is from what ward?—A. 2nd ward.

Q. 62. Where does Byron Webster live?—A. He lives in 4th ward, 411 East Lynn st.; that is in the 4th ward.

Q. 63. These 4 wards are 4 precincts in the city, are they not?—A. Yes, sir.

Cross-examination:

Q. 64. What ward do you reside in?—A. 3rd ward.

Q. 65. State how it was these blank affidavits and papers were taken as to these parties in the 3rd ward, Langen Kirkaff and others.

(Contestee objects; incompetent, immaterial.)

A. We run out of the regular printed forms. The judges of the election took this blank paper out and signed their names and the voters signed their names.

Q. 67. Were they all sworn?—A. I think they were all sworn; most of them had one. Yes, sir; they were all sworn.

Q. 68. Was the witness sworn?—A. Yes, sir.

Q. 69. Sworn after, before you had any printed forms filled out, so you took their oath orally?—A. Yes, sir. They were sworn just the same as they were sworn on the regular forms.

Redirect:

Q. 70. Do you know that they were sworn? It does not appear in these papers that they were sworn?—A. When I was there all whose names appear were sworn while I was there; might have been one or two that were not sworn.

Q. 71. That is the 3rd ward?—A. I do not know anything about it.

Q. 72. Were not these papers issued in all these wards for parties that voted, and were not these papers issued in all these wards for parties who did not appear to have been sworn and no affidavit at all made?—A. Well, in the 4th ward there was no name registered on election day; in the 2nd ward without any regular affidavits.

Q. 73. In this case you testified in the 4th ward?—A. No, sir; nothing to show that they were ever sworn.

Q. 74. You were clerk of the elections in the 3rd ward?—A. Yes, sir.

Q. 75. Any person in any of the wards, anywhere?

Recross-examination:

Q. 76. The judges run out of blank affidavits for the parties and signed papers which they filled out, and the oath was administered, and they testified in this way?—A. Yes,

sir; the oath was administered regularly, the same as on the regular form, and they signed the blank pieces of paper.

Q. 77. In the 3rd ward they left room for writing the regular affidavit; but it was never done. Is there any file in your office showing the population of Marshalltown?—A. I have not.

Q. 78. Did you have any before the making out of the register list?—A. No, sir.

Redirect:

Q. 79. Look at the 2nd ward and see if you can find the name of A. N. C. Gadd.—A. I do not find it on the register.

Q. 80. Look in the 3rd ward and see if it is there.—A. I do not find him registered.

Q. 81. Will you please look in the 4th ward?—A. No, sir; he is not there. I will look in the first ward.

Q. 82. Well, it is not registered at all.

(Objection by contestant as irrelevant, immaterial, incompetent.)

Q. 83. Look for the name of B. F. Myers.—A. It is not in the 2nd ward.

Q. 84. Now look in the 4th ward.—A. No, sir; it is not here.

Q. 85. Now look in the first ward.—A. It is not in the first ward.

Q. 86. Now look for G. W. Hoyter. Look in all the wards.—A. I do not find his name. He is not registered.

Q. 87. Look for the name of A. Ganch.—A. August Ganch was registered in the 2nd ward on election day.

Q. 88. Who vouched for him?—A. J. B. Dishner.

Q. 89. Was there any affidavit?—A. No, sir; no affidavit.

Q. 90. Is Johnson registered?—A. No, sir; not in that ward.

Q. 91. Look for A. D. Reeve in the 3rd ward.—A. He was registered on election day.

Q. 92. Any affidavit?

(Objection: Incompetent, irrelevant, and immaterial.)

A. No, sir; there was no affidavit.

Q. 93. What is the paper?—A. Files of the copy paper, with the names of A. D. Reeve, A. D. A. Hoit.

Q. 94. That is all there is of that paper?—A. Yes, sir.

Q. 95. How far down is the name of A. D. Reeve?—A. Just below the middle of the page.

Q. 96. How far down is Hoyt?—A. Down near the bottom.

Q. 97. Are all the papers of that character?—A. Yes, sir.

Q. 98. Was it your intention to fill them out afterward?—A. Yes, sir. That was the case at the time when they were taken.

Recross-examination:

Q. 99. That is, the witnesses were sworn in the ward.—A. Yes, sir.

Q. 100. The oath administered, these persons were proved to be residents of the ward where they were registered?—A. Yes, sir.

Redirect:

Q. 101. You say they were proved to be residents of the ward, or simply said to be so?—A. They were not, and said that they knew that they were residents of the ward and legal voters.

Q. 102. Was the only reason that the affidavits were not taken and filed that there was not time to do it?—A. I would not say as to that; the regular forms run out. The judges decided to take their votes simply by administering the oath in writing. They signed the paper and the voter also signed it.

Q. 103. Then the writing was never made in this case?—A. No, sir; never.

Q. 104. These papers, then, were all that there were?—A. Yes, sir; all that there was ever filed.

R. BINFORD.

85 cts. paid as fee by contestee.

STATE OF IOWA,
Marshall County, ss:

A. HOYT being produced and sworn before J. H. Bradley, notary public for Marshall County, on this 12th day of April, 1883, testifies as follows (J. H. Bradley appearing on the part of contestee, and T. Brown on the part of contestant):

Ques. 1. Where do you live?—Ans. In the third ward.

Ques. 2. How long have you lived in the third ward?—Ans. Six or seven years.

Ques. 3. Did you vote there last Nov. election?—Ans. Yes, sir.

Ques. 4. Did you vote for Mr. Frederick, Representative for Congress?—Ans. Yes, sir; I did.

Ques. 5. Is that your full name, A. Hoit?—Ans. Yes, sir.
Ques. 6. What is your first name in full?—Ans. Amasa Hoit.
Ques. 7. You live at 311 South First street?—Ans. Yes, sir.

Cross-examination:

Ques. 8. How long have you lived there?
(Objection, immaterial.)
Ans. Six or seven years.
Ques. 9. Have you a family?—A. Yes, sir.
Ques. 10. You resided there the day of the election?—Ans. Yes, sir.
Ques. 11. You have resided there all the while for 6 or 7 years?—Ans. Yes, sir.
($0.85 paid as fee by contestee.)

AMASA HOIT.

STATE OF IOWA,
Marshall County, ss:

C. T. LAPLANT being produced and sworn before J. H. Bradley, notary public for Marshall County, on this 12th day of Apr., '83, testifies as follows (J. H. Bradley appearing on the part of contestee, and T. Brown on the part of contestant):

Ques. 1. Where do you live?—Ans. State Center.
Ques. 2. Did you attend election there last Nov.?—Ans. Yes, sir; I did.
Ques. 3. Did you vote there yourself?—Ans. Yes, sir.
Ques. 4. Do you know this Frenchman, L. Petit Demange?—Ans. Yes, sir.
Ques. 5. Do you know whether he voted there or not?—Ans. Yes, sir; I do.
Ques. 6. Do you know whom he voted for for member of Congress?—Ans. Yes, sir; I do; Benjamin Frederick.
Ques. 7. Did you see his ticket?—Ans. I gave it to him.
Ques. 8. Did it have Frederick's name on it for Congressman?—Ans. Yes, sir.
Ques. 9. This was at the last general election in Nov. '82?—Ans. Yes, sir; last Nov.
Ques. 9. State Center Township, Marshall County, Iowa?—Ans. Yes, sir.
Ques. 10. Do you know a man by the name of Frank Delaware?—Ans. Yes, sir; I do.
Ques. 11. Where does he live?—Ans. State Center.
Ques. 12. How long has he lived there?—Ans. I cannot say the number of years, but I guess nine or ten.
Ques. 13. Do you know of what country he is a native?—Ans. Yes, sir.
Ques. 14. What country?—Ans. Canada.
Ques. 15. Did you know him before he came here?—Ans. Yes, sir; I did.
Ques. 16. How old a man is he?—Ans. I cannot say how old he is. I should judge in the neighborhood of 50. He has children 24 years old.
Ques. 17. Did he vote at the last general election?—Ans. Yes, sir.
Ques. 18. For whom did he vote—for which candidate for Congress?—Ans. For Frederick.
Ques. 19. Do you know whether he was naturalized or not?—Ans. No, sir; I do not. I suppose so; I cannot say.
Ques. 20. If he was naturalized, where did he get his papers?
(Objection, immaterial.)
Ques. 21. Do you know whether he got them here or not?—Ans. No, sir; I don't know that.

Cross-examination:

Ques. 22. How long has he voted, this man?—Ans. I don't know how long.
Ques. 23. Did you know of his voting before?—Ans. No, sir; I don't know. He might have voted, however.
Ques. 24. How do you know this Demange voted? Did he get the same tickets or other tickets?—Ans. He is a shoemaker, and lives only a little ways from the place where the polls were held; he walked over with me.
Ques. 25. Do you know that he didn't get a ticket from somebody else?—Ans. He had a ticket in his hand.
Ques. 26. If he had two or three tickets in his hand, how do you know which he voted?—Ans. I had both kinds of tickets, and wanted to vote Democratic ticket; I gave him one.
Ques. 27. Do you know that he did not have any other ticket?—Ans. He might have had it in his pocket.
Ques. 28. Did you see him deposit the ticket?—Ans. Yes, sir; I walked up with him.
Ques. 29. Do you know that he deposited the one you gave him?—Ans. I am satisfied in my own mind.
Ques 30. If he had 2 or 3 tickets, how could you tell which he voted?—Ans. No, sir; he didn't have them in his hands, he might have had them in his pocket.

Ques. 31. Do you know that he didn't put his hand in his vest pocket and pull out a ticket?—Ans. I am satisfied in my own mind; that is all I can say. He might have had a dozen in his pocket for all I know.

Ques. 32. Did you say this other man's name was Delaware?—Ans. Yes, sir.

Ques. 33. Where does this man Delaware live, since he came from Canada?—Ans. In State Center Township and Minerva Township. Lived in State Center some years ago. Was there 8 or 10 years ago, may be longer.

Ques. 34. How far was he from Storey County?—Ans. He has a piece of land in Story County; but doesn't live on it.

Ques. 35. Does he not do business there in Nevada?—Ans. He pays taxes for land there.

Ques. 36. But he has rented his farm to his son?

Redirect:

Ques. 36. This Mr. Demange, you say, you gave him a ticket as you were going over?—Ans. I gave him a ticket at the shop; I walked over with him.

Ques. 37. Went right to the polls and voted?—Ans. Yes, sir.

Recross-examination:

Ques. 38. You say you voted the Democratic ticket?—Ans. Yes, sir.

Ques. 39. Do you know that the name of Frederick was on the ticket as member for Congress?—Ans. Yes, sir.

Ques. 40. Do you know whether he got any other ticket or not?—Ans. As I said before, he might have had some in his pocket.

Ques. 41. You don't know absolutely what tickets were in his pocket?—Ans. I am certain in my own mind.

Ques. 42. I want to know, though, whether you are absolutely certain what ticket he voted.—Ans. Yes, sir; I think so.

Ques. 43. Do you know that he could not have changed that ticket before he got there?—Ans. I have seen three-card monte men handle cards pretty quick, but I don't think he did.

Ques. 44. Did you keep your eye upon that ticket all of the time?—Ans. He had it in his hand and carried it in his hand.

Ques. 45. Suppose he had other tickets; he could have voted whatever he pleased?—Ans. Yes, sir.

Ques. 46. What were you giving Democratic tickets if you were Republican?—Ans. I was working for constable more than any one else.

Ques. 47. Was he Republican?—Ans. Yes, sir.

Ques. 48. Then there was a Republican on the ticket?—Ans. Yes, sir; he wrote it down there; we wrote the constable on the ticket.

Ques. 49. Your township ticket had all to be written down?—Ans. No, sir.

Ques. 50. Some were printed?—Ans. Yes, sir; on both sides.

Ques. 51. How near the polls did you go with this man?—Ans. About half the distance between the door and the table; three or four feet from him; it might have been five feet.

Ques. 52. Now, were you conversing with other men?—Ans. No, sir; not at that time.

Ques. 53. Did you talk with anybody from the time you started with him, besides him, until you got to the polls?—Ans. No, sir; I don't think so.

Ques. 54. Did you meet anybody in the hall?—Ans. No, sir; there is no hall there.

Ques. 55. Do you know that you did not meet anybody or have your attention attracted by anybody else?—Ans. I didn't give any other ticket, although I saw other men.

Ques. 56. May you not have spoken to them?—Ans. It is likely that I might have spoken to some one.

Ques. 57. How did you walk, which one ahead?—Ans. Part of the time I was ahead, part of the time side by side.

Ques. 58. He had abundance of time to change his ticket if he had a mind to?—Ans. Yes, sir; I say it could have been done; he held the ticket in his hand.

Ques. 59. Every man would hold his ticket in his hand when he votes!—Ans. Some held it in their thumb and forefinger, and some in their hands.

Ques. 60. He had his in his hand?—Ans. Yes, sir.

Ques. 61. Was it folded up?—Ans. Yes, sir.

Ques. 62. Did you see the ballot from that time until he deposited it in the box?—Ans. Part of the time I could not see the ticket.

Ques. 63. Part of the time you walked ahead of him, you say?

Ques. 64. Part of the time by his side; we walked over together.

Ques. 64. You didn't watch that hand and ticket all the time?—Ans. No, sir.

Redirect:

Ques. 65. You say you wanted him to vote the Republican ticket?—Ans. No, sir.
Ques. 66. He would not do it?—Ans. No, sir; he said he would vote for the other man.
Ques. 67. He wanted to vote for Frederick, did he?—Ans. Yes, sir. He wanted to vote the Democratic ticket. He would not vote any other ticket.
Ques. 68. He agreed to put your man for constable down there?—Ans. Yes, sir; it was written on there.
($2.20 paid as fee by contestee.)

C. T. LAPLANT.

STATE OF IOWA,
Marshall County, ss:

EDWARD WILLIGROD being produced and sworn before J. H. Bradley, notary public for Marshall Co., on this 12th day of April, '83, testifies as follows (T. Brown appearing on the part of contestant, and J. H. Bradley on the part of contestee):

Ques. 1. You live in the 4th ward?—Ans. Yes, sir.
Ques. 2. Did you vote there in the last general election in '82?—Ans. Yes, sir.
Ques. 3. Did you vote for Frederick as cand. for Congr. in the election in the 4th ward?—Ans. I did.
Ques. 4. Do you know whether your name was on the register or not?—Ans. Yes, sir; I suppose so. I think it was.
Ques. 5. That is the 4th ward in Marshalltown, Iowa?—Ans. Yes, sir.
Ques. 6. Are you a native of Germany?—Ans. I left Germany in 1848.
Ques. 7. Where did you get your naturalization papers?—Ans. I got them in the county and city of Marshalltown, which used to be Marietta.
Q. 8. Do you remember when?—A. I came here some time between 1853 and 1856; I do not exactly remember.
Q. 9. Did you get both papers at the same time? Did you ever get more than one paper?—A. I believe I got two papers; I made application for citizenship; then I got papers after the proper time; three or four years after.
Q. 10. Did you get them in this county?—A. Yes, sir.
Q. 11. You remember when you got your first papers?—A. No, sir; I don't remember.
Q. 12. You don't recollect when you got the last; have you a certified copy of the last papers at home?—A. I presume I have.
Q. 13. It may be difficult to find them?—A. Yes, sir; it would probably be.
Q. 14. Do you recollect who the witnesses were with you?—A. No, sir; I don't remember.
Q. 15. Now do I understand you to say that you have second papers? Now, if you have them it would set the matter at rest?—A. You mean first papers?
Q. 16. Yes, sir; that is, the first.—A. I think I got my second papers of James Williams.
Q. 17. You recollect of going twice to Marietta to get them?—A. Well, I went there probably a dozen times, but on different errands.
Q. 18. I mean on purpose for these.—A. Yes, sir; I went on purpose.
Q. 19. How long do you think it was before the county seat was moved to Marshalltown?—A. Well, that I don't recollect; it was moved here about one year before the Northwestern Railroad run here in 1862.
Q. 20. Do you remember who your witnesses were that you had when you obtained your papers; or did you have any witnesses?—A. I think I had witnesses; but I don't remember who they were any more.
Q. 21. Now, will you be so kind as to make a sort of copy of your last papers if you have them?—A. Yes, sir; I can do so.
Q. 22. Did you vote here prior to 1858?—A. I don't think I did.
Q. 23. At the time of your first county-seat contest; did you vote at first county seat contest in 1854? The second, in 1856, when the vote carried; didn't you vote in that election in 1856–'57?—A. I cannot remember, it is so long ago.
Q. 24. Do you remember whether you voted at the Presidential election in 1856, when Buchanan was a candidate?—A. No, sir; I do not remember that.
Q. 25. Do you remember whether you voted when Kirkwood was first elected governor in 1858?—A. I don't think I voted until I voted for Mr. Lincoln for President; I think it was in 1860; still I am not positive.

Cross-examination:

Q. 26. You are certain you got your citizen first papers?—A. Yes, sir; I am certain of it.
Q. 26. You are certain you got the second papers when you got the first?—A. Yes, sir.

Q. 37. You haven't been subpœnaed to produce your first or second papers, have you?—A. No, sir.

Redirect:

Q. 28. You think you got your papers between 1853 and 1856?—A. That is the time I made my application; some time along there. I think I got my second papers 3 or 5 years after I made my application.

Q. 29. Now, have you a place where you keep such matters? Do you recollect of ever having seen that paper since?—A. Yes, sir, I have seen it; but I have lost a good many papers at the time I moved from my old shop to my new store, Mr. D—— would not give them up; they were thrown around in his cellar and wasted; I think either Mr. Williams or Mr. G—— would probably remember it.

Q. 30. Do you remember what court, whether cot. court, and who was judge at the time?—A. I only remember that Mr. Williams was figuring in the cot. court as clerk; that much I remember.

Q. 31. Do you remember whether it was Judge Thompson, or Judge Porter, or Judge William C. Smith, or was it the county court?—A. I don't remember that.

($0.85 paid as fee by contestee.)

EDWARD WILLIGROD.

STATE OF IOWA,
Marshall County, ss:

JAMES K. JOHNSON, being produced and sworn before T. Brown, notary public for Marshall County, on this 12th day of April, 1883, testifies as follows (J. H. Bradley appearing on the part of contestee and T. Brown on the part of contestant):

Ques. 1. You are deputy clerk?—Ans. Yes, sir.

Ques. 2. Have you examined the naturalization records of this county?—Ans. Yes, sir; and also all the record that was kept of the district court and the circuit court.

Ques. 3. Have you made a minute or memorandum of the facts of the records?—Ans. I have.

Ques. 4. Take for instance James Dunn, jr.

(Contestant objects to this evidence as immaterial and incompetent and not the best evidence; that the books should be admitted.)

Ques. 5. I will ask your attention to the declaratory statement made by James Dunn, and I will ask you if you have ever examined the record in reference to that; and, if so, when you found it was made?

(Not the best evidence that the record of it must be taken.

Incompetent and immaterial unless the evidence is from the original books; objection to the witness testifying from any document unless the books are produced.)

Ans. I have examined all the records carefully, and find that there two James Dunns. One made declaratory statement on the 28th of July, '56. The other made declaratory statement 10th of Sept. '66. I also found from a careful examination of the naturalization records of the district and circuit court journals from the beginning, that is from the journal A and journal I, down to the time when the naturalization record was kept; there is no evidence of James Dunn having been naturalized.

(Contestant moves to strike out the answer as incompetent, immaterial, being the statement of the records without producing them.)

Ques. 6. There have no second papers, you say, been issued?—Ans. No, sir.

Ques. 7. And neither James Dunn, jr., only James Dunn?—Ans. No, sir.

Ques. 8. Now take Patrick Dunn.—Ans. On the 27th of Aug., 1866, Patrick Dunn, declaratory statement. There is no record of his being naturalized.

(Contestant moves to strike out the ans. as incompetent and immaterial, being a statement of the records without producing them.)

Ques. 9. No evidence at all?—Ans. No, sir; none.

Ques. 10. Now I will ask your attention to William Broadhead?—Ans. He filed declaratory intention the 5th of Nov., 1868. No subsequent record as to naturalization.

(Contestant moves to strike out the ans. as incompetent and immaterial, being a statement of the records without producing them.)

Ques. 11. So that William Broadhead, the one we call "Uncle Billy" Broadhead, in the Poor House?—Ans. The name is the same; I suppose that it is the same man.

Ques. 12. Did you find the naturalization papers issued to C. L. Renstemmage? If so, give the date?

(Contestant moves to strike out the ans. as incompetent and immaterial, being a statement of the records without producing them.)

Ans. On the 22nd of June he filed his declaratory statement.

Ques. 13. That is all the papers you found issued to him?—Ans. Yes, sir.

Ques. 14. You found no official papers issued to him as to a minor?—Ans. No, sir.

Ques. 15. Did you find any papers issued to Frank Delaware?—Ans. I did not.

(Contestant moves to strike out the ans. as incompetent and immaterial, being a statement of the records without producing them.)

Ques. 16. Now, I will ask you if you have gone through these naturalization papers and the records of the courts, by index, or how did you examine them?—Ans. I examined them both ways; first by index and a careful examination of each page.

Ques. 17. I will now ask you if there is any record of the naturalization of Edward Willingrod; if so, when was it?

(Contestant moves to strike out the ans. as incompetent and immaterial, being a statement of the records without producing them.)

Ans. I can find the book and the page from memory. It is in minute-book No. 1, and the county judge records it on page 14; the date is somewhere between '56 and '58.

Ques. 18. Were there two papers issued?—Ans. No, sir; it was the official naturalization paper.

Ans. And what court was it issued from?

(Contestant moves to strike out the ans. as incompetent and immaterial, being a statement of the records without producing them).

Ans. From the county court. William C. Smith was judge.

Ques. 19. Now, Mr. Johnson, you say you have examined these records from the beginning, page by page; will you state more fully?—Ans. I have examined the Journals 1, 2, 3, of the circuit court, and Journals A, B, C, of the district court; these form a book called the First Paper or Declaratory Book; I examined them page by page.

Ques. 20. Are there more journals in the circuit court?—Ans. Yes, sir.

Ques. 21. How far down does the third journal go, of the circuit court?—Ans. It did not go down to '73 at the time that first official naturalization was kept.

Ques. 22. And the journals of the district court covered the same period?—Ans. Yes, sir; as long as we had begun the matter.

Ques. 23. Up to that time they had begun to print the naturalization record?—Ans. Yes, sir.

Ques. 24. Now, Mr. Johnson, I will ask you to bring from the book, if you please—bring all the papers issued to Willigrod; also the declaration of C. L. Petit Demange.

(Witness produces naturalization No. 2, belong to the clerk's office in the county.)

Ques. 25. Does that contain the declaration of C. L. Petit Demange?—Ans. Yes, sir; on page 117.

STATE OF IOWA,
Marshall County:

Be it remembered on this 22nd day of June, 1882, before C. H. Brock, clerk of the district court in and for said county and State, personally appeared C. L. Petit Demange, who, being duly sworn according to law, did depose and say that he is a native of France, now residing in Marshall County, Iowa; that it is his bona fide intention to become a citizen of the U. S. of America, and to renounce all allegiance and fidelity to other foreign powers, potentate, state, and sovereignty whatsoever, and particularly to the Republic of France, of whom he was a subject.

C. L. PETIT DEMANGE.

In testimony whereof I have hereunto set my hand and caused the seal of the district court to be attached, at Marshalltown, this 22nd of June, '82.

C. H. BROCK,
Clerk of the District Court.

Ques. 26. Is that the book of the clerk's office of the district and circuit courts?—Ans. Yes, sir; it is.

Ques. 27. Is that the office of which you are the deputy?—Ans. Yes, sir.

Ques. 28. You may look at your other book and tell us what it is?—Ans. It is called minute-book No. 1.

Ques. 29. Of what court and county?—Ans. Marshall County court; William Smith, judge.

Ques. 30. What page is it?—Ans. Page 14.

(Same to be put in evidence.)

Marshall County, Feb. term, A. D. 1856.

On this 26th day of Feb., '56, appeared Edward Willigrod, and producing satisfactory evidence that he had been resident of the U. S. five years, and had resided in the State at least one year, and during that he had behaved himself like a man of good moral character and attached to the principles of the Constitution of the U. S., and well disposed to the good order and happiness of the same; taking oath to support the Constitution, and that he doth absolutely and entirely renounce all allegiance and fidelity to every

foreign prince, potentate, state and sovereignty, and particularly the King of Hanover, reigning King of Germany, of whom he was late a subject—Edward Willigrade having produced satisfactory evidence that he had filed his declaration and intention more than two years preceding this time, he is therefore admitted to citizenship.

WILLIAM C. SMITH, *County Judge.*

Ques. 31. What do you say the date of that first should be?—Ans. I should say it is Feb. 26th. It has been made the 27th, and then changed to the 26th.

Ques. 32. Is there any heading to that paper to show that it was during the county court?—Ans. Yes, sir, Marshall County court, Feb. term, 1856.

Ques. 33. You say you have formally examined records of clerk's office as to James Dunn, and that you find that they have received no second papers?—Ans. Yes, sir.

Ques. 34. That Henry Dunn is not shown to have received any papers whatsoever?—Ans. Yes, sir.

Ques. 35. And that William Broadhead received no second papers?—Ans. Yes, sir; I found that John Dunn filed the declaratory intentions Dec. 1st, '73; his final papers granted here Dec. 18th, 1882.

Cross-examination:

Ques. 36. What is your position in the county, Mr. Johnson?—Ans. I am deputy clerk of the county.

Ques. 37. Are you deputy county clerk or deputy county auditor?—Ans. I am both at present.

Ques. 38. When were you appointed deputy of county clerk?—Ans. It was on the 10th of April, '83.

Ques. 39. When did you make an examination of the county records you have referred to?—Ans. Since receiving the appointment.

Ques. 40. Where does your work lie; are you engaged in the clerk's office?—Ans. I am at work in the auditor's office.

Ques. 41. You retain your position in the auditor's office?—Ans. Yes, sir.

Ques. 42. By whom were you appointed deputy clerk?—Ans. By Mr. M———, clerk of the district court and circuit.

Ques. 43. Since that time you have made an examination of the records?—Ans. Well, I can say that prior to that time I was about two weeks looking up the matter; but I made a thorough review after my appointment.

Ques. 44. At what hours of the day were you engaged in that examination; I mean when you first began?—Ans. I was kept during the day, both during the day and during the evening.

Ques. 45. All through the days for two weeks were you kept in the investigation of the records?—Ans. Yes, sir.

Ques. 46. What portion of the day, what time did you spend in the search?—Ans. The greater portion of the time, except when the board of supervisors were not here; then I worked nights.

Ques. 47. How much of the evening did you spend?—Ans. I would go to work shortly after 7 o'clock and work until 10 or 11 o'clock.

Ques. 48. Has your testimony here in reference to the records been that the books before you, except in regard to Edward Willigrode, Mr. Petit Demange, or has it been from your memory or what you found from the examination from the records prior to the time to what you are now testifying?—Ans. I took the minutes of these names only; I had not the names; there names are on the record, and I have used these minutes in refreshing my memory.

Ques. 49. Have the books been presented; have you had the books except in the two cases referred to?—Ans. Yes, sir; certainly I had the books.

Ques. 50. I mean, did you have any presented here before the commissioner except in the case of Demange?—Ans. No, sir.

Ques. 51. Then your testimony, except in the two given in regard to record of Demange, has been given from minutes made by your previous examination?—Ans. That is what I said.

Ques. 52. Are you able to swear positively that in the case of James Dunn, or of Thomas Dunn, that no official naturalization papers appeared on record in Marshall County? Are you able to swear positively in the case of Patrick Dunn that no official naturalization papers on the record in Marshall County?—Ans. Yes, sir.

Ques. 53. Are you able to swear positively in regard to Henry Dunn that papers or records of naturalization do not exist in Marshall County?—Ans. Yes, sir.

Ques. 54. Are you able to swear that he is not naturalized?—Ans. No, sir.

Ques. 55. Are you able to swear that neither of the Dunns are not naturalized?—Ans. I might say that there is no record of it in this county.

Ques. 56. Are you able to swear that they are naturalized?—Ans. I will say there is no record of it.

Ques. 57. Well, are you able to swear that they are not naturalized?—Ans. No, sir.

Ques. 58. Are you able to swear that C. L. Demanyr wasn't naturalized?—Ans. Where?

Ques. 59. Anywhere.—Ans. No, sir.

Ques. 60. Or Frank Deleware?—Ans. No, sir.

Ques. 61. Or any of the persons that you have named?—Ans. No, sir.

Ques. 62. And it is possible that the naturalization papers have been taken from these courts and not indexed?—Ans. Yes, sir; it was frequently done before I examined the books.

Ques. 63. You examined the books yourself?—Ans. Yes, sir.

Ques. 64. And they could be taken without being recorded?—Ans. I suppose so.

Ques. 65. You were not able to swear that any one of these persons were not properly naturalized in Marshall County if the papers existed without the record being copied?—Ans. I only say that there is no record of it.

Ques. 66. That is the extent of your knowledge?—Ans. Yes, sir.

Ques. 67. Was that appointment of dept. clerk made for this examination?—Ans. I believe that it was; yes, sir.

Ques. 68. You performed no other duties in that office?—Ans. No, sir.

Ques. 69. It was ——— —Ans. I don't know.

Ques. 70. Have you been paid for such duties or did you expect it?—Ans. No, sir.

Ques. 71. You have spent in the examination of the about two weeks of steady work?—Ans. No, sir; I didn't say two weeks of steady work.

Ques. 72. What would you estimate the amount of work you have done there to be?—Ans. I should think about six days of solid work.

Ques. 73. Did I understand you to say you examined all the records of the circuit court or only Journals 1, 2, 3 of circuit court?—Ans. Yes, sir.

Ques. 74. And since that time what did you say was the form of naturalization?—Ans. The printed blank.

Ques. 75. What evidence of naturalization having been printed are kept; when these forms are used they are simply filled out in the record, are they not?—Ans. Yes, sir; that is all.

Ques. 76. And the index copied off of them?—Ans. I cannot say as to that; I didn't examine them.

Ques. 77. You looked over the work, did you?—Ans. Yes, sir, but there is no index, so I don't know whether it is correct or not.

Ques. 78. In the district court A, B, C, and D?—Ans. Yes, sir.

Ques. 79. After that printed forms were used, all being in one book?—Ans. Yes, sir.

Re-direct:

Ques. 80. Mr. Johnson, where is the record of the declaratory statement of Lewis Shielding; what book is that in?—Ans. It is found in book 3, Mar. 17th, 1883.

Ques. 81. You say it may be possible that some naturalization papers may be issued without making record of it; can you conceive of the court entering a document without making the record of it?

(Objection.)

Ans. I think not.

J. K. JOHNSON.

$.85 paid as fee by contestee.

STATE OF IOWA,
Marshall County, ss:

EUGENE CARKAHUFF, being produced and sworn before J. H. Bradley, notary public for Marshall County, on this 12 day of April, '83, testifies as follows (T. Brown appearing on the part of contestant and J. H. Bradley on the part of contestee):

Ques. 1. Is your name spelled Carkahuff and Carkohuff, both ways?—Ans. Both ways.

Ques. 2. Anybody else here by that name, about like yours?—Ans. No, sir; I am the only one.

Ques. 3. Did you vote last Nov. in this city?—Ans. Yes, sir.

Ques. 4. Did you vote for Mr. Frederick as candidate for Congress?—Ans. Yes, sir.

Ques. 5. What ward?—Ans. I don't know what ward it is. I guess it is the third ward.

Ques. 6. What part of town is it?—Ans. In the same ward that the mayor's office is in.

Ques. 7. That would be the third ward. That was the general election in '82, last general election, was it?—Ans. Yes, sir; last fall.

Cross-examination:

Ques. 8. Are you a legal voter?
(Objection.)
Ans. I suppose so; I don't know anything to hinder it.
Ques. 9. You are of age?—Ans. I am 25.
Ques. 10. Born in this country?—Ans. Yes, sir; in this town.
Ques. 11. Do you live in the third ward?—Ans. Yes, sir; at that time in a house bought of J. D. Vail.
(Witness objects to same as incompetent and immaterial.)
($.85 paid as fee by contestee.)

EUGENE CARKAHUFF.

STATE OF IOWA,
Marshall County, ss:

EDWARD AUSTIN being produced and sworn before T. Brown, notary public for Marshall County, on this 12th day of April, A. D. '83, testifies as follows (T. Brown appearing on the part of contestant and J. H. Bradley on the part of contestee):
Ques. 1. Did you reside in Marshalltown during Nov. last, '82?—Ans. Yes, sir.
Ques. 2. Were you here on the day of the general election in Nov.?—Ans. Yes, sir; I was.
Ques. 3. State whether or not you voted at that election?—Ans. I did not.
Ques. 4. You say you did not vote?—Ans. Yes, sir.
($4.00 paid as fee by contestee.)

EDWARD AUSTIN.

STATE OF IOWA,
Marshall County, ss:

I, Eldon Moran, a notary public and commissioner agreed upon to take testimony in this cause, in pursuance of the annexed agreement attached to the testimony of J. L. Adams, whose testimony was taken Feb. 22nd, 1883, in pursuance of the notice hereunto annexed, I took the depositions of the following witnesses: Frank A. Scott, Lewis Hennis, W. H. Stewart, Adna Fogg, Isaac Maulsbury, Adam Dentch, August Germain, August Eckhart, Lewis Germain, August Voss, James Dunn, John Dunn, Patrick Dunn, Henry Dunn, Will Wallace, Wm. Gada, George Bowman, Thomas Dunn, James E. Dunn, Lewis S. Larson, Oscar Larson, J. B. Sheldon, B. B. Potter, M. E. Andrews, Charles S. Austin, N. Peter Hausen, Henry Snider, Joseph Beranek, George A. Bowman, George Cather, M. J. Rowley, John Horigan, W. J. Rowley, John Lacina, C. L. Petit Demange, W. H. Hart, Frank Bates, Lewis Scheiding, Robert Binford, A. Hoit, C. T. Laplant, Edward Willigrod, James K. Johnson, Eugene Corkoff, Edward Austin, whose testimony is set forth in the following manner: Each witness was by me duly sworn or caused to be sworn in my presence as provided by law, and when sworn the questions were propounded to him by the respective parties: Benj. T. Frederick, contestant, and James Wilson, contestee, by their respective atty's, and the same by me read to the witness, who answered the same, and his answer by me in the language of the witness taken down under each question propounded and reduced to writing till the deposition was completed.

I further certify that when the testimony of each witness was taken I carefully read the same over to the witness, who corrected the same, and each correction noted, and said testimony was then signed by the witnesses, and sworn to by him before me.

I further certify that T. Brown and Carney appeared as counsel for the contestant, Benjamin T. Frederick; and J. H. Bradley appeared as counsel for the contestant, James Wilson.

In witness whereof I have set my hand and seal notarially this 12th of April, 1883.

[SEAL.] ELDON MORAN,
Notary Public for Johnson County, Iowa,
and Commissioner agreed upon to take testimony.

No. 4.

BENTON COUNTY.

FREDERICK
v
WILSON.

STATE OF IOWA,
Benton County, ss:

JOS. DROZARK, of lawful age, being produced and sworn before Amar Rogers, a notary public for Benton County, on this 14th day of April, A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant, and Nichols & Burnham appearing on the part of contestee):

Ques. 1. Where do you live?—Ans. Carrol Township, Tama County, Iowa.
Ques. 2. Where were you born?—Ans. In the old country.
Ques. 3. Whereabouts; in what old country?—Ans. In Austria.
Ques. 4. How long have you been in America?—Ans. Came to America in 1867.
Ques. 5. How old are you?—Ans. 38 years old.
Ques. 6. How long have you lived in Tama County?—Ans. The first time I lived 5 years in Tama County; then I went to Indiana and stayed there 2 years; then came back to Tama County, and have lived there ever since.
Ques. 7. Been here 6 or 7 years the last time?—Ans. Yes, sir; pretty near 8 years.
Ques. 8. Did you ever get citizen's papers?—Ans. Yes, sir; in Steuben County, Angola Township.
Ques. 9. Have you got them with you?—Ans. No, sir.
Ques. 10. Why?—Ans. I forgot them.
Ques. 11. Not got them when asked to bring them?—Ans. They said I didn't need them; I could go with that one paper all over the United States.
Ques. 12. How far is it to your place, 7 or 8 miles at least?—Ans. 10 miles.
Ques. 13. You never got but one citizen's paper?—Ans. That is all.
Ques. 14. Was it before a clerk or in court?—Ans. It was in court.
Ques. 15. When was that?—Ans. '72 or '73, I forget which.
Ques. 16. What town did you say it was?—Ans. Angola.
Ques. 17. Who was your witness?—Ans. Thomas Moriarty, and another fellow, Mike Scerboty.
Ques. 18. Then you just got one paper; you never got any other?—Ans. They gave me one; they said I didn't need any other.
Ques. 19. This first one you have got?—Ans. No, sir; this second. They said I didn't need any first one; they gave me second papers, but——
Ques. 20. If you are examined about it, unless you can show your paper, we will have to subpœna you at Toledo.—Ans. I had that paper. One day I took it over to Swain's house and let him examine it. He said it was all right and that I didn't need anything else.
Ques. 21. Well, you will have to bring that paper. You voted in Carrol Township last election?—Ans. Yes, sir.
Ques. 22. Did you vote for Fredrick or Wilson?—Ans. I voted for Fredrick.

Cross-examination:

Ques. 23. You had witnesses in court; you had full naturalization papers?—Ans. Yes, sir; I did.
Ques. 24. Your papers are good, are they?—Ans. Yes, sir.
Ques. 25. Full naturalization papers?—Ans. Yes, sir; I have them at home.

JOS. DROZARK.

(Paid $.65).

STATE OF IOWA,
Benton County, ss:

WENTZEL HEREZAK, being produced and sworn before G. W. Burnham, a notary public for Benton County, on this 14th day of April, 1883, testifies as follows (T. Brown appearing on the part of contestant, and Nicholas S. Burnham appearing on the part of contestee):

Ques. 1. Where do you live?—Ans. In Belle Plaine.
Ques. 2. Iowa Township?—Ans. Yes, sir; Benton County.
Ques. 3. How long have you lived there?—Ans. 6 or 7 years.
Ques. 4. How old are you now?—Ans. I am 29 years old.

Ques. 5. How long have you been in America?—Ans. 16 or 17 years; I can't state exactly.
Ques. 6. Can't you tell exactly?—Ans. No, sir; I can't tell the exact year.
Ques. 7. You were never naturalized?—Ans. No, sir; but my father was.
Ques. 8. That is what you think?—Ans. Yes, sir; that is what I suppose.
Ques. 9. You were never naturalized?—Ans. No, sir.
Ques. 10. Where were you born?—Ans. In Bohemia.
Ques. 11. Did you vote at the last election at Belle Plaine?—Ans. Yes, sir; the Democratic ticket.
Ques. 12. For Fredrick?—Ans. Yes, sir.

Cross-examination.

Ques. 13. Are you sure that your father was a voter?—Ans. Yes, sir; he was.
Ques. 14. He was naturalized?—Ans. Yes, sir; he was.
Ques. 15. Did your father hold any office?—Ans. My father held road director's office.
Ques. 16. You know of your father's voting right along?—Ans. Yes, sir.
Ques. 17. Where did your father hold this office?—Ans. I don't know what district, York Township, this county.

W. HEREZAK.

($1.75 paid as fees.)

STATE OF IOWA,
Tama County, ss:

WEUTZEL HUZAK, being produced and sworn before Amos Rogers, notary public of Tama County, Iowa, on this 14th day of Apr. 1883, W. H. Stivers appearing on the part of the contestee, and T. Brown on the part of the contestant, testifies as follows:

Ques. 1. Where do you live?—Ans. Otter Creek, Township.
Ques. 2. How old are you?—Ans. About 20 years.
Ques. 3. Where were you born?—Ans. In the old country.
Ques. 4. Which old country?—Ans. Bohemia.
Ques. 5. Did you vote at the last election held in Otter Creek Township, at which Mr. Frederick and Wilson were candidates for Representative in Congress?—Ans. Yes, sir.
Ques. 6. Did you vote the Dem. or Rep. ticket?—Ans. Democratic ticket.
Ques. 7. Did you vote for Frederick for Congress?—Ans. Yes, sir.
Ques. 8. Have you citizen papers?—Ans. No, sir; I only have one.
Ques. 9. Where is that?—Ans. I lost that one.
Ques. 10. Who did you get it from?—Ans. From Toledo.
Ques. 11. Which clerk?—Ans. I forgot it.
Ques. 12. You don't recollect which officer?—Ans. No, sir; I forgot it.
Ques. 13. When did you come to America?—Ans. About 15 or 16 years ago.
Ques. 14. You knew the clerk there, didn't you?—Ans. Well, I don't remember.
Ques. 15. When did you look for your citizen's papers?—Ans. When did I look?
Ques. 16. Yes, sir; when did you look? You say that it is lost; when did you look to find it?—Ans. I had my papers in my pocket with my money for a long while; I lost my papers, I don't know how.
Ques. 17. It was the first paper, was it?—Ans. Yes, sir; first one.
Ques. 18. You never got the second paper?—Ans. No, sir; many people told me that I didn't need any because father got my paper; I wasn't of age they told me, or I didn't need any because father got it.
Ques. 19. Where did your father get it?—Ans. I could not tell.
Ques. 20. He came to Toledo with you?—Ans. Yes, sir.
Ques. 21. He came from Bohemia to Toledo?—Ans. Yes, sir.
Ques. 22. You don't know whether he got it at all?—Ans. Yes, sir; I know that he got it.
Ques. 23. How do you know?—Ans. He told me that he got it.
Ques. 24. When did he tell you that he got it? Is he dead?—Ans. No, sir.
Ques. 25. He is living, then?—Ans. Yes, sir.
Ques. 26. Is he here?—Ans. No, sir; not here.
Ques. 27. What is your father's given name?—Ans. John.
Ques. 28. How does he spell his other name?—Ans. Husak.
Ques. 29. You never got but one paper—only one?—Ans. Yes, sir; I took only one paper.
Ques. 30. Couldn't you tell us anything about when that was?--Ans. No, sir; I couldn't tell.
Ques. 31. Tell us how long ago it was that you took out the paper?—Ans. About 14 years.
Ques. 32. That you got your first papers?—Ans. Yes, sir.

Ques. 33. You got them at Toledo, Tama County, Iowa?—Ans. Yes, sir.
Ques. 34. All the papers that you ever got you got there?—Ans. Yes, sir.
Ques. 35. How old were you when you came to the U. S.?—Ans. I was 15 or 16.
Ques. 36. Since you were of age you got first papers?—Ans. No, sir; I wasn't of age.
Ques. 37. Who got your papers for you?—Ans. Father took the paper.
Ques. 38. Your father took out naturalization papers?—Ans. He made application.
Ques. 39. You were a boy?—Ans. I could not tell that.
Ques. 40. Did your father vote?—Ans. Yes, sir; of course.
Ques. 41. He is a voter, is he?—Ans. I could not tell that, because that is another district. He is in another township. He wasn't with me at the election.
Ques. 42. Have you ever known him to vote at any election?—Ans. Yes, sir; of course.
Ques. 43. He has been a voter every single year, has he not? How long ago did you first know that your father voted?—Ans. I could not tell.
Ques. 44. Good many years ago?—Ans. Yes, sir.
Ques. 45. Did your father before you were of age take out first papers?—Ans. Well, I could not tell that; I think I was not of age when my father took papers.
Ques. 46. Some 15 or 16 years ago?—Ans. Yes, sir.
($1.50, paid as fee, by contestee.)

WEUTZAL HUSAK.

STATE OF IOWA,
Tama County, ss:

JOSEPH BENDA being produced and sworn before Amos Rogers on this 14th day of Apr., 1883 (W. H. Stivers appearing on the part of the contestee, and T. Brown on the part of the contestant), testifies as follows:

Ques. 1. Where do you live?—Ans. Carrol Township, Tama County, Iowa.
Ques. 2. Were you at the election last fall?—Ans. No, sir. It must be a mistake some way.
Ques. 3. You were not at the election?—Ans. No, sir; I wasn't.
Ques. 4. Do you know when the day of election was there last fall?—Ans. Yes, sir.
Ques. 5. Where were you?—Ans. In Traer.
Ques. 6. Didn't go to the election at all?—Ans. No, sir.
Ques. 7. Is there any other Joe Benda in that township?—Ans. No, sir; not that I know of; but I am a voter. I have been long enough in that State to vote. I voted in July on the amendment business.

JOSEPH BENDA.

STATE OF IOWA,
Tama County, ss:

OWEN O'CONNOR being produced before Amos Rogers, notary public for Benton County, this 14th day of April, '83, testifies as follows (G. W. Burnham appearing on the part of contestee and T. Brown on the part of contestant):

Ques. 1. Where do you reside?—Ans. In Otter Creek Township.
Ques. 2. Where did you reside last Nov. election?
Ques. 3. In Otter Creek.
Ques. 4. Did you vote there at that election in Otter Creek Township, where Frederick and Wilson were candidates for Congress?—Ans. Yes, sir.
Ques. 5. Did you vote at that election?—Ans. Yes, sir; I did.
Ques. 6. For Frederick or Wilson?—Ans. For Frederick.
Ques. 7. Where you born?—Ans. In Ireland.
Ques. 8. How long have you been in America?—Ans. Since '57.
Ques. 9. Are these all the naturalization papers you have?—Ans. I got these papers in Penn.
(Witness produces papers the substance of which is that they were issued by Tom Cramer, county judge of Tama County, Iowa, on the 8th day of October, 1867. Witnessed by the seal of Tama County, Iowa.)
($1.25 paid as fee by contestee.)

OWEN O'CONNOR.

STATE OF IOWA,
Benton County, ss.

ALBERT SNIDER being produced and sworn before Amos Rogers, a notary public for Benton County, on this 14th day of April, A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant, Nichols and Burnham on the part of contestee):

Ques. 1. Where do you live?—Ans. Otter Creek Township.
Ques. 2. Have you got citizen papers?—Ans. No, sir; I have not.

Ques. 3. Where did you live at the time of the last fall election?—Ans. Here in Otter Creek Township.

Ques. 4. Did you vote last election?—Ans. Yes, sir.

Ques. 5. Did you vote Democratic or Republican?—Ans. Yes, sir; Democratic.

Ques. 6. Did you vote for Frederick for Congress?—Ans. Yes, sir.

Ques. 7. Where were you born?—Ans. In Austria.

Ques. 8. When did you come to America?—Ans. In '56.

Ques. 9. Where did you come to?—Ans. To Iowa City.

Ques. 10. How long have you lived in Iowa City?—Ans. About 8 years.

Ques. 11. Then where did you live?—Ans. Then I came to Otter Creek Township, Tama County.

Ques. 12. Have you your naturalization papers with you?—Ans. No, sir; they are at home. I cannot find them, it is so long ago; I got them in '62 in Iowa City, of Judge McCrary.

Ques. 13. In '62, in Iowa City?—Ans. Yes, sir; I got my first papers in '56; in '62 I got my second papers.

Ques. 14. Did you ever get other naturalization papers?—Ans. Two of them.

Ques. 15. Both of one man?—Ans. Yes, sir; in '56 I got first paper; in '62 I got another.

Ques. 16. You cannot find that paper to bring it with you?—Ans. I cannot find my papers, it is so long ago. Maybe I could if I took time.

Ques. 17. You looked for it?—Ans. Yes, sir; I could not find it.

Cross-examination:

Ques. 18. How old were you when you came to America?—Ans. 32; I am 57 years old now.

($1.45 paid as fee by contestee.)

ALBERT SNIDER.

STATE OF IOWA,
Benton County, ss.

PETER KUPKA being produced and sworn before Amos Rogers, a notary public for Benton County, on this 14th day of April, A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant, Nichols and Burnham appearing on the part of contestee):

Ques. 1. How old are you?—Ans. 40 years old.

Ques. 41. Where were you born?—Ans. In Austria.

Ques. 3. When did you come to America?—Ans. In '56.

Ques. 4. What time in '56?—Ans. When we got down here I guess it was about in Aug.

Ques. 5. Did you vote at the last election in Tama County?—Ans. Yes, sir.

Ques. 6. What Township?—Ans. Otter Creek Township.

Ques. 7. Last Nov. election?—Ans. Yes, sir; I guess so.

Ques. 8. Mr. Wilson and Frederick were candidates for Congress?—Ans. Yes, sir.

Ques. 9. Did yon vote Democratic or Republican ticket?—A. Yes, sir.

Ques. 10. Which one?—Ans. Democratic ticket.

Ques. 11. Did you vote for Mr. Wilson?—Ans. I voted Democratic ticket.

Ques. 12. Did you see whether Mr. Wilson's name was on it?—Ans. I don't remember.

Ques. 13. You remember that it was a Democratic ticket?—Ans. Yes sir.

Ques. 14. Do you recollect who gave you the ticket?—Ans. Bill Arnold.

Ques. 15. Now did you ever take out naturalization or citizen papers.—Ans. Yes, sir.

Cross-examination:

Ques. 16. Did your father come here with you?—Ans. Yes, sir.

Ques. 17. Was he a voter?—Ans. No, sir; not when I came.

Ques. 18. Did he take out papers?—Ans. Yes, sir; when he came out here.

Ques. 19. How old were you when he took out these papers?—Ans. I guess I was a little past 18.

Ques. 20. How old were you when you came to America?—Ans. Between 12 and 13.

Ques. 21. Your father voted after that?—Ans. Yes, sir; after he took his papers.

Ques. 22. Do you know when he took his papers?—Ans. I cannot tell anything about that.

Ques. 23. Your father was a voter for a great many years?—Ans. Yes, sir; after he took his papers.

Ques. 24. What court was it?—Ans. In the Toledo court.

Ques. 25. In the district court?—Ans. I don't about that.

Redirect:

Ques. 26. Did you ever see the papers?—Ans. No, sir; I never saw them.

Ques. 27. You say that he got them at Toledo, Tama County, Iowa?—Ans. Yes, sir; I have seen them. I was working out; I came home to visit one Sunday, and he showed me the papers.

Ques. 28. Where were you working?—Ans. For Chet Hays.

Ques. 29. Do you know what year it was in?—Ans. Before the war.

Ques. 30. What is your father's given name?—Ans. Michael Kupka. Sometimes he signs his name Mat.

Ques. 31. What township did you vote in?—Ans. Otter Creek Township.

Ques. 32. Your father voted in what township?—Ans. In York Township.

($1.60 paid as fee by contestee.)

PETER KUPKA.

STATE OF IOWA.

Benton County, ss:

JOSEPH VAVRA being produced and sworn before Amos Rogers, a notary public for Benton County, on this 14th day of April, A. D. 1863, testifies as follows (T. Brown appearing on the part of contestant and Nichols and Burnham on the part of contestee):

Ques. 1. Where did you live?—Ans. In York Township.

Ques. 2. How long have you lived there?—Ans. About 11 years.

Ques. 3. In what county?—Ans. In Tama County.

Ques. 4. Your name is what?—Ans. Joseph.

Ques. 5. Did you vote at the last election held in your township, in which Mr. Frederick and Wilson were candidates for Congress?—Ans. Yes, sir; I did, and I voted for Frederick.

Ques. 6. Where were you born?—Ans. In Austria.

Ques. 7. When did you come to America?—Ans. In '65.

Ques. 8. How old are you?—Ans. 34; I was born in '48; pretty near 18 years I have been here.

Ques. 9. Did you take out citizen papers?—Ans. Yes, sir.

Ques. 10. Where are they?—Ans. The first I got in Iowa City, second in Toledo.

Ques. 11. Did not a good many call your name Weaver?—Ans. Yes, sir.

Ques. 12. Have you your papers with you?—Ans. Yes, sir; John Joice tell me how it was, so left my papers in Toledo.

(Witness produces papers.)

Ques. 13. Your name here is not the same; we don't claim anything from these papers.

($1.15 paid as fee by contestee.)

JOSEPH VAVRA.

STATE OF IOWA,

Benton County, ss:

MARTIN CIBULA, being produced and sworn before Amos Rogers, a notary public, on this 14th day of April, A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant and Nichols and Burnham for contestee):

Ques. 1. Where do you live?—Ans. Otter Creek Township.

Ques. 2. How old are you?—Ans. 62 years old.

Ques. 3. What county did you live in?—A. Tama County.

Ques. 4. State of Iowa?—Ans. Yes, sir.

Ques. 5. 60 years old?—Ans. Yes, sir.

Ques. 6. How long have you lived in America?—Ans. I came here in '55.

Ques. 7. To Tama County in '55?—Ans. No, sir; I was in Iowa City 5 years.

Ques. 8. Came to Tama County in '60?—Ans. Yes, sir.

Ques. 9. What time in '60?—Ans. I have forgotten the date; I do not know myself.

Ques. 10. Was it in the spring or fall of '60?—Ans. Yes, sir.

Ques. 11. When did you come to America?—Ans. Well, in '55.

Ques. 12. What time of the year, spring, fall, or summer?—Ans. In the spring of '55.

Ques. 13. You were born in Prussia-Poland; did you vote at last election Otter Creek Township, in which Mr. Wilson was a candidate for Congress?—Ans. Yes, sir.

Ques. 14. Did you vote for Frederick or Wilson?—Ans. I voted the Democratic ticket.

Ques. 15. Did you ever get any naturalization citizen papers?—Ans. He didn't say anything to that.

Ques. 16. You haven't any papers now?—Ans. No, sir; I got them.

Ques. 20. Got them where?—Ans. At Iowa City.

Ques. 21. Who was your witness?—Ans. He is dead.

Ques. 22. Who was it?—Ans. Well, he was John B———.

Ques. 23. Was that before or after you moved to Tama County?—Ans. It was at Iowa City.

Ques. 24. You got your papers before you moved up to Tama County?—Ans. Yes, sir.

Ques. 25. Do you know when it was that you first landed in America?—Ans. No, sir; I do not know.

Ques. 26. You do not know what time of year it was when you left the Old Country to come, whether in the spring, or summer, or fall?—Ans. He cannot understand by interpreting; he says it was in the spring.

Ques. 27. What month was it?—Ans. He came here in Aug., about harvest time.

Ques. 28. Ask him if it was harvest time?—Ans. He came to this country in August.

Ques. 29. That is when he came to Iowa City in August?—A. Yes, sir.

Ques. 30. Did you come right from the old country to Iowa City?—A. Yes, sir.

Ques. 31. How long was it after you landed before you came to Iowa City?—A. I will be 5 years in Iowa City.

Ques. 32. Ask him how long before he landed in America before he got to Iowa City?—A. He says he came right to Iowa City.

Ques. 33. Ask him how many days it was from the time that he landed in New York before he got to Iowa City?—A. He says that he has forgotten that.

Ques. 34. Ask him whether it was one week?—A. He says he cannot tell.

Ques. 35. Ask him if he came right along?—A. Yes, sir; that is what he says, did not stop anywhere.

Ques. 36. I want to fix the time when the witness got to Tama County; when you came to Iowa City, to Tama County, did you buy a piece of land?—A. Yes, sir.

Ques. 37. Who did you buy it of?—A. I cannot recollect.

Ques. 38. Ask the witness whether it was before corn planting time in the spring, that he came to Tama County?—A. Yes, sir; in the spring before corn planting time.

Cross-examination:

Ques. 39. Do you know exactly what time you came to Iowa City?—A. In '55.

Ques. 40. Do you know exactly what year you came to Tama County, whether in 1860 or '61?—A. About the time of the war he came here.

Ques. 41. How long before the war?—A. I cannot tell.

Ques. 42. Does he know whether it was the spring of '60 or '61 that he came?—A. In 1860.

Ques. 43. Ask him if he had been full 5 years in Iowa City after he came?—A. Yes, sir; he says that he was.

Ques. 44. Were you naturalized in court in Iowa City?—A. Yes, sir.

Ques. 45. What building was it; in the old State house?—Ans. Yes, sir; in the old State house.

Ques. 46. Was it the U. S. dist. court that gave you papers?—Ans. I cannot tell.

Ques. 47. Do you know who gave you papers, what court?—Ans. I don't know anything about it.

Ques. 48. What court does he say?—Ans. That he don't know; it has been too long for him to remember.

Ques. 49. Do you know you got your second papers at Iowa City?—Ans. I think that I got both papers at Iowa City.

($1.40 paid as fee by contestee.)

MARTIN CIBULA.

STATE OF IOWA,
Benton County, ss:

WAETZEL NOVAK, being produced and sworn before Amos Rodgers, notary public for Benton County, on this 14th day of April, 1883, and examined before me, testifies as follows, T. Brown appearing on the part of contestant, and Nichols and Burnham on the part of contestee:

Q. 1. Where do you live; and where did you live last November?—A. York Township.

Q. 2. Did you vote last November in York Township in which Frederick and Wilson were candidates for Congress?—A. Yes, sir.

Q. 3. Did yote Democratic or Republican ticket?—A. Democratic ticket.

Q. 4. Did you vote for Frederick for Congress?—A. Yes, sir.

Q. 5. How old are you?—A. 32 or 33.

Q. 6. Where born?—A. In Austria.

Q. 7. When did you first come to America? What year?—A. I don't remember. I was 10 or 11 years old when we came.

Q. 8. Your father's name is what?—A. Joseph Novak.

Q. 9. Did you ever take out any naturalization papers?—A. No, sir, I never did.

(Witness produces papers.)

Q. 10. Are these your father's papers?—A. Yes, sir.

Q. 11. Have you any brothers?—A. Yes, sir.

Q. 12. Give us their names, please.—A. One Ben, the other John.

Q. 13. Was one on the stand to-day?—A. No, sir.
Q. 14. Where do your brothers live?—A. York Township; one lives in Belleplaine.
Q. 15. Your father was naturalized; these are the naturalization papers of your father?—A. Yes, sir.
Q. 16. Is he living?—A. No, sir.
Q. 17. When did he die?—A. About six years ago.
Q. 18. You kept these to show that he was naturalized?—A. Yes, sir.

CERTIFICATE OF NATURALIZATION.

IOWA, *Tama County, ss:*

In the county court of said county, in Tama County.

I, T. O. G. Graham, judge of said court, do hereby certify that on the 18th of Feb., 1868, Joseph Novak, a native of Austria, was admitted to citizenship of the United States of America, and therefore entitled to all the rights and privileges of a naturalized citizen.

In testimony whereof I have hereto set my hand and fixed the seal of said court, at my office in the town of Toledo, in said county, 18th day of Feb., 1868.

T. A. GRAHAM,
Judge of said county.

(And witnessed by the seal of said county.)

Cross-examination:

Q. 19. Where did you get these papers?—A. I went over to my mother's this morning and got them.
Q. 20. Did you know that your father was a voter?—A. Yes, sir.
Q. 21. He got other papers besides these?—A. Yes, sir.
Q. 22. Where did he get them?—A. In Toledo.
Q. 23. Before the court?—A. Yes, sir.
Q. 24. Other papers beside this paper?—A. Yes, sir.
Q. 25. Then this is not your father's only paper?—A. No, sir; he had others beside this; yes, sir.
Q. 26. How long ago did you get them? You said you were 10 years old when you came to America?—A. Yes, sir.
Q. 27. How long was your father a voter before he died; how many years did he vote before he died?—A. I can't tell.
Q. 28. How old were you when your father got his papers?—A. I don't remember how old I was when he came here.
Q. 29. Wasn't you of age when he got his first papers?—A. About 12 years old.

Redirect:

Q. 30. How did you know that he got his first papers?—A. I know that.
Q. 31. You say that he got first papers; what do you mean by that?—A. He got his first papers out here, when he first came to the United States.
Q. 32. Then what?—A. That is what I mean by first papers.
Q. 33. How do you know that you were only 12 years old; how do you know it?—A. I remember it.
Q. 34. Didn't you tell me awhile ago that that was the only paper your father had? You voted in that; didn't you tell me that awhile ago? Now, sir, let us quickly go along to something else.—A. I didn't know about that.
Q. 35. Didn't you tell me a little while ago that that was your father's paper? After he was dead you kept it for the purpose of voting on it; didn't you tell me that awhile ago?—A. Yes, sir.
Q. 36. Is that true?—A. Yes, sir.
Q. 37. You told Brown he had other papers; what did you mean by other papers? Deeds?—A. No, sir.
Q. 38. Citizen's papers?—A. Don't know what you call it.
Q. 39. Did you read it?—A. No, sir; never did.
Q. 40. How do you know that it was? Your father could not read it?—A. No, sir.
Q. 41. Your mother could not read it?—A. No, sir.
Q. 42. You could not read it?—A. No, sir; he says that it was his first paper; five years afterward he got another paper.
Q. 43. Is this the only one that he said he got?—A. I don't know which was the first one, this one or the other. I don't know which is the first one.
Q. 44. The other one was the second paper; you don't know whether this was the first or second?—A. I don't know which one this is, whether first or second.
Q. 45. Is this one of them?—A. Yes, sir; I guess so.
Q. 46. Why do you guess so?—A. I can't tell you sure, there was another one when I found it this morning.

Q. 47. Didn't you know that they give up the first papers when they got the second?—A. No, sir; I didn't know that.
Q. 48. You thought that they had both of them?—A. Yes, sir; I thought that.
Q. 49. You could not find only this one?—A. Yes, sir.

Recross-examination:

Q. 50. You know that they had other papers before this?—A. Yes, sir.
($1.15 paid as fee by contestee.)

WETZEL NOVAK.

STATE OF IOWA,
Tama County, ss:

PATRICK LYNCH, being produced before Amos Rogers, notary public for Benton, on this 14th day of April, 1883, testifies as follows (G. W. Burnham appearing on the part of the contestee, and T. Brown on the part of contestant):

Ques. 1. Where do you live?—Ans. Otter Creek Township.
Ques. 2. What county in the State?—Ans. Tama County State of Iowa.
Ques. 3. Did you vote at the last election held in Otter Creek Township, in which Mr. Frederick and Wilson were candidates for Congress?—Ans. Yes, sir.
Ques. 4. Did you vote the Democratic ticket or the Republican?—Ans. Democratic ticket.
Ques. 5. Did you vote for Frederick for Congress?—Ans. Yes, sir.
Ques. 6. Where were you born?—Ans. In Ireland.
Ques. 7. When did you first come to America?—Ans. In '60.
Ques. 8. Where did you come to?—Ans. To New York.
Ques. 9. How long were you there?—Ans. I was there about three months.
Ques. 10. Where did you go?—Ans. State of New Jersey.
Ques. 11. How long were you there?—Ans. About eight months.
Ques. 12. Then where did you go?—Ans. To the State of Illinois.
Ques. 13. How long were you there?—Ans. I was there three months.
Ques. 14. Then where?—Ans. Went into the army.
Ques. 15. How long there?—Ans. Four years and twelve days.
Ques. 16. Then where did you go after you came from the army?—Ans. To Illinois.
Ques. 17. Then where?—Ans. To Iowa.
Ques. 18. When did you first come to Iowa?—Ans. About '66.
Ques. 19. How old are you?—Ans. Pretty near forty.
Ques. 20. I will ask you if you ever had citizen's papers?—Ans. No, sir.

Cross-examination:

Ques. 21 You were in the Union Army, were you?—Ans. Yes, sir.
Ques. 22. Did you get an honorable discharge?—Ans. Yes, sir; I got two of them.
Ques. 23. How old were you when you came to America?—Ans. I was about 18.
Ques. 24. Did your father come with you?—Ans. No, sir.
Ques. 25. Have you got your papers with you?—Ans. No, sir.
Ques. 26. How do you know you voted for Frederick?—Ans. I am sure of it; I can read correctly, too.
Ques. 27. Were you ever before the court to get citizen's papers?—Ans. No, sir; never before the court. Abe Lincoln gave me my papers. I was never challenged before at an election. I never came into a case like this before. I hope I never will again.
Ques. 28. Whom did you say gave you your discharge papers?—Ans. I could not tell you; I got papers in Washington.
Ques. 29. Were the papers signed by the President Lincoln?—Ans. No, sir; but by the order of the President.
($1.75 paid as fees by contestee.)

PATRICK LYNCH.

STATE OF IOWA,
Tama County, ss:

CHARLES JELLINNECK, being produced and sworn before Amos Rogers, a notary public for Tama Co., on this 14th day of April, A. D., 1883, T. Brown, appearing on the part of contestant, and W. H. Stivers appearing on the part of contestee, testifies as follows:

Ques. 1. Do you recollect anything now of telling Wilson who you voted for?
(Refused to answer.)
Ans. I didn't say that; I can prove it by him, that is all.
Ques. 2. Do you recollect now who you voted for?
BROWN. You are not obliged to state unless you please, just as I said before.
Ques. 3. How is that?—Ans. Well, how is that I can tell exactly that is all.

Ques. 4. You can't tell exactly how you voted?—Ans. No, sir; I can't tell now.
Ques. 5. You don't know whether you voted Democratic or Republican?—Ans. I can't tell.
Ques. 6. You can't tell?—Ans. No, sir.
(Excused for the present.)

STATE OF IOWA,
Tama County, ss:

JOE VARBA, being produced and sworn before Amos Rodgers, notary public for Benton County, on this 14th day of April, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Nichols and Burnham on the part of contestee):

Q. 1. Where do you live?—A. In Tama County.
Q. 2. Whereabouts in the county?—A. 8 miles south of Traer.
Q. 3. Where did you live last November, time of the election?—A. In Tama County.
Q. 4. What township?—A. Carrol Township.
Q. 5. Are you married or single?—A. I am a single man.
Q. 6. Where does your father live?—A. I live with my father.
Q. 7. How old are you?—A. 22 last 22nd of Feb.
Q. 8. Where were you born?—A. In the old country.
Q. 9. What old country?—A. Austria, Bohemia.
Q. 10. Did you vote at the last election in Carrol Township, in which Frederick and Wilson were candidates for Congress?—A. Yes, sir; I voted for Frederick.
Q. 11. Did you ever take out citizen's papers?—A. Father did.
Q. 12. Well, did you?—A. No, sir; not at all.
Q. 13. Where did your father take them out?—A. At Iowa City.
Q. 14. When?—A. In '69; I could not tell you just what time it was; I think it was in May.
Q. 15. How do you know that?—A. I saw the papers.
Q. 16. Did you see them?—A. Yes, sir.
Q. 17. When was that?—A. Within the last 4 days.
Q. 18. You may give me your father's name, please. Have you got the papers with you?—A. Yes, sir, they are here. My father never voted; he could not understand the papers very well.
(Witness produces papers).
Q. 19. That is all the papers your father got?—A. Yes, sir.
Q. 29. Where did you get these papers?—A. I got it at the house of my father this morning.
Q. 21. Did your father vote?—A. No, sir, he didn't vote; he didn't understand his first paper.
Q. 22. This is the citizen's paper you have produced; this is the paper that he got, is it not?—A. Yes, sir.
Q. 23. The one on which you voted?—A. Yes, sir.

COPY OF NATURALIZATION.

STATE OF IOWA,
Johnson County, ss:

In district court of said county, I, John W. Varba, have declared on oath that I was born in Bohemia on or about 1822. I emigrated to the United States of America, and landed at New York on or about the month of May, 1869, and it is my bona fide intention to become a citizen of the United States; to renounce all allegiance and fidelity to every foreign prince, potentate, state, and sovereignty whatsoever, and especially to Francis Joseph, Emperor of Austria, of whom I was a subject.

J. VARBA.

Subscribed to by J. Varba in my presence, and sworn by me this 16th day of September, 1873.

J. C. SWITZER,
Clerk.

I, J. C. Switzer, clerk of the district court of Johnson County, Iowa City, having a common law jurisdiction, and a clerk and seal, do certify that the above is a true copy of the original declaration and intention of J. Varba to become a citizen of the United States, in testimony whereof I have hereunto subscribed my name, and fixed the seal of said court of Iowa City, 16th day of September, 1873.

J. C. SWITZER,
Of District Court.

(With the seal of district court of Johnson County, Iowa.)

Cross-examination:

Q. 24. Did your father sometimes use *W* instead of *V* in spelling his name?—A. Yes, sir; sometimes one, sometimes another.

Q. 25. How old were you when you came to the United States?—A. I was 8 years old.

Q. 26. Did you know that you voted for Frederick?—A. Yes, sir.

Redirect:

Q. 27. How many brothers have you?—A. Two.

Q. 28. Older than you?—A. John is.

Q. 29. Where is he?—A. At Traer.

($2.05 paid as fee by contestee.)

JOSEPH VARBA.

STATE OF IOWA,
Benton County, ss:

WEUTZEL CHERVENEY, being produced and sworn before Amos Rogers, a notary public for Benton County, on this 14th day of April, A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant, and Nichols and Burnham on the part of contestee. Anthony Parizk interpreter):

Ques. 1. Where do you live?—Ans. In Oneida Township, Tama County, Iowa.

Ques. 2. Ask him if he lived there last fall at the time of the township election?—Ans. Yes, sir.

Ques. 3. Ask him if he voted at that election?—Ans. Yes, sir.

Ques. 4. Ask him if he voted the Democratic or Republican ticket?—Ans. Democratic.

Ques. 5. Ask him if he voted for Frederick for Congress?—Ans. Yes, sir; voted for Frederick.

Ques. 6. Ask him where he was born?—Ans. In Bohemia.

Ques. 7. Ask him when he first came to America?—Ans. 23 years ago.

Ques. 8. Ask him how old he is?—Ans. 48 years old.

Ques. 9. Ask him if he ever got citizen papers?—Ans. He says that he got one in Chicago, first one; then he was going to take the other one and he went to serve in the army, and that was the last of it.

Ques. 10. Ask him if the first ones were got in Chicago?—Ans. Yes, sir.

Ques. 11. Ask him what he did with them?—Ans. He said that they were worn out long ago and lost; then, he said, he was going to get another, but he went into the army.

Ques. 12. Ask him if he got a discharge when he came out of the army?—Ans. Yes, sir.

Ques. 13. Ask him if that is the citizen papers that he got?—Ans. Yes, sir.

Cross-examination:

Ques. 14. Ask him in what year he got his first papers?—Ans. The first year that he came here; that must have been in 1861.

Ques. 15. Ask him if he read his ticket that he voted?—Ans. He says that he don't understand it.

Ques. 16. Ask him if he knows who he voted for; and if knows any names that were on the ticket?—Ans. He says that he thinks that he voted the straight Democratic ticket.

Ques. 17. Ask him if he knows, from what he read, that he voted the Democratic or Republican ticket?—Ans. He says that he could not tell, because he could not read it.

Ques. 18. Ask him if he knows any names that were on the ticket?—Ans. Well, I will tell you; I handed him the ticket myself; I know all about the ticket.

Ques. 19. But you are not the witness?—Ans. I handed the ticket to him, because I thought that would be a surer way to do it.

Ques. 20. Well, I want you to ask him my question; ask him if he knows any names on that ticket?—A. He says that he did not know.

Ques. 21. Ask him if he heard whether it was Democratic or Republican on the ticket?—A. He said that he did not know before; but his mind was to vote a straight Democratic ticket.

Redirect:

Ques. 22. Ask him who gave him the ticket that he voted?—Ans. He says that he forgot it.

Ques. 23. Wasn't Anthony here, who was interpreting here, the one who gave you the ticket?—Ans. He says he thinks I gave him the ticket.

($1.40 paid as fee by contestee.)

WEUTZEL CHERVENY.

STATE OF IOWA,
Benton County, ss:

ANTHONY PROVIZEK, being produced and sworn before Amos Rogers, a notary public for Benton County, on this 14th day of April, A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant, and Nichols and Burnham appearing on the part of contestee):

Ques. 1. Do you know Wentzel Chervery, the last witness?--Ans. Yes, sir.
Ques. 2. Were you at the election with him?—Ans. Yes, sir.
Ques. 3. Do you know who furnished him his ticket?—Ans. Yes, sir.
Ques. 4. Who was it?—Ans. I did, myself.
Ques. 5. What kind of a ticket was it?—Ans. Democratic ticket, sir.
Ques. 6. Was Frederick's name on for Congress?—Ans. Yes, sir.
Ques. 7. Where do you live?—Ans. In Oneida Township.
Ques. 8. Tama County, Iowa?—Ans. Yes, sir.
Ques. 9. Were you at the election last November?—Ans. Yes, sir.
Ques. 10. Did you vote?—Ans. Yes, sir.
Ques. 11. How old are you?—Ans. 29 years old.
Ques. 12. Where were you born?—Ans. In the old country, Bohemia.
Ques. 13. Did you ever get any citizen's papers?—Ans. No, sir; my father got them before I was of age.
Ques. 14. Where did he get them?—Ans. In Toledo.
Ques. 15. Your father's name is what?—Ans. Frank.
Ques. 16. How did he spell it?—Ans. Parizk.
Ques. 17. When was it that he got his paper?—Ans. I could not say what year it was; I was 17 or 18 years old, I should think.
Ques. 18. You voted on the strength of your father being naturalized in Tama Co.?—Ans. Yes, sir.
Ques. 19. Who did you vote for in that election?—Ans. I should think that is a pretty difficult question, who I voted for.
Ques. 20. What ticket did you vote?—Ans. I took a Democratic ticket; I don't think I need to tell who I voted for.
Ques. 21. Not if you are ashamed of that ticket.—Ans. Of course, I am not ashamed of it.
Ques. 22. Did you vote for James Wilson for Congress?—Ans. I believe if I voted for Wilson I need not tell it. I voted for who I wanted to.
Ques. 23. How did you know it was a Democratic ticket?—Ans. Because I saw it.
Ques. 24. How could you tell it was Democratic?—Ans. I read it.
Ques. 25. How did it read?—Ans. I could read that it was Democratic ticket.
Ques. 26. Did you peddle tickets?—Ans. Yes, sir; I did.
Ques. 27. You peddled tickets?—Ans. Yes, sir.
Ques. 28. You voted just such a ticket as you peddled?—Ans. Yes, sir; of course, I did; yes, sir, I peddled to him, also to lots more. I didn't vote for Wilson; of course, I didn't vote for Wilson, I want you to understand that; I didn't vote for Wilson, and I wouldn't do it either.

Cross-examination:

Ques. 29. I want to know of Mr. Chervery, whether you saw him vote?—Ans. Yes sir; I did.
Ques. 30. Do you know who else gave him tickets?—Ans. No, sir; I don't know that; I saw him pass my own ticket, that I peddled.
Ques. 31. Do you swear that you saw him put your ticket in the box?—Ans. Yes, sir; I know that he didn't change it.
Ques. 32. How do you know?—Ans. I saw him.
Ques. 33. Did you go to the polls with him?—Ans. I wasn't very far away.
Ques. 34. Did you see him put any ticket in the box?—Ans. Yes, sir; I saw him put that ticket in there.
Ques. 35. Do you know that he didn't change it?—Ans. I know that he didn't have any other ticket.
Ques. 36. Did you keep watch of that ticket from the time you gave it to him?—Ans. Yes, sir; I kept watch of it.
Ques. 37. How far were you from him?—Ans. Not two miles away, I am sure.
Ques. 38. You are sure of that?—Ans. I was near; about two steps from him.
Ques. 39. Two long steps?—Ans. You can tell yourself.
Ques. 40. You may state how far.—Ans. Not six feet from him.
Ques. 41. Were you ten or twelve feet from him?—Ans. No, sir; not that far when I passed it.
Ques. 42. How many persons were there at that election?—Ans. (My gosh)! I never counted them.
Ques. 43. There were a good many about there?—Ans. Yes, sir; of course.

Ques. 44. What did you do after you gave him a ticket, pass one to somebody else?—Ans. Yes, sir; of course.

Ques. 45. Did you him and talk to others?—Ans. I was talking; but I kept my eyes on him to see if he changed it.

Ques. 46. Do you know that he could not have changed it?—Ans. I know that he could not have changed it.

Ques. 47. You believe it, and do you swear here that you didn't know that he didn't change it there?—Ans. I don't know how he could have got other tickets.

Ques. 48. Do you know that he didn't change it?—Ans. Yes, sir; I know that he didn't.

Ques. 49. Do you know that he did change it?—Ans. No, sir; I know that he didn't.

Ques. 50. How do you know?—Ans. Because he took it and passed it in right there.

Ques. 51. Did you watch him all the time until he went to the polls with the ticket?—Ans. Not all day; but I could watch him while I was there.

Ques. 52. Did you give him a ticket and believe that he voted it?—Ans. I know that he voted my ticket that I passed to him.

Ques. 53. How do you know it?—Ans. I saw him take that ticket and pass it in right there.

Ques. 54. Did you watch him all the time until he voted it?—Ans. Yes, sir; I did watch him.

Ques. 55. Could he have changed that ticket without your knowing it?—Ans. He could not have changed it, and he could have voted another one before I gave him one, if he wanted to; that is all.

Ques. 56. You say he could have changed that ticket after he voted it?—Ans. Yes, sir; but he didn't want it changed; he wanted to vote just as I did.

Ques. 57. You didn't know, as to matter of fact, but what he might have changed that ticket?—Ans. I didn't say but what he might have changed any ticket; I saw him step up and pass a ticket in right there.

Ques. 58. Did you read the ticket you voted?—A. Yes, sir; because I wrote it myself.

Ques. 59. Tell me the names of the State officers on that ticket.—Ans. I can't remember all the names on it, because I did not keep it in my memory.

Ques. 60. Who did you vote for for secretary of state?—Ans. Now, look here; I don't want to keep such a head on me that I could remember all of it.

Ques. 61. Who did you vote for for State auditor; tell me one man you voted for, besides member of Congres.—Ans. I wrote the ticket. I say I didn't want to remember all of them; if I did, my head would have to be as big as a bushel. I don't want to carry such a big head.

Ques. 62. Tell me just one man, besides Congressman, you voted for.—Ans. That is more than I can tell.

Ques. 63. You don't know whether there is a single Democratic candidate on your ticket, that you can remember of now?—Ans. There is one that I can remember.

Ques. 64. Can you remember any more of them?—Ans. I don't want to remember any more of them; when I voted it, I voted it.

Ques. 65. Didn't you know that you voted the Republican ticket?—Ans. I could swear who I voted for, but I don't want to.

Ques. 66. You won't swear you didn't vote for Wilson?—A. I won't swear I voted for anybody; I have sworn once; that is enough.

Ques. 67. You didn't swear who you voted for?—Ans. That is passed now.

Ques. 68. Can you swear to any man's name on that ticket that Mr. Chervery voted, if you can remember?—Ans. I know that he voted as I did.

Ques. 69. What name did you vote for for any State officer?—Ans. That is more than I can tell.

Ques. 70. Who did you vote for for county officer?—Ans. I don't remember that; if I did I would have to carry too large a mind; I have too much other business to carry around.

Ques. 71. Can you tell who you voted for in any office?—Ans. No, sir; I can't tell.

Ques. 72. Who did you vote for for township officers?—Ans. That is more than I can tell.

Ques. 73. Can you tell anything about who you did vote for?—Ans. I believe that I could after I should take two days to practice on them; then I might change some of them; this way I couldn't do it.

Ques. 74. You can't, now, think of anybody?—Ans. No, sir.

Ques. 75. You would want a couple of days to practice?—A. Ans. Yes, sir; perhaps a whole week.

Ques. 76. You would have to consult others about it?—A. Yes, sir; I expect so; if I ever did know, I have forgotten. I wouldn't peddle any tickets for Stivers.

Ques. 77. You came here and helped Stivers, didn't you?—Ans. Yes, sir; I helped put him in jail.

ANTONY PARIZEK.

$1.45c. paid as fee, by contestee.

STATE OF IOWA,
Tama County, ss:

FRANK CIBULA, being produced and sworn before Amos Rogers, notary public for Benton County, on this 14th day of April, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Nichols and Burnham on the part of contestee):

Q. 1. Where do you live?—A. Otter Creek.
Q. 2. Martin Cibula is your father, is he not?—A. Yes, sir.
Q. 3. You live with him in Otter Creek Township?—A. He lives with me.
Q. 4. Well, that is what I mean. Where were you born?—A. In America.
Q. 5. How old are you?—A. I am going on 23.
Q. 6. When will you be 23 years old?—A. In about half a year or sooner.
Q. 7. Most 23; when will you be 23; in what month?—A. I can't tell exactly.
($1.40 paid as fee by contestee.)

FRANK CIBULA.

STATE OF IOWA,
Tama County, ss:

F. W. PRUSHA, being produced and sworn before Amos Rogers, notary public for Benton County, on this 14th day of April, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Nichols and Burnham on the part of contestee):

Q. 1. Where were you born?—A. Across the ocean.
Q. 2. In what country?—A. In Austria.
Q. 3. When?—A. That is more than I know.
Q. 4. How old are you?—A. 29 or 30.
Q. 5. Did you vote at the last election in Otter Creek Township?—A. No, sir; at Salt Creek Township.
Q. 6. You live in Salt Creek Township?—A. Yes, sir.
Q. 7. How long have you lived in Salt Creek Township, Tama County, Iowa?—A. 3 years going on next March.
Q. 8. You say that you voted in that township?—A. Yes, sir.
Q. 9. Did you vote for Frederick or Wilson?—A. I voted for Frederick.
Q. 10. You were never naturalized?—A. No, sir; my father was though, I think.
Q. 11. When naturalized?—A. In Tama City, I believe.

Cross-examination:

Q. 12. Your father was a voter?—A. Yes, sir.
Q. 13. How long has he voted?—A. I don't know; all the time he had been in America.
Q. 14. Is he dead now?—A. Yes, sir.
Q. 15. Did he hold any office?—A. Not that I know of.
Q. 16. Do you know that your father claimed to be a naturalized citizen?—A. Yes, sir; I know that he was.
Q. 17. How old were you when you came to this country?—A. I think about two years old.

Redirect:

Q. 18. How long has your father been dead?—A. You know as well as I do.
Q. 19. Well, you can tell it?—A. 26 of July, 1875.
Q. 20. You say that he was naturalized in Johnson County?—A. In Iowa City, I think; Johnson County.
Q. 21. What was your father's given name?—A. Joseph.
($1.85 paid as fee by contestee.)

F. W. PRUSHA.

STATE OF IOWA,
Tama County, ss:

FRANK A. PARIZEK, being produced and sworn before Amos Rodgers, a notary public of Tama Co., on this 14 day of March, A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant, and W. H. Stivers on the part of contestee):

Ques. 1. Where do you live?—Ans. In Oneida Township, Tama County, Iowa.
Ques. 2. Did you live there last fall election?—Ans. Yes, sir; I did.
Ques. 3. Were you at the election last fall in that township. in which Frederick and Wilson were candidates for Congress?—Ans. Yes, sir.
Ques. 4. Did you vote at that election?—Ans. Yes, sir.
Ques. 5. Did you vote the Democratic or Republican ticket?—Ans. I supposed that was my business to know what ticket I voted.
BROWN. You are not obliged to tell what ticket you voted.

(Contestee objects to the instruction of Brown that the witness needs not answer.)
(Witness declines to answer.)
Ques. 6. Where were you born?—Ans. In Europe.
Ques. 7. How long have you been in America?—Ans. Sixteen years.
Ques. 8. How old are you now?
BROWN. You are not obliged to tell.
Ans. I said once.
Ques. 9. Did you take out any naturalization papers?—Ans. No, sir.
Ques. 10. Now, then, I will ask whether you voted the Democratic ticket?—Ans. I said once I was not obliged to tell how I voted.
Ques. 11. I say you are—you can do just as you please.—Ans. I said once I did not want to tell what ticket I voted.
Ques. 12. Now we say you must tell; you mark that, if you don't tell we will see which comes out ahead in the end.
(Witness refuses to tell which ticket he voted, whether Democratic or Republican.)
Ques. 13. Who gave you the ticket you voted?—Ans. I don't know that myself.
Ques. 14. You peddled them all day?—Ans. No, sir.
Ques. 15. How long did you peddle tickets?—Ans. That is more than I know.
Ques. 16. Do you know anything of your brother?—Ans. Yes, sir.
Ques. 17. Was he there?—Ans. Yes, sir; he was peddling.
Ques. 18. Were you and he peddling the same tickets?—Ans. That is more than I can tell.
Ques. 19. He was carrying them in his hands? Where did you get your tickets?—Ans. On the desk.
Ques. 20. Who did you get them from?—Ans. I took them up from the desk.
Ques. 21. Did you look at them when you took them up?—Ans. Yes, sir.
Ques. 22. What for?—Ans. To know what kind they were.
Ques. 23. What kind of tickets did you take up from the desk?—Ans. That is my business.
Ques. 24. I insist that you shall tell what kind of tickets you took up from the desk?
Ques. 25. Did you vote the same ticket you peddled?—Ans. I didn't say that I will tell that; I said I wouldn't tell what ticket I voted.
Ques. 26. You voted the same ticket you peddled?—Ans. That is no one's business.
Ques. 27. I want an answer, or I will see that you do tell.—Ans. I won't tell.
Ques. 28. Didn't you say a while ago that you peddled tickets yourself?—Ans. I didn't say that I voted the ticket that I peddled.
Ques. 29. Didn't I ask you that, if you peddled the tickets yourself? Didn't you tell me that? Yes or no.—Ans. Didn't I say——
Ques. 30. Yes or no.—Ans. Didn't I say——
Ques. 31. Say yes or no.—Ans. I say I won't tell you what ticket I voted.
Ques. 32. When I ask you what ticket you voted, you told us you voted the one that you peddled yourself.—Ans. I say I peddled tickets; I didn't tell you what ticket I voted.
Ques. 33. I didn't ask you that.—Ans. You asked that a while ago.
Ques. 34. You peddled it yourself; now what ticket did you vote?—Ans. How many times have I answered that?
Ques. 35. I ask you, and expect you to answer.—Ans. That is not my business to answer.
Ques. 36. Did not you tell me a minute ago that you voted the ticket you peddled yourself?—Ans. I voted the ticket; I won't say what ticket I voted.
Ques. 37. Did not you say that you peddled the ticket that you peddled yourself?—Ans. I say I voted.
Ques. 38. Did you vote the ticket you peddled yourself?—Ans. I voted a ticket. I said once I was not going to tell what ticket I voted.
Ques. 39. I asked you whether you did not say you peddled the ticket you voted.
BROWN. It is not likely that he voted the ticket he peddled.
Ques. 40. Answer me yes or no. I ask you whether you picked up off the table Democratic or Republican tickets, and I wait for an answer to that question.—Ans. I will give it whenever I please.
(Witness declined to answer the question. After waiting some time the witness said it was Frederick's ticket.)
Ques. 41. How long did you peddle Frederick's tickets?—Ans. Well, I staid there, I cannot tell how long it was; I won't say whether one or two hours.
Ques. 42. Did you peddle any other ticket?—Ans. No, sir.
Ques. 43. Did you vote the same ticket you peddled? Whenever you get ready to answer that question you may signify it.
(Brown instructs witness that he is not obliged to tell what ticket he voted. Counsel objects. Contestee objects to the counsel directing the witness as to whether or not he is obliged to answer the question.)
Ans. I voted Frederick's ticket.

Cross-examination:

Ques. 44. How old were you when you came to the United States?—Ans. I was a little child.

Ques. 45. Was your father a voter?—Ans. Yes, sir; he was.

Ques. 46. How long had he been a voter before his death?—Ans. He is not dead yet.

Ques. 47. How long since he voted? Your father was naturalized, as you understand it?—Ans. I guess so.

Redirect:

Ques. 48. This Parizek was a brother?—Ans. Yes, sir.

Ques. 49. Your witness' name is Frank?—Ans. Yes, sir.

F. A. PARIZEK.

$1.75 paid as fee by contestee.

STATE OF IOWA,
Tama County, ss:

MARTIN HERRICK, being produced and sworn before L. H. Kinne on the 28th day of April, 1883 (William A. Stivers appearing on the part of the contestee, and T. Brown on the part of the contestant), testifies as follows:

(Objected to because the residence of the witness is not given and a false residence given.)

Ques. 1. You said where you live. Where do you live?—Ans. Tama County.

Ques. 2. What township?—Ans. York Township.

Ques. 3. Where did you live last fall?—Ans. Same place.

Ques. 4. Were you at that election?—Ans. Yes, sir.

Ques. 5. Did you vote there in that township?—Ans. Yes, sir.

Ques. 6. Where were you born?—Ans. In the old country, Austria.

Ques. 7. How long have you been in America?—Ans. 17 years.

Ques. 8. How old are you now?—Ans. 37.

Ques. 9. Have you been naturalized?—A. No, sir.

Ques. 10. What ticket did you vote, the Democratic or Republican?—A. I don't know; I got 3 tickets; maybe I voted the Democrat or the Republican ticket. Of course, I never read them.

Ques. 11. Who did you get it from?—Ans. I got it from Mr. Scott.

Ques. 12. Who did you get the one you voted from? You can read English?—Ans. No, sir.

Ques. 13. Who did you go to the election with?—Ans. Myself.

Ques. 14. Who did you get that ticket of that you voted?—Ans. He gave me one. This Scott gave me one and Rogers gave me one.

Ques. 15. Did you say that you wanted a Democratic ticket?—Ans. Well, he told me I did.

Ques. 16. Did you tell them?—Ans. Yes, sir; I wanted a Democratic ticket.

Ques. 17. What did you want a Democratic ticket for?—Ans. I cannot read.

Ques. 18. What did you tell them that you wanted a Democratic ticket for?—Ans. All the Bohemians voted that.

Ques. 19. So you told them that you wanted a Democratic ticket?—Ans. Yes, sir.

Ques. 20. Who handed you a Democratic ticket?—Ans. Krutcher gave it to me.

Ques. 21. Did you tell them that you wanted to vote that?—Ans. Yes, sir.

Ques. 22. And he give you one?—Ans. Yes, sir.

Ques. 23. Did you vote it?—Ans. I don't know.

Ques. 24. Have you ever voted any ticket you did not want to?—Ans. No, sir.

Ques. 25. Can you tell what ticket you voted?—Ans. I cannot tell.

Ques. 26. Why?—Ans. I pulled one out of my pocket; I cannot tell which one it was.

Ques. 27. You say here to the stenographer that you do not know whether you voted the Democratic ticket or not?—Ans. I do not know which one is right.

Ques. 28. Did you say that you do not know whether you voted a Democratic or Republican ticket?—Ans. I don't know; I never read it.

Ques. 29. You meant to vote a Democratic ticket.—Ans. Yes, sir; and maybe I voted a Republican.

Ques. 30. You wanted to vote a Democratic ticket.—Ans. Yes, sir.

Ques. 31. And you meant to vote a Democratic ticket.—Ans. Yes, sir.

Ques. 32. When did you have any doubt it first; to-day?—Ans. No, sir.

Ques. 33. When did you first have any doubt; has anybody been talking to you about it?—Ans. Yes, sir.

Ques. 34. Asked you what you voted.—Ans. Yes, sir; and I said I didn't know which was the best.

Ques. 35. I mean since you have voted, has anybody been talking to you?—Ans. Yes, sir.

Ques. 36. Did you tell them that you voted a Democratic ticket?—Ans. That is what I meant; I don't know whether I did or not.

Ques. 37. Did you aways tell them that you voted the Democratic ticket, until to-day?

(Brown says that he probably don't know then how he voted).

Ques. 38. Now then, Mr. Herrick, who has talked to you since the election?—Ans. I suppose Scott did.

Ques. 39. Since the election?—Ans. Yes, sir.

Ques. 40. Didn't you tell Mr. Scott that you voted the Democratic ticket?—Ans. No.

Ques. 41. Have you talked to anybody how you voted?—Ans. I voted a Democratic ticket.

Ques. 42. Didn't talk to anybody the day before you came on to the stand?—Ans. No, sir.

Ques. 44. Did all the Bohemians vote the Democratic ticket?—Ans. Most all.

Ques. 45. You think you did?—Ans. Yes, sir.

Ques. 46. You do now?—Ans. Of course.

Ques. 47. Did you vote a Democratic ticket?—Ans. I don't know for sure.

Ques. 48. But you think you did?—Ans. And, my opinion is, I did; I don't know whether I did or not.

Cross-examination:

Ques. 49. Did your parents come here with you; is your father a voter here?—Ans. Yes, sir.

Ques. 50. And your father has been a voter since he came here?—Ans. Yes, sir.

Ques. 51. You lived with your father after you got here?—Ans. Yes, sir; 3 or 4 weeks.

Ques. 52. You say that you got a Republican and a Democratic ticket at the election?—Ans. Yes, sir.

Ques. 53. But you voted one of them and yon can't tell which you voted?—Ans. I don't know; I can't tell.

Ques. 54. When you said you voted a Democratic ticket you were telling what you intended to, but don't know whether you did or not?—Ans. Yes, sir.

Redirect examination:

Ques. 55. How do you know that your father is naturalized?—Ans. He told me.

Ques. 56. Where?—Ans. In this county.

Ques. 57. He told you that he was naturalized in this country?—Ans. Yes, sir.

Ques. 58. When did he tell you that?—Ans. Before he got his naturalization papers.

Ques, 59. He told you that he was going to be naturalized?—Ans. Yes, sir.

Ques. 60. That is all you know about it?—Ans. Yes, sir.

Ques. 61. Your father's name is what?—Ans. John Herrick.

(Paid as fee by contestee, 2 dollars.)

MARTIN HERRICK.

STATE OF IOWA,
Benton County, ss:

JOHN BOHEMAL, being produced and sworn before Amos Rogers, notary public for Benton County, on this 14th day of April, 1883, testifies as follows (Nichols & Burnham appearing on the part of contestee and T. Brown on part of contestant):

Ques. 1. Where do you live?—Ans. In town, here.

Ques. 2. This is York township, is it?—Ans. I guess that it is.

Ques. 3. Where did you live last election?—Ans. Here.

Ques. 4. Were you at the last when Frederick and Wilson ran for Congress?—Ans. I was.

Ques. 5. Did you vote at that election?—Ans. Yes, sir.

Ques. 6. Did you vote the Democratic or Republican ticket?—Ans. I am not sure for whom I voted.

Ques. 7. Did you vote for any one?—Ans. I knew when I voted.

Ques. 8. You have forgotten how you voted?—Ans. Yes, sir.

Ques. 9. Did you do anything at the election peddling tickets?—Ans. No, sir.

Ques. 10. Who gave you your ticket?—Ans. I don't know; I had two or three tickets; I guess I had one from Rodgers; I don't know whether it was you or your brother.

Ques. 11. Then what?—Ans. The other one I can't tell for sure who gave it to me; I think Mr. Scott; I don't remember that.

Ques. 12. Which one gave you the Democratic ticket?—Ans. I can't tell you.

Ques. 13. Did you go there to vote?—Ans. I was at work on the railroad at that time.

Ques. 14. Where did you live when you were at home?—Ans. Here; I was working on the road.

Ques. 15. Did you go there to vote the Democratic or Republican ticket?—Ans. I don't know what kind I did vote.

Ques. 16. What kind of ticket did you go to vote?—Ans. It was in my mind to vote the Democratic ticket.

Ques. 17. When was it in your mind to vote the Democratic ticket; when you were going to the election?—Ans. I don't know whether I did or not.

Ques. 18. You can't tell whether you changed your mind from voting?—Ans. No, sir; I don't know; I think that is what I did; I can't say that I voted the Democratic ticket.

Ques. 19. You tell that too often; of course you can tell how you voted; do you want to vote the Democratic ticket? Did you have it in your mind to vote the Democratic ticket when you started?—Ans. Yes, sir.

Ques. 20. Did you keep that mind when you voted?—Ans. Yes, sir.

Ques. 21. Didn't you vote the Democratic ticket, don't you think?—Ans. I can't tell that for sure.

Ques. 22. What did you vote before that?—Ans. I think I don't know.

Ques. 23. What makes you think so?—Ans. Well, because it was in my mind; I forgot it.

Ques. 24. Didn't you tell them that you wanted to vote the Democratic ticket?—Ans. No, sir.

Ques. 25. How did you know what ticket you voted?—Ans. Because I had the boss tickets.

Ques. 26. Could you read that—them?—Ans. Yes, sir; a little.

Ques. 27. Enough to know what they were?—Ans. Yes, sir.

Ques. 28. You could read them enough to tell what was Republican, what was Democratic ticket?—Ans. Yes, sir; that difference.

Ques. 29. Didn't you read the ticket you voted?—Ans. I did; some.

Ques. 30. Well, was it Democratic or Republican?—Ans. I am not sure what it was.

Ques. 31. You read it to see, didn't you?—Ans. I saw it; I know that.

Ques. 32. You read it to see, didn't you?—Ans. I don't understand that.

Ques. 33. You read it so as to tell whether or not it was Republican or Democratic?—Ans. Yes, sir.

Ques. 34. You wanted to vote Democratic ticket, didn't you?—Ans. Yes, sir.

Ques. 35. Did you read to see if it was a Democratic ticket?—Ans. Yes, sir.

Ques. 36. Now can you tell whether it was or not?—Ans. I have forgotten it now.

Ques. 37. Forgot what now?—Ans. What I voted.

Ques. 38. You mean you forgot the name?—Ans. Yes, sir.

Ques. 39. Was it printed Democratic ticket on the top?—Ans. I don't know for sure; guess that it was.

Ques. 40. What makes you guess that it was; because that you read it?—Ans. Because it was in my mind.

Ques. 41. Was it also because it was in your mind?

(Objection, leading.)

Ques. 42. Was that it; it was in your mind to vote Democratic ticket, and you read it to see whether it was Democratic ticket?—Ans. Yes, sir.

Ques. 43. You read it and found it just what you wanted?—Ans. Yes, sir.

Ques. 44. Then you voted it?—Ans. Yes, sir.

Ques. 45. Where were you born?—Ans. In Austria.

Ques. 46. When did you come to America?—Ans. I guess it was '68.

Ques. 47. Where did you come to; what part of America?—Ans. To this county.

Ques. 48. In '68? Have you lived here ever since?—Ans. Yes, sir.

Ques. 49. Have you a father?—Ans. He is dead.

Ques. 50. Did he come here?—Ans. No, sir.

Ques. 51. Did you come before he died in this country?—Ans. Yes, sir.

Ques. 52. When?—Ans. About 7 or 8 years ago.

Ques. 53. What was his name?—Ans. John.

Ques. 54. Did you ever take out any citizen's papers?—Ans. Yes, sir.

Ques. 55. When?—Ans. Short time ago.

Ques. 56. Since the election?—Ans. Yes, sir.

Ques. 57. Last Tuesday, at our place, was it?—Ans. May be.

Ques. 58. You didn't have citizen's papers at the election?—Ans. No, sir; I didn't.

Cross-examination:

Ques. 59. Did your father ever vote?—Ans. No, sir.

Ques. 60. You don't know whether you voted for Frederick or Wilson?—Ans. I can't remember the name.

Ques. 51. You don't know whether the ticket you voted was a Republican or Dem-

ocratic in fact?—Ans. I am not sure about that; it was my mind to vote Democratic ticket.

Ques. 52. It was in your mind to vote Democratic ticket, and you can't tell whether you actually voted Democratic ticket or not?—Ans. I didn't notice that much.

Ques. 53. You got some tickets of some Republican man, didn't you?—Ans. No, sir, I had the boss ticket.

Ques. 54. You don't know now which kind you voted?—Ans. I say I guess I voted the Democratic ticket.

Ques. 55. You don't know positively now?—Ans. I am not very sure whether I did or not.

JOHN BOHERMEL.

.85 paid as fee by contestee.

STATE OF IOWA,
Tama County, ss:

JOHN ROGERS, being produced and sworn before Amos Rogers, a notary public for Tama County, on this 14th day of April, A. D. '83, testifies as follows (T. Brown appearing on the part of contestant, and G. W. Burnham on the part of contestee):

Ques. 1. Where do you live?—Ans. Oneida.

Ques. 2. How long have you lived there?—Ans. Thirteen years, next fall.

Ques. 3. Tama Co., Iowa?—Ans. Yes, sir.

Ques. 4. Were you at the election last fall in Oneida Township, this co.?—Ans. Yes, sir; at Center school-house.

Ques. 5. At which Mr. Frederick and Wilson were candidates for Congress?—Ans. Yes, sir.

Ques. 6. Did you vote at that election?—Ans. Yes, sir; I voted there.

Ques. 7. Did you have citizen papers?—Ans. Yes, sir.

Ques. 8. Have you them with you?—Ans. Yes, sir.

Ques. 9. Will you please let me see them?

(Witness produces papers.)

Ques. 10. Did you vote Democratic or Republican tickets?—Ans. I voted Democratic.

Ques. 11. Did you vote for Frederick or Wilson for Congress?—Ans. I voted for Frederick.

Ques. 12. These are your naturalization papers I hold here, are they?—Ans. Yes, sir.

Witness cross-examined:

I had a ticket of each kind there.

(Same papers offered in evidence—naturalization papers of the witness, John Rogers, showing that he was naturalized on the 15th Feb., '83, before district court, Tama Co., Iowa, Hon. J. D. Griffin, sole presiding judge; Leland, clerk; witnessed with the seal of the district court, Tama Co., Iowa; dated Feb. 15th, '83.)

Ques. 13. How long were you at the polls that day?—Ans. A good share of the time; well, I didn't carry a watch.

Ques. 14. It does not take a watch.—Ans. Yes, sir; to tell the truth.

Ques. 15. About what time did you go there?—Ans. You may keep me in view an hour and a half, and might not think it was an hour; it might be five. I took dinner and footed it down three miles, lacking a few rods.

Ques. 16. Did you peddle tickets after you got there?—Ans. No, sir; I am not a peddler. I took tickets.

Ques. 17. Did you peddle tickets?—Ans. No, sir; I took tickets from peddlers.

Ques. 18. Did you know Velcome Mowery?—Ans. I am acquainted with him.

Ques. 19. Did you see him there that day, at election? Did you have a talk with him?—Ans. Yes, sir.

Ques. 20. Before, or after you voted?—Ans. Before.

Ques. 21. How long before?—Ans. A few minutes; I could not tell exactly.

Ques. 22. Was it immediately before you voted?—Ans. No, sir; not immediately. It might be an hour or only half an hour.

Ques. 23. Did you have tickets there, distributing them to voters?—Ans. No, sir; I did not.

Ques. 24. At that time do you recollect having conversation with Mowery as to whom you were going to vote for?—Ans. No such question with me. You need not start it. I was not going to put that question to him. I knew what he was going to vote.

Ques. 25. I mean as to how you were going to vote.—Ans. He knew that I was going to vote the Democratic ticket. I said that before.

Ques. 26. I didn't hear that you said that before.—Ans. Are you hard of hearing?

Ques. 27. No, sir; I forget sometimes.

Cross-examination:

Ques. 28. Did you know who you voted for for State officers?—Ans. Well, I really don't know. I put in a ticket there. I don't know which carried. I heard afterwards that—it came to my knowledge that mine was in favor of Wilson; I heard so.

Q. 29. Did you think that you voted for Wilson?—Ans. Not according to my knowledge.

Ques. 30. Did you read Wilson's name on the ticket? Who did you get the ticket from?—Ans. From Valcome Mowery; he put one in. Says he, "John" ——

Ques. 31. Did you get your tickets from others, too?—Ans. I got tickets from Matison, another from Valcome Mowery. I had two tickets; I don't know which it was.

Ques. 32. They told you afterward to vote the Republican?—Ans. I don't know; I could not swear to it.

Ques. 33. You may have voted the Republican ticket?—Ans. I wouldn't swear it.

Ques. 34. You had both kinds?—Ans. Yes, sir; I had.

Ques. 35. You had intended to vote the Democratic ticket, did you?—Ans. I certainly did.

Ques. 35. You might have voted the Republican ticket?—Ans. Yes, sir.

Ques. 36. Can you read?—Ans. No, sir.

Redirect:

Ques. 38. You say you can't read?—Ans. I have said so.

Ques. 39. You say you got tickets from Matison? What kind of tickets was he peddling?—Ans. For a man that can read them.

Ques. 40. Don't you know that they were Democratic or Republican?—Ans. How can I swear to that? I don't know. Can you swear through that board? You are asking an unreasonable question.

Ques. 41. Do you know anything about what tickets they were?—Ans. How do I know?

Ques. 42. Do you know?—Ans. No, sir; only supposing.

Ques. 43. What do you mean by supposing?—Ans. Natural ideas.

Ques. 44. What natural ideas?—Ans. Because I thought it might suit myself.

Ques. 45. What might suit you?—Ans. The ticket.

Ques. 46. What ticket?—Ans. The one I voted.

Ques. 47. The one you always vote?—Ans. No, sir; not the one I always vote.

Ques. 48. I thought Mowery knew you of old to be a Democrat?—Ans. Didn't I vote before I came to Iowa, before Mowery ever knew me?

Ques. 49. I don't know anything about that.—Ans. I know that you do not know everything; if you did you would be smarter than the rest.

Ques. 50. Did you say that Mowery was peddling Republican tickets?—Ans. No, sir; I didn't say anything like that.

Ques. 51. Did you know?—Ans. He had some papers in his hand; more than one or two.

Ques. 52. More than one or two?—Ans. Yes, sir.

Ques. 52. You say that the reason Mowery didn't say anything to you about voting was because he knew you of old to be a Democrat?—Ans. I reckon so.

Ques. 53. You knew Matison to be a Democrat?—Ans. He was formerly a Republican.

Ques. 54. I mean at that election.—Ans. I could not tell.

Recross-examination:

Ques. 55. Did you have papers before you got these papers here?—Ans. I don't know; I was entitled to those papers some time ago.

Ques. 56. You never got first papers?—Ans. Yes, sir, I have; but I was entitled to those long time ago, before I went to take them up.

Ques. 57. You had both Democrat and Republican tickets handed to you, and you do not know which you voted?—Ans. No, sir, I don't know; I was in favor of so-and-so, according to my estimation on both sides; I wanted to vote to suit myself.

Redirect:

Ques. 58. At the time you voted you knew what you were doing?—Ans. At the time I voted no one was passing anything stronger than water.

Ques. 58. You knew what you were doing?—Ans. Yes, sir; if I could read it.

Ques. 59. You believe those who read to you?—Ans. Nobody read for me.

Ques. 60. I mean those who gave you the information?—Ans. I didn't question any person.

Ques. 61. You didn't vote a ticket without knowing about it?—Ans. I just saw other parties getting tickets there; I was satisfied from my tickets the same as in a saloon; you go for a glass of beer; you see the sign up, and you go there too. [Great applause.]

Ques. 62. The treat is on me; if you saw a fellow going to a sign, is it a sign that he

wanted beer?—Ans. Yes, sir; if I see a man going to the pump to light his pipe, I would swear that he was drunk.

his
JOHN × RODGERS.
mark.

STATE OF IOWA,
Tama County, ss:

SAMUEL CONNORS, being produced, and sworn before Amos Rodgers, on this 14th day of April, 1883, testifies as follows (Stivers appearing on the part of contestee, and T. Brown on the part of contestant):

Ques. 1. Where do you live?—Ans. Otter Creek Township.

Ques. 2. Mr. Connors, I will ask you if you were at Otter Creek at the last election, in which Frederick and Wilson were candidates for Congress?—A. Yes, sir.

Ques. 3. I will ask if you voted at that election?—A. Yes, sir.

Ques. 4. Did you vote the Democratic or Republican ticket?—A. I voted the Democratic ticket; never would have voted the Republican ticket.

Ques. 5. Did you vote for Frederick?—Ans. Yes, sir.

Ques. 6. Where were you born?—Ans. In Ireland.

Ques. 7. When did you first come to America?—A. I cannot tell exactly the year; I was only 12 or 15.

Ques. 8. Is this paper here your citizen paper?—Ans. Yes, sir; it is.

U. S. AMERICA,
New Jersey, to wit:

I, James Tomlinson, clerk of the court of common pleas, county of Hunterdon, in the State of New Jersey, do hereby certify that Sam'l Connors appealed before the said judges of the said court on the day and date hereof, and by his petition presented to the said court and prayed that he might be admitted a citizen of the U. S. of America; and thereupon the said Samuel Conners, having taken the oath in said court prescribed by law, was by the said court duly admitted a citizen of the U. S. of America. All of which will appear on the record of said court. In testimony whereof I have set my hand and the seal of the said court this 10th day of September, in the year of our Lord 1855.

JAMES TOMLINSON, *Clerk.*

(Fixed with the seal of Hunterdon County.)

I will get this up to the court-house, and have it recorded, so these Republicans can see.

($1.70 paid as fee by contestee.)

SAMUEL CONNORS.

STATE OF IOWA,
Benton County, ss:

FRANK NOVAK, being produced and sworn before Amos Rogers, notary public for Benton County, on this 14th day of April, A. D. 1883, testified as follows (T. Brown appearing on the part of contestant, and Stivers on the part of contestee):

Ques. 1. Where do you live?—Ans. At Chelsea.

Ques. 2. What township did you live in at the time of the last election?—Ans. At Chelsea.

Ques. 3. Were you at the election last fall in which Mr. Frederick and Wilson were candidates for Congress?

Ask the witness whether he voted at the election in Salt Creek Township, Tama County, Iowa, last November.

Ans. He says that he thinks that he did.

Ques. 4. Ask him what makes him think so.—Ans. Just because he says that he does sometimes come to vote and don't.

Ques. 5. Ask him whereabouts the election was held.—Ans. In Chelsea.

Ques. 6. Ask him if he voted the Republican or Democratic ticket.—Ans. He says he didn't know, because he couldn't read it; he did not know which one he put in.

Ques. 7. Ask him what he went there for?—Ans. He went down to vote.

Ques. 8. Went down to vote what ticket?—Ans. He says he don't know because he couldn't read it.

Ques. 9. Ask him what ticket he was going to vote?—Ans. He says that he didn't know which one he was going to vote; he didn't know one from another.

Ques. 10. Ask him who he got the ticket from he voted?—Ans. He says that he got so many of them that he don't know who he got this one from.

Ques. 11. Ask him how many he voted?—Ans. One.

Ques. 12. Ask him how he knows?—Ans. Because he threw the others away and one.

Ques. 13. How many did he throw away; as many as three or four; ask him if he got three or four different kinds?—Ans. He said he got as many as three of some men; he didn't know whether they were all alike or not.

Ques. 14. He doesn't read any himself, does he?—Ans. No, sir.

Ques. 15. Ask him if he voted the ticket he was told to vote?—Ans. He says he don't know what one he voted, because he could not read it; he don't know whether it was a ticket some one told him to vote or not.

Ques. 16. Ask him who was there when he voted?—Ans. He says he don't know; that when he got a ticket and went to vote he didn't know who was present.

Ques. 17. Ask him whether he had made up his mind when he went to the election whether he was going to vote the Democratic or Republican ticket?—Ans. He says that he don't know that there was any difference; he went with the intention to vote for an officer.

Ques. 18. He didn't have any mind made up whether he would vote the Democratic or Republican ticket?—Ans. He says that he didn't know that there were two different men and two different parties.

Ques. 19. Ask him if he thought they all voted one way?—Ans. He says that he didn't know that; he went with the intention to vote for an officer, but didn't know that there were two different parties.

Ques. 20. Ask him how long he has been in America?—Ans. 7 years.

Ques. 21. Ask him how old he is?—Ans. 26 or 27 years old.

Ques. 22. Ask him if he lives with his father?—Ans. No, sir.

Ques. 23. Ask him if he ever came to America?—Ans. He thinks not.

Ques. 24. Ask him if he ever got any citizens papers?—Ans. He took out first papers.

Ques. 25. When was that?—Ans. Three years ago last March.

Ques. 26. Ask him where he was living last fall at the time of the election?—Ans. He says that he don't know whose house it is.

Ques. 27. Ask him what man it was that lived at the house where he was living at the time of the election?—Ans. This man is a married man and lives by himself.

Ques. 28. Ask him if he is a married man and lives, and who his neighbors are. Did you ask him if he is a married man and lives alone. I ask you to ask him who his neighbors are?—Ans. You ask me to ask the witness whether he was a married man and lived by himself, and that is just what I asked him.

Ques. 29. Is he a married man and lives without his wife; is that it?—Ans. Yes, sir, it is.

Ques. 30. Ask him who his nearest neighbor is?—Ans. Mel Holmes.

Ques 31. How does he know it was election day the time he went down there?—Ans. Because they gave him a ticket and told him it was election day.

Ques. 32. What did he go down to Chelsea for?—Ans. He lives there in Chelsea.

Ques. 33. Who told him that it was election, and gave him a ticket?—Ans. Every one that gave him a ticket told him it was.

Ques. 34. Tell him to give the name of any one who gave him a ticket?—Ans. He says he couldn't tell.

Ques. 35. Ask him if he knew the names of those who gave him tickets at the time.—Ans. He says that he did.

Ques. 36. Ask him to tell the names of these?—Ans. Kemer was one of them.

Ques. 37. Who else?—Ans. John Prusha gave him a ticket.

Ques. 38. What did he do with the ticket Prusha gave him?—Ans. He says he don't know whether he threw it away or what he did with it.

$1.85 paid as fee by contestee.

FRANK NOVAK.

STATE OF IOWA,

Tama County, ss:

I, Eldon Moran, a notary public for Tama County and commissioner agreed upon to take testimony in this cause, in pursuance of the annexed agreement attached to the testimony of J. L. Adams, whose testimony was taken Apr. 14th, 1883, do truly certify that on the 14th day of April, 1883, in pursuance of the notice hereunto annexed, I took the depositions of the following witnesses: Frank Sankat, Charles Jelinek, Michael Corcoran, Michael Foley, William Gebers, Joseph B. Dvorzark, Wentzel Herezak, Wentzel Husak, Joseph Benda, Owen O. Connor, Albert Snyder, Peter Kupka, Joseph Vavra, Martin Cibula, Wentzel Novak, Paterick Lynch, Chas. Jelinek, Joseph Varba. Wentzel Cherveny, Anthony Parizek, Frank Cibula, F. W. Prusha, Frank A. Parizek, Martin Herrick, John Bohumil, John Rodgers, Samuel O'Connor, Frank Novak, whose testimony is set forth in the following manner:

Each witness was first by me duly sworn or caused to be sworn in my presence, as provided by law, and when sworn the questions were propounded to him by the respective parties, Benj. T. Frederick, contestant, and James Wilson, contestee, by their respective attorneys, and the question by me read to the witness, who answered the same, and his answer by me in the language of the witness taken down under each question propounded, and reduced to writing, till the deposition was completed.

I further certify that when the testimony was taken of each witness I carefully read the same over to the witness, who corrected the same, and each correction noted, and said testimony was then signed by the witness and sworn to by him before me.

I further certify that Brown & Carney appeared as counsel for the contestant (Benjamin T. Frederick), and W. H. Stivers for the contestee (James Wilson).

In witness whereof I have set my hand and seal hereunto, notarially, this 14th day of April, 1883.

ELDON MORAN,
Notary Public for —— County, Iowa,
and Commissioner agreed upon to take testimony.

UNITED STATES OF AMERICA,
State of Iowa, Benton County, ss.

To BENJAMIN T. FREDERICK, or BROWN & CARNEY, his attorneys:

You are hereby notified that, at Vinton, and before Eldon Moran, a commissioner agreed upon in the County of Benton, and State of Iowa, on the 17th and 18th days of April, A. D. 1883, at 10 o'clock p. m., the contestee, James Wilson, will take the testimony of the following-named witnesses, to wit: J. H. Stephens, J. W. Stratton, R. M. Todd, N. Eisenhaut, S. Ellis, W. Y. Smith, John Ditch, Ed. Strauss, H. E. Railsback, James Stelck, Peter Weine, Clause Hansen, Fred. Hansen, Claus Kap, James McCauley, Adam Gephart, Wm. Gabers, A. R. Pardson, J. M. Finkham, Henry Fossold, John Quindivan, John McGuire, August Peterson, Samuel Lowe,[1] whose testimony, when so taken and at the proper time, will be read in evidence before the House of Representatives of the United States in the contest made by you for the office of Representative in Congress from the fifth Congressional District of Iowa.

Dated at Vinton, Iowa, this 12th day of April, A. D. 1883.

NICHOLS & BURNHAM,
Att'ys for Contestee.

[1] Also, T. J. Mead, Samuel Kelso, and A. B. Cramer, trustees of Polk Township, B. M. Culver and James Brown, clerks of election and township; also ballot-box and poll-book.

UNITED STATES OF AMERICA,
State of Iowa, Benton County, ss:

To BENJAMIN T. FREDERICK, or BROWN & CARNEY, his attorneys:

You are hereby notified that at Vinton, and before Eldon Moran, a commissioner appointed in the county of Benton and State of Iowa, on the 17 and 18 days of April, A. D. 1883, at 10 o'clock a. m., at the office of Nichols & Burnham, the contestee, James Wilson, will take the testimony of the following-named witnesses, to wit: Augustus Mehan, Andrew Beatty, John Johnson, Patrick Sheely, John Kerns, Thomas Parry, Edward Newton, Andrew Burkhardt, John Walete, Samuel Archer, Henry Miller, William Carmon, Shuse Olson, Wm. S. Porterfield, James Hickey, William Handley, Ole Weland, Andrew Low, Christopher Oleson, and Jacob Jacobson, whose testimony, when so taken and at the proper time, will be read in evidence before the House of Representatives of the United States in the contest made by you for the office of Representative in Congress from the fifth Congressional district of Iowa.

Dated at Vinton this fourteenth day of April, A. D. 1883.

JAMES WILSON,
By NICHOLS & BURNHAM,
His Att'ys.

UNITED STATES OF AMERICA,
State of Iowa, Benton County, ss:

To BENJAMIN T. FREDERICK, or BROWN & CARNEY, his attorneys:

You are hereby notified that at Vinton, and before Eldon Moran, a commissioner agreed upon to take testimony in the 5th Congressional district of the State of Iowa, on the 20th day of April, A. D. 1883, at 1 o'clock p. m., the contestee, James Wilson, will take the testimony of the following-named witnesses, to wit (at the office of Nichols & Burnham, in Vinton), residents of Benton County, Vinton, Iowa: P. S. Smith, A. D. Griffin, Arad Thompson, E. M. Evans, Sam'l Lowe, residents of Vinton and Taylor Townships, whose testimony, when so taken and at the proper time, will be read in evidence before the House of Representatives of the United States in the contest made by you for the office of Representative in Congress from the fifth Congressional district of Iowa.

Dated at Vinton this 18th day of April, A. D. 1883.

JAMES WILSON,
By NICHOLS & BURNHAM,
His Att'ys.

STATE OF IOWA,
Benton County, ss:

Deposition of witnesses produced before me, Eldon Moran, a notary public and commissioner agreed upon to take testimony, and duly sworn by E. M. Evans, a notary public for Benton County, on this 20th day of April, 1883, at Vinton, in pursuance of the notice hereunto attached, in a proceeding pending before the House of Representatives of the United States of America in a contested election for the office of Representative in Congress, in which proceeding Benj. T. Frederick is contestant and James Wilson contestee. (Brown and Carney for contestant, and Nichols and Burnham for contestee.)

The following testimony was taken before me:

STATE OF IOWA,
Benton County, ss:

AUGUST MEEHAM, being produced and sworn before E. M. Evans, a notary public for Benton County, on this 20th day of April, 1883 (T. Brown appearing on the part of contestant, and Nichols and Burnham appearing on the part of contestee), testifies as follows:

Ques. 1. Where do you reside?—Ans. Tama County.

(Contestant objects to the testimony for the reason that no notice has been given to the witness, nor of his place of residence.)

Ques. 2. Did you live in Vinton, Iowa, last November?—Ans. I don't know whether I did or not.

Ques. 3. Did you vote at the November election, 1882?—Ans. Yes, sir.

Ques. 4. Where did you vote?—Ans. In Dysart.

Ques. 5. What ticket did you vote, Democratic or Republican?—Ans. I don't know which I voted.

Ques. 6. What are your politics, Mr. Mayhem?—Ans. Democrat.

Ques. 7. Do you know for whom you voted?—Ans. No, sir.

Ques. 8. Have you your naturalization papers with you?—Ans. No, sir.

Ques. 9. You were subpœnaed to bring them, were you not?—Ans. Yes, sir; but the papers got destroyed.

Ques. 10. Where did you get your second papers?—Ans. Right here in Vinton.

Ques. 11. Did Judge Gilcrest issue them to you?—Ans. No, sir.

Ques. 12. Who did, John Traner?—Ans. Yes, sir.

Ques. 13. You did not know whom you voted for?—Ans. No, sir.

Ques. 14. You do not know but what you voted the Republican ticket?—Ans. I don't know anything whatever about it; I could not read my ticket; how in the world could I tell who I voted for? I had both tickets in my hand.

Ques. 15. Which ticket did you intend to vote?—Ans. I intended to vote the Democratic ticket; I do not know whether I did or not.

Ques. 16. Did you intend to vote for Mr. Frederick for Member of Congress from the 5th district of Iowa?

(Objection, leading.)

Ques. 17. You may answer the question whether you intended to vote for Frederick for Member of Congress of 5th district?—Ans. Yes, sir; when I left home.

Ques. 18. Did you at the time you voted intend to vote for Frederick for Member of Congress 5th district Iowa?—Ans. I cannot answer that question.

Ques. 19. I want to know which you were intending to vote for?

(Objection, leading, incompetent.)

Ques. 20. You know what you intended to do?—Ans. I told you my intention when I left home, that I should vote the Democratic ticket.

Ques. 21. What did you intend to do at the time you did vote?—Ans. I told you I did not know which of the two I put in.

Ques. 22. That is not the question.—Ans. That is the one I cannot answer.

Ques. 23. Did you intend to vote for Frederick at the time you did vote?—Ans. Yes, sir; I intended to vote for him, but I don't know which one of them I did vote for.

Ques. 24. Who gave you your tickets?—Ans. I got them from several people there.

Ques. 24. Whom did you get the ticket from that you voted?—Ans. I do not know, because I had so many in my hands.

Ques. 25. Were they all Democratic tickets?—Ans. No, sir; they were not. One of them was a Democratic ticket with Wilson's name on it. I don't know whether I put that in or —

Ques. 26. How did you know Wilson's name was on it if you cannot read?—Ans. Because the man told me so.

Ques. 27. Did the same man hand you a Democratic ticket that did not have Wilson's name on it?—Ans. No, sir.

Ques. 28. Another man handed you that?—Ans. Yes, sir.

Ques. 29. You were told at the time that one of the tickets handed to you did not have Wilson's name on it?—Ans. Yes, sir.

Ques. 30. You were told that it was a straight Democratic ticket?—Ans. Yes, sir.

Ques. 31. That was the ticket you intended to vote—the straight Democratic ticket?—Ans. Yes, sir; that is what I intended to vote.

Ques. 32. Now, is it not your impression that you voted the straight Democratic ticket?—Ans. No, sir; because I don't know which of them I put in.

Ques. 33. Is it not your impression that you voted the Democratic?—Ans. My impression was at the time, if I had any, that is the one I voted for; but I say I don't know which of them I did vote for. I had 3 of them.

Ques. 34. You did not vote the Greenback ticket, did you?—Ans. I told you I did not know which one of them I voted.

Ques. 35. You haven't any recollection whatever which ticket you voted?—Ans. No, sir.

Ques. 36. You are a Democrat?—Ans. Yes, sir.

Ques. 37. You intended to vote the Democratic ticket?—Ans. Everybody knows that.

Ques. 38. You had a Democratic ticket in your hand—in your possession—at the time you did vote?—Ans. Yes, sir; also a Republican ticket.

Ques. 39. Well, did you vote the Democratic ticket that you had in your hand?—Ans. No, sir; I put all 3 in my pocket; when I voted I pulled out one; I don't know which one I voted.

Ques. 40. It was your intention to vote the Democratic ticket?—A. Yes, sir; it was.

Cross-examination:

Ques. 41. The Democratic ticket you had had Wilson's name on?—Ans. Yes, sir; one of them.

Redirect:

Ques. 42. And one had Frederick's name on, didn't it?—Ans. Yes, sir.

Ques. 43. That is the one you intended to vote?—Ans. Yes, sir; but I don't know which one I voted.

Recross-examination:

Ques. 44. You were just as liable to vote the one for Wilson as the one for Frederick?—Ans. Yes, sir; because I didn't know the difference between them, since I can't read.

his
AUGUSTUS + MEEHAEM.
mark.

STATE OF IOWA,
Benton County, ss:

THOMAS PARRY, being produced and sworn before E. M. Evans, a notary public for Benton County, on this 20th day of April, 1883 (T. Brown appearing on the part of the contestant, and Nichols and Burnham on the part of contestee), testifies as follows:

Ques. 1. Where do you reside?—Ans. Munroe Township, Benton County, Iowa.

Ques. 2. Did you vote at the November election, '82?—Ans. Yes, sir; I did.

Ques. 3. What ticket did you vote? Democratic or Republican?—Ans. Neither one.

Ques. 4. For whom did you vote?—Ans. I voted the Greenback ticket.

Ques. 5. For whom did you vote for Congressman, 5th district of Iowa?—Ans. I voted the straight Greenback ticket.

Ques. 6. Whose name was on the ticket?—Ans. That I cannot tell you, sir.

Ques. 7. You belong to the Greenback party, then, do you?—Ans. Yes, sir; and I voted right along.

THOMAS PERRY.

No fee.

STATE OF IOWA,
Benton County, ss:

Deposition of witness, produced before me, E. M. Evans, a notary public and commissioner agreed to take testimony this 20th day of April, A. D. 1883, in a proceeding before the House of Representatives of the United States of America in a contested election for the office of Representative in Congress, in which proceedings Benjamin T. Frederick, is contestant, and James Wilson is contestee, and Nichols & Burnham, appearing as attorneys for James Wilson, contestee, and T. Brown, appearing as attorney for B. T. Frederick:

JOHN JOHNSEN, of lawful age, being produced, and being sworn by E. M. Evans, in due form of law, testifies as follows:

Ques. 1. Where do you reside?—Ans. Fremont Township, Benton County, Iowa.

Ques. 2. Did you vote at the November election, 1882?—Ans. Yes, sir.

Ques. 3. What ticket did you vote; Democratic or Republican?—Ans. Democratic,
Ques. 4. For whom did you vote for Representative in Congress for the Fifth Congressional District of Iowa; for Frederick or Wilson?—Ans. For Frederick.
Quest. 5. You are a naturalized citizen, are you, Mr. Johnsen?—Ans. I would suppose I was.
Quest. 6. When did you get your second papers?—Ans. About March, 1860.
Quest. 7. Have you them with you?—Ans. Yes, sir.
Quest. 8. Will you produce them, please?
(Witness produces papers.)
Quest. 9. Before what judge did you appear?—Ans. I do not remember who the judge was then.
Quest. 10. Did you know Judge Trayner?—Ans. I believe I did at that time.
Quest. 11. Was it before Judge Trayner?—Ans. I do not remember; Mr. Allen, old man Baja, and Charles Baja, his son, six or seven of us, got our papers all the same day.
Quest. 12. Yes, sir; that is what the record says; now, did you appear more than once in Benton County in 1860 for the purpose of taking out your naturalization papers?—Ans. No, sir, not that I remember; never more than once.

Cross-examination:

Quest. 13. Is this paper your naturalization paper?—Ans. Yes, sir.
(We introduce the same in evidence.)

Certificate of naturalization of the United States of America.

To all to whom these presents shall come, greeting:

Whereas at a term of the district court, begun and held at Vinton, on the eighth day of March, A. D. 1860, therein and for the county of Benton and State of Iowa, John Johnsen, an alien and a native of Ireland, and subject of the Queen of England, personally came before the judges of the said district court and made application to be naturalized under the laws of the United States, and it appearing by sufficient testimony to the satisfaction of said court that the said Johnsen had admitted and declared his intention to become a citizen of the United States, in due form of law, at least two years before making said application, that he had been a resident of the United States for at least five years then last past; and also that during that time he had behaved as a man of good moral character, attached to the principle of the Constitution of the United States, and well disposed to the good order and happiness of the same. Whereupon, by way of said court, and the oath of allegiance was administered in due form of law to the said John Johnsen in open court, that he well would support the Constitution of the United States, and that he will absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty whatever, and particularly to Queen Victoria, Queen of England, whose subject he was; and thereby it was ordered by the said court that that certificate of naturalization be granted to John Johnsen according to the form of the Statute of the United States in such case made and provided, as done by the court. Therefore the said John Johnsen is a citizen of the United States.

In testimony whereof I, James ———, and the clerk of the said district court, do subscribe our names and seal of the thereof, at Vinton, this eighth day of March, in the year of our Lord 1860.

JAMES CHAPTN, *Clerk.*

(Seal of the district court of Benton County.)

JOHN JOHNSEN.

STATE OF IOWA,
Benton County, ss:

THOMAS RADMOND, being produced and sworn by E. M. Evans, a notary public for Benton County, on this 20th day of April, A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant, and Nichols and Burnham appearing on the part of contestee):

Ques. 1. Where do you reside?—Ans. Benton County.
Ques. 2. What township?—Ans. Morrow Township.
Ques. 3. Is John Radmond your son, the young man standing here in the office now?—Ans. Yes, sir.
Ques. 4. Have you examined your family record to see what his age is?—Ans. While Mr. Palmer was out, he was up to see my place.
Ques. 5. Did you bring the record with you?—Ans. Yes, sir; have it with me.
Ques. 6. Will you produce it?—Ans. Yes, sir.
(Witness produces paper in court.)
Ques. 7. Which name on this record is the record of the birth of your son, John Radmond?—Ans. This one here.

Ques. 8. Then it is the second name? (Reads it.) Born August 25th, 1862.—Ans. I didn't write his birth down.

Ques. 9. Who did make this entry?—Ans. What entry?

Ques. 10. The entry in this birth record?—Ans. My brother, John Radmond.

Ques. 11. When was it made?—Ans. I don't know that.

Ques. 12. Did he make all these entries?—Ans. I don't know whether they are right or not.

Ques. 13. Is this the only record you have?—Ans. Yes, sir.

Ques. 14. This is your family record, in which you keep the date of the birth of your children?—Ans. I think that he did, I don't know whether I am right or not.

Ques. 15. This shows that John Radmond was born, August 25th, A. D. 1862.—Ans. Yes, sir; according to that, but I don't know whether it is right or not.

Ques. 16. I will introduce the record. (Reads it.)

(Contestant objects, as incompetent; also, as not showing that the entry was made before or about the time of the transaction; also, showing that it was not made by any member of the family.)

(The same read in evidence.)

"John Radmond, born August 25th, 1862. Elizabeth Radmond, born April 17th, 1861. Catherine Radmond, born March 26th, '61. James Radmond, born July 24th, '65." Also, it shows the marriage of James Radmond. "Thomas Radmond married to Catherine Maloney, April 16th, 1860."

Ques. 17. Do you know whether your son voted at the November election, 1882?—Ans. I don't know, sir.

THOMAS RADMOND.

STATE OF IOWA,
Benton County, ss:

JOHN REDMOND, being produced and sworn before E. M. Evans, a notary public for Benton County, on this 20th day of April, A D. 1883, testifies as follows (T. Brown appearing on the part of contestant, and Nichols & Burnham on the part of contestee):

Ques. 1. Where do you reside?—Ans. Benton County.

Ques. 2. What township?—Ans. Monroe.

Ques. 3. Where did you reside in November, '82?—Ans. In Benton County, Monroe Township.

Ques. 4. Did you vote at the November election?—Ans. I decline to answer that question.

Ques. 5. Who instructed you to decline to answer that question?

(Brown says: You are not obliged to state that.)

Ques. 6. Are you a son of Thomas Redmond?—Ans. Yes, sir.

Ques. 7. Have you a sister Elizabeth Redmond?—Ans. Yes, sir.

Ques. 8. Is she older or younger than you?—Ans. From what the records show, I guess she be older.

Ques. 9. You do not know whether she is older or younger?—Ans. No, sir.

Ques. 10. You have never heard any talk about it in the family, I suppose?—Ans. No, sir.

Ques. 11. Never heard your father say whether she is older or younger than you?—Ans. Not that I know of.

Ques. 12. You do not know whether any of your brothers or sisters are older or younger than you are?—Ans. No, sir; I do not know.

Ques. 13. You never heard anything said about it?—Ans. No, sir.

Ques. 14. You cannot tell now whether either one of your brothers or sisters are older or younger than you are?—Ans. I do not know.

Ques. 15. You haven't any idea how old you are yourself—Ans. The record shows, I guess.

Ques. 16. How old are you?—Ans. I do not know.

Ques. 17. You never heard anything said about it?—Ans. No, sir.

Ques. 18. How old is your youngest sister or brother?—Ans. I do not know that.

Ques. 19. Never heard that talked about?—Ans. No, sir.

Ques. 20. Can you tell within 10 years as to how old you are?—Ans. I do not believe I can.

Ques. 20. Your best judgment that you are 11 years old?—Ans. I do not know how old I am.

Ques. 21. You do not know whether you are 11 years old or not?—Ans. No, sir; I do not know; I expect I am that old anyway.

Ques. 22. You say probably you are 11 years old, do you?—Ans. Yes, sir.

Ques. 23. Were you at the election in November, 1882?—Ans. Yes, sir.

Ques. 24. Was your father there?—Ans. Yes, sir.

Ques. 25. Did you see any tickets on that day?—Ans. Yes, sir; I saw some.

Ques. 26. Did you see a Democratic ticket?—Ans. I do not know whether I did or not.

Ques. 27. You cannot say, can you?—Ans. Yes, sir.

Ques. 28. Did you see the names on it? Did it mention who were candidates for Congress?—Ans. No, sir.

Ques. 29. Did you know that there was anybody running for Congress in this district?—Ans. No, sir.

Ques. 30. Did you know that anybody was running for township offices; that there was candidates for co. offices?—Ans. No, sir; I never kept any track of them.

Ques. 31. Do you know whether there was any State offices, any candidates for State office?—Ans. No, sir.

Ques. 32. You never heard anything of that kind talked about?—Ans. No, sir.

Ques. 33. You didn't know that we have a Gov. in this State and elect one, did you?—Ans. I never heard them talk about that.

Ques. 34. Did you ever hear that we had a Representative in Congress from this 5th Congressional district of this State?—Ans. No, sir.

Ques. 35. You never heard of that?—Ans. I don't believe I did.

Ques. 36. You never heard that we had any county officers, did you?—Ans. Yes, sir, I think I have heard of that.

Ques. 37. Did you ever hear of such officers as clerk of the court?—Ans. I guess I did.

Ques. 38. Who did you hear was the clerk?—Ans. I didn't hear the name.

Ques. 39. You don't know who it is?—Ans. No, sir.

Ques. 40. Did you ever go to school?—Ans. Yes, sir; a little.

Ques. 41. You can read and write, can you?—Ans. Some; not very much.

Ques. 42. Can you read ordinary print?—Ans. Yes, sir, I guess I can.

Ques. 43. If you should see the names on the ticket you could read the names, could you not?—Ans. Yes, sir, I guess so.

Ques. 44. If you should see the name Ben. T. Frederick, you could read that, could you not?—Ans. Yes, sir.

Ques. 45. If you should see the name "Democratic ticket," you could read that, could you not?—Ans. Yes, sir.

Ques. 46. If you were voting, that would be the ticket you would vote, wouldn't it?—Ans. I don't know what ticket I would vote.

Ques. 47. Now, to reflect, do you think you are more than 11 years old?—Ans. I guess I am.

Ques. 48. How much more than 11 years old do you think you are?—Ans. I don't know.

Ques. 49. Do you think you are 2 years more than that?—Ans. Yes, sir, I guess I am.

Ques. 50. Do you think you are 15?—Ans. I don't know whether I am or not.

Ques. 51. You cannot form any opinion as to whether you are more than 15 years old or not?—Ans. No, sir.

Ques. 52. Do you know whether you voted at the Nov. election '82, whether you did or didn't?—Ans. No, sir, I don't know whether I did or not.

Ques. 53. You don't remember?—Ans. No, sir.

Ques. 54. You don't remember whether anybody asked you to vote?—Ans. No, sir.

Ques. 55. Or give you a ticket?—Ans. No, sir.

JOHN REDMOND.

STATE OF IOWA,
Benton County, ss:

ARAD THOMPSON, being produced and sworn before E. M. Evans, a notary public for Benton County, on this the 20th day of April, A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant, and Nichols and Burnham appearing on the part of the contestee):

Ques. 1. Where do you reside?—Ans. Vinton, Benton County, Iowa.

Ques. 2. What is your business?—Clerk of the court.

Ques. 3. Are you custodian of the naturalization records?—Ans. I am.

Ques. 4. Have you the records of the probate court, containing naturalization proceedings of 1860?

(Witness refers to the record book.)

(Contestee offers in evidence one page of the record of the probate court of Benton County marked on the margin 1860.

Contestant objects for the reason that it is not shown to be the record of any court; also, because it is immaterial, incompetent, irrelevant to the issue; because it does not show that the record of naturalization was made by the court; because it is not shown that it relates to the same person, John Jackson, who has been on the witness stand; also, because it contradicts the record of the district court; also, because

counsel for contestant offers to show by the clerk that the district court shows that the aforesaid John Jackson was naturalized by the district court.)

In the matter of naturalization of John Jackson, an alien, to wit:

This 18th day of October, A. D. 1860, came John Jackson in person, before the judge of the county court, in and for Benton County, Iowa, and made application to be naturalized under the laws of the United States; and it appearing from sufficient testimony that the said applicant had made declaration of his intention to become a citizen, at least two years previous to making said application; that he had been a resident of the United States for at least five years last passed, and in the State of Iowa for at least one year last passed; and that during that time he had behaved like a man of good moral character, attached to the principles of the Cons't United States, and well disposed to the good order and happiness of the same. Thereupon the oath of allegiance was administered according to law.

Ques. 5. Now, Mr. Thompson, I will ask you whether this is the record kept by the county judge, for the year 1860, of such parties in your office?—Ans. It is.

Cross-examination:

Ques. 6. Do you know that the John Jackson that is named in your record is this gentleman who has testified here?—Ans. No, sir; I don't know that.

Ques. 7. Is not John Jackson a common name?—Ans. Quite common.

Ques. 8. Do you know any others by that name in this county?—Ans. No, sir; I don't think I do.

Ques. 9. Are you acquainted with all the people in the county?—Ans. Probably not all of them; no, sir.

Ques. 10. Have you looked at the record of the district court of March, 1860, and examined it?—Ans. No, sir.

Ques. 11. Is this paper I now present to you (referring to naturalization paper of John Jackson, before introduced in evidence), purporting to be the naturalization paper of John Jackson, now in evidence; does it bear the seal of the district court of Benton County?—Ans. Yes, sir; it does.

Ques. 12. Is it signed by the clerk of Benton County, or the man who was clerk at that time?—Ans. I know that he was clerk; I can't say that that is his handwriting.

Ques 13. Have you the record of this Mr. Chapin, now before me?—Ans. Yes, sir.

Ques. 14. What is your judgment as to that being in the same handwriting of other records made by him, and other signatures of his?—Ans. I would have to examine to see.

Ques. 15. Will you do it?—Ans. Yes, sir.

Ques. 16. Have you ever had any reason to dispute any record made by the former clerk, Mr. Chapin, who signed that paper?—Ans. I don't know that I have.

(Witness proceeds to examine records at court-house.)

Witness having returned, and records being produced, it is agreed between the parties that the records of the clerk show that Mr. Jackson was naturalized as stated in his certificate of naturalization and introduced in evidence.

A. THOMPSON, *Clerk.*

85c. paid as fee.

STATE OF IOWA,
Benton County, ss:

JAMES HICKEY, being produced and sworn before E. M. Evans, on this 20th day of April, A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant, and Nichols and Burnham on the part of contestee):

Ques. 1. Where do you live?—Ans. Union Township, Benton Co., Iowa.

Ques. 2. Did you reside there in Nov., '82?—Ans. Yes, sir.

Ques. 3. Did you vote at the general election in '82?—Ans. Yes, sir; I did.

Ques. 4. Did you vote Democratic or Republican ticket?—Ans. I cannot tell.

Ques. 5. Do you know who you voted for for Representative in Congress?—Ans. I do not know; my memory is short.

Ques. 6. What are your politics?—Ans. Most anything; when I find a good man I vote for him.

Ques. 7. I will ask you if you are a Democrat in politics?—Ans. Yes, sir; I am.

Ques. 8. You can read, can you?—Ans. Yes, sir; I can read a little.

Ques. 9. You can read enough to read a ticket?—Ans. Yes, sir; in large print.

Ques. 10. Have you got your naturalization papers with you?—Ans. Yes, sir; I think so.

Ques. 11. You will let me see them, will you not?

(Witness produces papers.)

Ans. I served in the army three years and two months; one oath ought to be just as good as another.

Ques. 12. Can you tell for whom you voted for Representative?—Ans. It has been so long that I havn't any memory of it; I did not set it down.

Ques. 13. Well, I know that; but you can remember that long, can't you?—Ans. Well, I guess a man could remember it; but I do not remember it now.

Ques. 14. Well, did you vote Democrat or Republican?—Ans. Well, I want to find a good man on my ticket generally and vote for him; sometimes for Democrat; according to how I feel about it.

Ques. 15. How did you do last fall?—Ans. As I told you; I say that I can't remember.

Ques. 16. You don't remember who you did vote for?—Ans. No, sir.

Ques. 17. Did you vote for Wilson?—Ans. I don't know who I voted for; I cannot remember.

Ques. 18. Who was peddling tickets in your district?—Ans. A good many of them were peddling tickets down there.

Ques. 19. Give me the names of some of them?—Ans. I cannot remember the names. I might have had tickets; lots of them had Democratic tickets.

Ques. 20. They had both Democratic and Republican tickets too.—Ans. (Contestee offers in evidence the naturalization papers of this witness.)

(Contestant objects as incompetent, immaterial.)

Ques. 21. In the first place I will ask you if you are not a Democrat in politics?—Ans. Sometimes.

Ques. 22. If you do not usually vote the Democratic ticket?—Ans. Well, if I find a good man in the Republican party I always vote for him; I have every time, sir.

Copy of naturalization paper. United States of America. Naturalization aliens.

STATE OF IOWA,
Benton County:

Be it remembered, at a term of the Co. court holden and in said Co. in Vinton therein on the 2nd day of Nov., 1868, was present the Hon. G. M. Gilgrist, sole judge presiding; H. M. Wilson, sheriff of said county, and G. M. Gilcrist, ex-officio clerk of said court, when the following, among other, proceedings, to wit: James Hickey, a native of Ireland, and at the present residing within said State, appeared in open court and makes application to be admitted to become a citizen of the U. S.; and it appearing to the satisfaction of the court that he had served in the Army of the U. S. for the time required by law, and upon honorable discharge therefrom that it was bona fide to become a citizen of the U. S., and to renounce forever all agents to any foreign prince, potentate, state, sovereignty whatsoever, and particularly to Victoria, Queen of Great Britain, of whom he was heretofore a subject; and said applicant having declared on oath before this court that he will support the Constitution of the U. S., and that he doth absolutely entirely renounce and abjure all allegiance of fidelity to every foreign prince, potentate, state, sovereignty, and particularly to Victoria, Queen of Great Britain, to whom he was heretofore a subject; and the court being satisfied that said applicant has resided in the U. S. for the term of 5 years next preceding his admission without being at any time during the said 5 years out of the territory of the U. S. and within this State one year at least. It further appearing to the satisfaction of the court that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the U. S., and well disposed to the good order and happiness of the same:

Thereupon the court admitted the said applicant to become a citizen of the United States, and ordered by the presiding official judge to be entered upon the record. It was accordingly done by the clerk of this court.

In testimony whereof, I, G. M. Gilchrist, judge and ex-officio clerk aforesaid, have set my hand and fixed the seal of the city court, at my office in Vinton, in said Co., this 2nd day of Nov., in the year of our Lord 1868.

G. M. GILCHRIST,
Judge, and ex-officio Clerk of said Court.

(Seal of Benton Couty, Iowa.)

his
JAMES × HICKEY.
mark.

(Contestee introduces in evidence the poll-book of Moore Township, saying that at Nov. election, 1882, Charles Allbright voted, and also Martin Allbright; Charles Allbright appearing number 37 and Martin Allbright number 40.

Contestant objects to saying as immaterial and incompetent.

Contestee also introduces naturalization record book No. 2, of Benton Co., page 48.

This to show that Martin Allbright was naturalized the 15th Dec., 1882; also page 488 to show that Charles Allbright was naturalized on the 15th Dec., 1882.

Contestant objects to the same as immaterial and incompetent, because it does not show that these are the same parties and the same men that voted in Moore Township; also, contestee reads from page 486 of same record, naturalization of aliens of the United States of America, State of Iowa, Benton Co.: Be it remembered that at the term of the circuit court, holden in the aforesaid Co., in Vinton, therein on 15 Dec., in the year of our Lord '52, was present a Mr. Christian Hedges, sole presiding judge; P. S. Smith, sheriff; and A. Thompson, clerk. The following proceeding were had: Martin Allbright, a native of Germany, residing within this State, appeared and was admitted to be a citizen of the United States. An official certificate issued in due form. Also on same day as shown by page 488 of said record, Charles Allbright appeared in said court and before said judge, and such proceedings were had that he was admitted to become a citizen of the United States, and his official certificate issued in due form.)

STATE OF IOWA,
Benton County, ss:

I, Eldon Moran, a notary public for Johnson County, and commissioner agreed upon to take testimony in this cause, in pursuance of the annexed agreement, attached to the testimony of J. L. Adams, whose testimony was taken Feb. 22nd, 1883, in pursuance of the notice hereunto annexed, I took the depositions of the following witnesses: August Meehem, Thos. Perry, Thomas Redmond, John Redmond, Arad Thompson, James Hickey, whose testimony is set forth in the following manner:

Each witness was first by me sworn or caused to be sworn in my presence, as provided by law, and when sworn the questions were propounded to him by the respective parties, Benj. T. Frederick, contestant, and James Wilson, contestee, by their respective att'ys, and the question by me read to the witness, who answered the same, and his answer by me in the language of the witness taken down under each question propounded and reduced to writing till the deposition was completed.

I further certify that when the testimony of each witness was taken, I carefully read the same over to the witness, who corrected the same, and each correction noted, and said testimony was then signed by the witness and sworn to by him before me.

I further certify that Brown and Carney appeared as counsel for the contestant, Benj. T. Frederick, and Nicholas and Burnham appeared as counsel for the contestee, James Wilson.

In witness whereof I have hereunto set my hand and seal notarial this 20th day of April, 1883.

[SEAL.]

ELDON MORAN,
Notary Public for Johnson County, Iowa, and
Commissioner agreed upon to take testimony.

No. 5.

IOWA COUNTY.

FREDERICK
v.
WILSON.

STATE OF IOWA,
Iowa County, ss:

Deposition of witnesess produced before me, Eldon Moran, a notary public and commissioner agreed upon to take testimony, and duly sworn before me, a notary public for Johnson County, Iowa, on this 24th and 25th day of April, 1883, at Marengo, in pursuance of the notice hereunto attached, in a proceeding pending before the House of Representatives of the United States of America, in a contested election for the office of Representative in Congress, in which proceeding Benjamin T. Frederick is contestant and James Wilson contestee; Brown and Carney for contestant, and Mr. Simpson for contestee.

The following testimony was taken before me:

STATE OF IOWA,
Iowa County, ss:

PATRICK MCGRUE, being produced and sworn before Mr. Feenie, notary public for Iowa County, on this 24th day of April, A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant and Mr. Simpson appearing on the part of contestee):

Ques. 1. You may state your name, age, and place of residence.—Ans. Patrick McGrue; 55 years of age; Hartford Township, Iowa county, Iowa.

Ques. 2. You may state, Mr. McGrue——

(Contestant objects to the testimony for the reason that the name and residence of the witness is not in the notice.)

Ques. 3. Did you vote at the general election, Nov. 7, 1882?—Ans. Yes, sir; I did.

Ques. 4. What ticket did you vote?—Ans. I voted the straight Democratic ticket.

Ques. 5. Where were you born?—Ans. In Ireland.

Ques. 6. What age were you when you arrived in this country?—Ans. I was 20 years of age.

Ques. 7. Did you ever take out any naturalization papers?—Ans. Yes, sir; I have.

Ques. 8. In what State and county?—Ans. Iowa County, State of Iowa.

Ques. 9. Have you your papers with you?—Ans. Yes, sir; I have.

Ques. 10. Will you produce them?—Ans. Yes, sir.

(Witness produces papers in court.)

Ques. 11. Are these all the naturalization papers you ever took out?—Ans. Yes, sir.

Ques. 12. Are these all the naturalization papers you ever had?—Ans. Yes, sir.

Ques. 13. Was Mr. Frederick's name on the ticket you voted for Congress?—Ans. Yes, sir.

(Same paper introduced into evidence by contestee.)

Cross-examination:

Ques. 14. Have you any other naturalization papers?—Ans. No, sir.

Ques. 15. Only one paper?—Ans. Only one.

(It is admitted by the contestant that the paper is only the first paper, and not sufficient to entitle the witness to vote.)

PATRICK McGRUE.

Paid $2.25.

STATE OF IOWA,
Iowa County, ss:

CHRISTIAN MOHRE, being produced and sworn before John Hughes, jr., a notary public for Iowa County, on this 24th day of April, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and A. H. Simpson on the part of contestee):

Q. 1. Where do you live?—A. Hartford Township.

Q. 2. Iowa County?—A. Yes, sir; Iowa County, Iowa.

Q. 3. Did you vote there last fall?—A. Yes, sir; I did.

Q. 4. What ticket did you vote?—A. I don't know that that is a fair question to ask.

Q. 5. I guess you are not ashamed of what you did?—A. I do not care. I don't know that that question should be asked.

Q. 6. Where were you born?—A. In Germany.

Q. 7. Have you any naturalization papers?—A. Yes, sir.

Q. 8. What age were you when you came from Germany?—A. Fourteen and a half.

Q. 9. In what year did you come?—A. Eighteen hundred and fifty-nine, I think.

Q. 10. You were then 14½?—A. Yes, sir.

Q. 11. Did you come with your father?—A. Yes, sir.

Q. 12. Have you got naturalization papers?—A. No, sir.

Q. 13. Did you ever vote?—A. Yes, sir.

Q. 14. When did you vote?—A. When I was 21.

Q. 15. What year was that in?—A. I don't recollect that, but it was for the first President; I think it was for the one before Abe. Lincoln.

Q. 16. You came to the United States in '59, you say?—A. Yes, sir.

Q. 17. When was it when Lincoln ran?—A. In '63 or '64, I think. Well, I think it was in '59 I came.

Q. 18. Now we want to be perfectly fair with you—you refuse to say for whom you voted, and have now shown that you were born abroad, and have no naturalization papers.

(Brown, on the part of contestant, asks for the privilege of recross-examining the witness before he is required to say for whom he voted.)

Q. 19. Was your father naturalized?—A. Yes, sir.

Q. 20. Where?—A. In Illinois.

Q. 21. When and in what year?—A. He voted for the President in the same year I did, in 1862.

Q. 22. He was naturalized in 1862?—A. Yes, sir.

Q. 23. Got his second papers, then?—A. Yes, sir.

Q. 24. You did not get any papers?—A. No, sir.

Q. 25. You came in 1859?—A. Yes, sir.

Q. 26. With your father?—A. Yes, sir.

Q. 27. He got his papers in 1862?—A. Yes, sir.

Q. 28. You are positive about that?—A. Yes, sir.

Q. 29. You are sure he got his second papers in 1862? I must take your word for it.—A. I would not say positive, but I know my father voted.

Q. 30. What ticket did he vote?—A. At that time he voted the Republican ticket.

Q. 31. I mean at the last election in Hartford Township?—A. I don't know that I ought to answer that question, but if it is proper to answer it I will do it.

Q. 32. We have had three or four hundred witnesses, and all but one have told how they voted.—A. I would vote sometimes a mixed ticket, and sometimes a straight ticket.

Q. 33. For whom did you vote for Congress, Frederick or Wilson?—A. I don't know that I have to answer that.

BROWN. Witness is not obliged to answer the question.

Q. 34. Yes, sir; you will have to answer that question. We will wait for your answer.—A. If it is proper for me to answer it, I will answer it.

(Contestant objects to the question being answered for the reason that the law does not require an answer, and under no circumstances can a witness be required to tell how he voted.)

Q. 35. Then Mr. Mohr will have to wait then.—A. It is just as you gentlemen agree about that.

Q. 36. Well, we take testimony here; that is settled in Washington. The objection of the contestant goes down and Congress will decide it.—A. Well, I voted for Mr. Frederick.

Cross-examination:

Q. 37. You say your father applied for papers after you came while you were yet a minor?—A. Yes, sir.

Q. 38. And afterwards he voted?—A. Yes, sir.

Q. 39. You considered that he was a naturalized citizen, and that he was such?—A. Yes, sir.

Q. 40. Did he ever hold any office?

(Objection to the contestant asking for the opinion of the witness as to whether his father was a naturalized citizen.)

You may state whether you live in the same town as your father?—A. Yes, sir.

Q. 41. I will ask you if you voted in Illinois, right after that.—A. Yes, sir.

Q. 42. And since you became of age?—A. Yes, sir.

Q. 43. In the very neighborhood where your father resided?—A. Yes, sir.

Q. 44. Where the people knew about it?—A. Yes, sir.

Q. 45. You voted at the same election with your father then, did you?—A. Yes, sir.

Q. 46. What county in Illinois did you live?—A. In De Kalb County.

Q. 47. What was your father's first name?—A. George Mohr.

CHRISTIAN MOHR.

($2.35 paid as fee by contestee.)

STATE OF IOWA,
Iowa County, ss:

MARTIN P. KELLEY, being produced and sworn before John Hughes, jr., a notary public for Iowa County, Iowa, on this 24th day of April, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and A. H. Simpson on part of contestee):

Q. 1. Where do you live?—A. Marengo, Iowa.

Q. 2. Did you vote at the Nov. election, 1882?

(Contestant objects to the witness on the ground that the residence of the witness is not given.)

A. Yes, sir.

Q. 3. What ticket did you vote?—A. I generally vote the Democrat ticket.

Q. 4. Where were you born?—A. In Ireland.

Q. 5. At what age did you come to America?—A. Twenty years of age.

Q. 6. Did you ever receive naturalization papers?—A. Yes, sir.

Q. 7. Will you produce them?—A. I have lost them. I think that they were stolen from my pocket.

Q. 8. How did you vote?—A. I am not in the habit of telling how I voted.

Q. 9. Well, our time is precious.

CONTESTANT. You need not tell for whom you voted unless you want to.

Cross-examination:

Q. 10. Where were you naturalized?—A. In New York City.

Q. 11. How many papers did you get?—A. Two.

Q. 12. In what court?—A. In the city of New York.

Q. 13. Court of record?—A. I suppose so.

Q. 14. Did your papers have the seal of the court on them?—A. Yes, sir.

Q. 15. Certified by the clerk?—A. Yes, sir.

(Objection.)

Q. 16. You may state the circumstances. When did you take out the first papers?—A. In '67. I came to the country in '66. I came to Iowa in '68. I lost my first papers and could not find them. Here, in '64 or '65, I wanted to take part in politics, and I found I could not do so without second papers; I could not get first papers without going to New York City. I went to New York in '75, and found a man, and got a copy of the other; I could not tell which court that was.

Q. 17. You got papers in open court in the city of New York?—A. Yes, sir; as I understand it.

Q. 18. Was it in one of the court buildings there?—A. Yes, sir; that is what the man told me.

Q. 19. What became of these papers?—A. They were either lost or stolen.

Q. 20. How long have you been a voter?—A. Since '75; except I lost one year.

M. P. KELLY.

$.85 paid as fee by contestee.

STATE OF IOWA,
Iowa County, ss:

J. W. NELSON, being produced and sworn before John Hughes, jr., a notary public for Iowa County, Iowa, on this 24th day of April, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and A. H. Simpson on the part of contestee):

Q. 1. You may state your name and place of residence.—A. I live in this town. My name is John W. Nelson.

Q. 2. What is your age?—A. Well, I was born in '50; my age is 33 now.

Q. 3. You may state whether you voted at the general election, Nov. 7th, '82, in Marengo Township.—A. Yes, sir.

Q. 4. What ticket did you vote?—A. Straight ticket.

Q. 5. Democratic or Republican?—A. I guess it was a Democratic ticket.

Q. 6. You may state whether you have your naturalization papers.—A. Yes, sir; I have two of them.

Q. 7. Will you produce them in court?—A. Yes, sir.

(Witness produces them.)

(Omission:———) papers with a name is Jno. N. Winbar. Also second papers are in the same name as above—in the name of the witness.)

Cross-examination:

Q. 8. What is your full name?—A. John Winbar Nelson.

Q. 9. Were these papers issued to you?—A. Yes, sir; but they got the name down wrong; they got it down Nelson Winbar; it should be John Winbar Nelson.

Q. 10. Did you ever go to have it rectified?—A. Yes, sir; I went to the clerk's office once; I believe it was A. B. Eshleman was the clerk; he was going to fix them there; Cap. Smith was in there; Eshleman spoke to Cap. "You fix these." He said, "this is somebody's name written backward," and afterwards he said, "You just let them go, for we find so many of them."

Q. 11. Who was your witness in court?

A. G. F. Eyrich. He always called me Winbar; it was wrong; some call me Winbar; some call me Nelson.

Q. 12. Do people call you by the name of Winbar here?—A. No, sir; not that I know of. I don't sign my name so.

Q. 13. Some parties call you that?—A. Yes, sir; when I first came here they called me that.

Q. 14. Were these papers issued to you and to no one else?—A. Yes, sir.

Q. 15. You were the person?—A. Yes, sir. I have been here since '68. I have never been out of this town, because there are papers which will show where I paid my taxes in the name of John W. Nelson in '74.

Q. 16. You may state if you gave the correct name when you got the papers.—A. I think J. Farland gave the name, and he gave it wrong; I was going to have it fixed over when I got the second papers. I think David House was deputy in the clerk's office; he made it out before I went to see it. I was going to have it fixed over once, and he saw Cap. Smith about it; he said it was all right.

(It is agreed by the parties that the papers are regularly given by the circuit court of the State of Iowa, held in and for Iowa County, for the second papers; also, the first papers are from the dist. court of Iowa County, and are regularly given on their face, with the exception of the name of John N. Winbar appears on the papers, when the witness' name is John Winbar Nelson. In all other respects the papers are perfectly regular.)

My boss also would call my name wrong. I could not then speak English well.

Q. 17. The man you worked for gave the name wrong?—A. Yes, sir.

Q. 18. Is he the man you formerly worked for here?—A. Yes, sir; his name is G. F. Eyrich.

JOHN W. NELSON.

STATE OF IOWA,
Iowa County, ss:

Deposition of witness produced before me, John Hughes, jr., a notary public and commissioner agreed upon to take testimony, this twenty-fourth day of April, A. D. 1883, in a proceeding before the House of Representatives of the United States of America, in a contested election for the office of Representative in Congress, in which proceedings Benjamin T. Frederick is contestant and James Wilson is contestee; T. Brown appearing as attorney for B. T. Frederick, and A. H. Simpson appearing as attorney for James Wilson.

FRITZ BRANCH, of lawful age, being produced and sworn by John Hughes, jr., in due form of law, testifies as follows:

(Contestant objects to the testimony of this witness for the reason that the name and residence of the witness is not given; also, that the evidence is immaterial.)

Ques. 1. You may state whether you voted at the general election last fall, on November 7th, 1882.—Ans. Yes, sir; I did.

Ques. 2. You may state what ticket you voted.—Ans. I won't tell.

Ques. 3. You may state whether you voted for Frederick or Wilson for Congress.—Ans. Why didn't they ask me when I voted, why didn't I vote an open ticket.

Ques. 4. Well, you may state now.—Ans. I won't answer that.

Ques. 5. Will you state what is your political faith or doctrine?—Ans. I should think you ought to know that much.

Ques. 6. Well, I do; but the commissioner does not know it. You may state in what nation you were born.—Ans. In Braden, Germany.

Ques. 7. At what age did you come to this country?—Ans. About twenty.

Ques. 8. Did you take out naturalization papers?—Ans. Yes, sir.

Ques. 9. Will you produce them in court?—Ans. Yes, sir; I will if I have to.

(Witness produces papers.)

Ques. 10. In what year did you come to the United States?—Ans. In 1869.

Ques. 11. I will ask you if these are the only papers you ever received?—Ans. I had another one; I don't know what became of it; I guess that the court kept it; I had to wait five years before I could get this one.

Ques. 12. Well, your papers are good.

(Parties agree that the papers are good.)

85 cents paid as fees by contestee.

STATE OF IOWA,
Iowa County, ss:

Deposition of witness produced before me, John Hughes, jr., a notary public and commissioner agreed upon to take testimony, this twenty-fourth day of April, A. D. 1883, in a proceeding before the House of Representatives of the United States of America, in a contested election for the office of Representative in Congress, in which proceedings Benjamin T. Frederick is contestant, and James Wilson is contestee; T. Brown appearing as attorney for B. T. Frederick, and A. H. Simpson appearing as attorney for Wilson.

JOSEPH A. SCHMUKY, being of lawful age, and being produced and duly sworn by John Hughes, jr., in due form of law, testifies as follows:

(Contestant objects to the testimony of this witness for the reason that it is immaterial, irrelevant; that there is no allegation in the answer that there were illegal votes in this township.)

Ques. 1. Where do you live?—Ans. In Marengo, Iowa County, Iowa.

Ques. 2. Where were you born?—Ans. In Switzerland.

Ques. 3. How long since you came to Iowa?—Ans. Since 1854.

Ques. 4. Have you got naturalization papers?—Ans. Yes, sir.

Ques. 5. Have you got them with you?—Ans. Yes, sir.

Ques. 6. Please produce them.

(Witness produces paper in court.)

Ques. 7. Did you vote in this township last fall?—Ans. Yes, sir.

Ques. 8. What ticket did you vote?—Ans. I won't tell.

Ques. 9. This paper is made by a county judge and it is not legal. What ticket did you vote?—Ans. I won't tell.

(Contestant objects to the witness telling for whom he voted unless he wants to tell.)

Ques. 10. We will have to wait until you do tell.—Ans. You will wait until noon, then.

Ques. 11. You are not ashamed to tell for whom you voted?—Ans. I would rather get through quick.

Ques. 12. Tell for whom you voted and we will get through in a moment.—Ans. I won't tell.

Ques. 13. We will have to wait until you do tell.—Ans. Well, all right then.

(Witness refuses to answer the question.)

Contestee states that the naturalization papers of this witness were got out in the county court of Marengo, Iowa County, Iowa, by A. H. Willet, judge of the county court of Iowa, dated the 7th day of Nov., 1864.

Ques. 14. You had better let us get through with this; it is all settled but to tell us what ticket you voted; you are losing your time and ours; Frederick is not ashamed of it, and I know that you are not.

(Witness refuses to answer.)

Ques. 15. You had better tell us what ticket you voted.—Ans. I won't tell.

Ques. 16. Tell us what party you belong to.—Ans. I always belong to the Democratic party.

Ques. 17. Well, that is a good old party.—Ans. I think so.

Ques. 18. And you generally vote that ticket, don't you?—Ans. Sometimes I do, sometimes I don't.

Ques. 19. Did you vote it last November?—Ans. Yes, sir, I did.

Ques. 20. Did you vote the straight ticket?—Ans. No, sir; I didn't vote the straight ticket.

Ques. 21. Did you vote for Frederick for Congress?—Ans. I won't tell.

Ques. 22. Who gave you your tickets?—Ans. Well, I don't know; three or four gave me tickets.

Ques. 23. Did you vote the Democratic ticket?—Ans. Yes, sir; I think I did once for Mr. Morrison.

Ques. 24. Has anybody advised you not to tell? You are under oath now.—Ans. Yes, sir.

Ques. 25. Has anybody advised you not to answer this question?—Ans. They told me I didn't have to.

Ques. 26. Who told that?—Ans. Most everybody said that.

Ques. 27. Name somebody that said that. Did Frederick tell you that?—Ans. No, sir.

FREDERICK: I told the witness that he does not need to tell unless he wants to.

Ques. 28. Did Mr. Brown?—Ans. No, sir.

(Brown makes some remarks.)

WILSON. I want to know, Mr. Brown, whether you say to the witness that he is not compelled to answer that question.

BROWN. I refuse to answer any question. I am not on the witness stand.

WILSON. Well, I want to know if you didn't instruct the witness not to answer that question.

BROWN. Well, I say that the witness cannot be compelled—if he is an illegal voter—that he cannot be compelled to state whether he voted or for whom he voted.

(Among discussions all went into particulars as to what the law is.)

Ques. 29. You are keeping yourself and all these people from their work?—Ans. (Witness refuses to answer.)

Ques. 30. I send for people to come here to carry on this contest, and pay them for it. I dislike to keep all these people waiting here; I dislike it very much.—Ans. (Witness still refuses to state for whom he voted.)

Ques. 31. I don't want to ask the House of Representatives to send here to take you down to Washington.—Ans. I say I belong to the Democratic party.

Ques. 32. Did you scratch the ticket last fall?—Ans. I won't tell that now.

Ques. 33. You have said it once, that you voted mixed tickets?—Ans. I say sometimes I do that.

Ques. 34. Didn't you say last fall you voted a scratched ticket?—Ans. I believe not; I said I scratched the ticket sometimes. I didn't mean that election.

Ques. 35. You didn't mean that you did that last election?—Ans. I didn't say that.

Ques. 36. Did you scratch the ticket last fall?—Ans. I didn't say that.

Ques. 37. You may stand aside a little while; we will go along with the rest?—Ans. I can stand it here all day long, if you fellows don't want me; I will send to have some lager beer brought up here.

(Excused for the present.)

JOSEPH SCHMUKY recalled.

Ques. 1. We wanted to know what ticket you voted last fall?—Ans. I will tell you I made up my mind that I wasn't going to answer any questions any more.

Ques. 2. Well, I have made up my mind that you are going to answer this question, so far as I am concerned. I will ask you this question: Do you know who you voted for for Representative in Congress? Which one of these two men or either of them did you vote for?—Ans. I told you that I didn't answer any more questions.

Ques. 3. Did you get your fees as a witness in this case?—Ans. Yes, sir; I did.

Ques. 4. How much did you get?—Ans. Eighty-five cents.
Ques. 5. You refuse to answer any more questions?—Ans. Yes, sir; I have nothing more to say.
Ques. 6. Now, Mr. Schmuky, I will read you the law, section 709 of the statutes of the State in regard to contested elections. [Reads the statutes to the witness.] I wanted you should hear this in the presence of both parties.

(Excused.)

STATE OF IOWA,
Iowa County, ss:

Deposition of witness produced and sworn before me, John Hughs, jr., a notary public and commissioner agreed upon to take testimony, this twenty-fourth day of April, A. D. 1883, in a proceeding before the House of Representatives of the United States of America, in a contested election for the office of Representative in Congress, in which proceedings Benjamin T. Frederick is contestant and James Wilson is contestee, T. Brown appearing as attorney for B. F. Frederick and A. H. Simpson appearing as attorney for Wilson.

JAMES QUINN, being of lawful age and being produced and sworn by John Hughs, jr., in due form of law, testifies as follows:

Ques. 1. You may state your name, age, and place of residence.—Ans. My age is about 55 or 56.
Ques. 2. Where do you live, township and State?—Ans. Two and a half miles south.
Ques. 3. What township?—Ans. This township, Marengo Township.
Ques. 4. Did you vote at the general election Nov. 7th, 1882?—Ans. Yes, sir.
Ques. 5. What ticket did you vote?—Ans. I don't know.
Ques. 6. What country were you born in?—Ans. Ireland.
Ques. 7. At what age were you when you came to America?—Ans. I wasn't 21.
Ques. 8. Did you ever take out citizen papers and become a citizen of the United States?—Ans. No, sir, I never did; I never took out citizen papers.
Ques. 9. You didn't take out naturalization papers; do you know that difference between them?—Ans. Naturalization papers and citizen papers are different.
Ques. 10. Have you the papers with you?—Ans. No, sir.
Ques. 11. How many papers did you take out?—Ans. One set.
Ques. 12. In what county and State?—Ans. Johnson County, State of Iowa.
Ques. 13. You declared your intentions there to become a citizen of the United States?—Ans. Yes, sir.
Ques. 14. You never took out any other papers?—Ans. No, sir.
Ques. 15. What political party do you belong to?—Ans. I don't belong to any particular.
Ques. 16. What ticket do you generally vote?—Ans. I generally vote for the best man.
Ques. 17. Which ticket do you generally put into the box?—Ans. Sometimes one, sometimes another.
Ques. 18. Which one at last fall election?—Ans. I don't know.
Ques. 19. You are under oath.—Ans. Yes, sir; but I can't tell exactly.
Ques. 20. Who gave you your ticket?—Ans. I believe Mr. Lake.
Ques. 21. He is a Democrat, is he not, and belongs to the Democrat party?—Ans. I don't know; I expect he does.
Ques. 22. He was distributing tickets for the Democrat party?—Ans. It seems he was; he had some Republican tickets also.
Ques. 23. You expected you were voting for the Democratic man, did you not, at that election?—Ans. I thought I would any way.
Ques. 24. Did you know who were the candidates for Congress?—Ans. I don't know exactly.
Ques. 25. Have you read that Frederick and Wilson were running for Congress?—Ans. I heard something about it.
Ques. 26. There was no scratching on your ticket, no names scratched off, you say; it was a straight ticket?—Ans. I cannot tell whether it was scratched or not.
Ques. 27. Did you not intend to vote a Democrat ticket?—Ans. Well, I generally scratch some men off every time.
Ques. 28. You didn't scratch any?—Ans. No, sir, I didn't; I don't know that I meant to scratch any; I wa snot acquainted with them.
Ques. 29. You expected you were voting for the Democratic nominees this time? Ans. I don't know; I can't tell; I took a mixed ticket anyway, I expect.
Ques. 30. What part was mixed, the township part?—Ans. I can't tell; some scratching, of course.

Ques. 31. You had confidence that Mr. Lake would give you the right ticket?—Ans. Yes, sir.

Ques. 32. You knew that Mr. Lake was a leading man in Marengo?—Ans. No, sir; I did not know that he belonged to the Democrat party.

Ques. 33. How did you happen to vote this ticket, or how did you happen to go to him for the ticket?—Ans. He asked me if I was going to vote. I said I was. He said, "I will give you the right ticket."

Ques. 34. What kind did he say that it was?—Ans. He had two or three kinds there.

Ques 35. Did you hear anybody say, or did you hear Lake say, that he was working for Republican candidates?—Ans. I cannot tell anything about that. I was not there many minutes; just came in and voted and went back again.

Ques. 36. You belong to the Democratic party, don't you?—Ans. Not exactly; I vote for the best man I know of when there is going to be an election.

Ques. 37. You have faith that the Democrats are the best men?—Ans. I have faith in the others, too. There are just as good men on the other side as there is on the Democratic side.

Ques. 38. How long have you voted?—Ans. I guess I have been voting about twenty-four or twenty-five years.

Ques. 39. You didn't think you needed the second papers?—Ans. I was told by Mr. Clark in Iowa City, that I did not need any; that I came under age.

Ques. 40. Did you come with your father?—Ans. No, sir; I came alone.

Cross-examination:

Ques. 41. Did you say Lake was peddling two kinds of tickets?—Ans. Yes, sir; he had more than one kind.

Ques. 42. You don't really know what kind of a ticket you voted?—Ans. I cannot tell what kind of a ticket I voted. I vote for one as well as the other.

Ques. 43. Did you serve in the Army?—Ans. No, sir.

his
JAMES + QUINN.
mark.

Redirect:

Ques. 44. Did you know Mr. Frederick prior to the election, also Mr. Wilson; and did you know which was the Democratic candidate?—Ans. I didn't know at the time, but did afterwards.

Ques. 45. Can you read print?—Ans. No, sir.

Ques. 46. What did you intend to vote at that election, Democrat or Republican ticket for the State ticket?—Ans. I meant to pick out the best men, I began with Mr. Lake.

Ques. 47. You depended on his judgment?—Ans. He gave me a ticket and he said that was a good ticket; and for me to vote it.

Ques. 48. Did you get your fees from Mr. Wilson when he subpœnaed you?—Ans. No, sir; I live two and a half miles from here.

Recross-examination:

Ques. 49. Didn't some one else give you tickets during the day?—Ans. Yes, sir.

Ques. 50. You may have voted some other ticket then?—Ans. Yes, sir; I cannot tell, only I put one in.

Ques. 51. You cannot now tell positively what ticket you voted?—Ans. I think it was the one that Mr. Lake gave me.

Ques. 52. You would not swear positively?—Ans. No, sir.

Ques. 53. You had more than one?—Ans. Yes, sir.

Ques. 54. You have said, first, that you were only a few minutes at the polls?—Ans. I was not there more than half an hour or three-quarters.

Ques. 55. You think you voted the ticket that Mr. Lake gave you?—Ans. Yes, sir.

Redirect:

Ques. 56. You said it was your best recollection you voted a ticket that Lake gave you?—Ans. Yes, sir; that is it.

Recross-examination:

Ques. 57. You had more tickets than the one Lake gave you?—Ans. Yes, sir.

Ques. 58. You put them in your pocket together?—Ans. Yes, sir.

Ques. 59. Can you tell positively which one you took out; the one that Lake gave you, or one of the others?—Ans. I can't tell for certain whether I voted that one or the other.

Redirect:

Ques. 60. You have said you voted a ticket Lake gave you?—Ans. Yes, sir; I think so.

Ques. 61. You think you did so?—Ans. I just put it in my pocket; I probably had

some others in my pocket at the same time, so I can't swear I voted that particular one; I know that I voted some ticket.

Ques. 62. You think you voted the one that Lake gave you?—Ans. Yes, sir; I do think so; that is my opinion.

Recross-examination:

Ques. 63. You are not positive of that?—Ans. Well, that is only my opinion.

(Excused.)

STATE OF IOWA,
Iowa County, ss:

M. STERN, being produced before Mr. Lake, a notary public for Iowa County, on this twenty-fourth day of April, 1883, testifies as follows (T. Brown appearing for the contestant; A. H. Simpson appearing for the contestee):

Ques. 1. State name, age, and place of residence.—Ans. Live in Marengo, Iowa County, Iowa; age, 47 years.

Ques. 2. Have you your naturalization papers with you?—Ans. Yes, sir; I have.

Ques. 3. Will you please produce them?

(Witness produces them.)

Papers prove good.

(Excused.)

Paid as fees, 85 cents.

STATE OF IOWA,
Iowa County, ss:

FRED. LIPSIUS, being produced before Mr. Lake, a notary public for Iowa County, on this twenty-fourth day of April, 1883, testifies as follows (T. Brown appearing for contestant; A. H. Simpson appearing for the contestee):

Ques. 1. Where do you reside?—Ans. In Washington Township.

Ques. 2. Have you your papers with you?—Ans. Yes, sir; here they are.

(Witness produces papers in court.)

(Excused.)

95 cents paid as fees.

IOWA STATE,
Iowa County, ss:

JOHN HOWLETT, being produced before Mr. Lake, a notary public for Iowa County, on this twenty-fourth day of April, 1883, testifies as follows (T. Brown appearing for the contestant; A. H. Simpson appearing for the contestee):

Ques. 1. What is your age and place of residence?—Ans. Born in England.

Ques. 2. Where do you live?—Ans. In this county and township, Merengo Township.

(Contestant objects to the evidence of this witness for the reason that it is incompetent, irrelevant, and immaterial.)

Ques. 3. Did you vote at the general election Nov. 7th, 1882?—Ans. Yes, sir.

Ques. 4. In this township?—Ans. Yes, sir.

Ques. 5. Have you been naturalized as a citizen of the United States?—Ans. Yes, sir.

Ques. 6. Have you your naturalization papers with you?—Ans. No, sir; I have not.

Ques. 7. Were you subpœnaed to bring them with you?—Ans. Yes, sir, I was; but I have not got them.

Ques. 8. You may state what ticket you generally vote.—Ans. Sometimes I vote one, sometimes part of another.

Ques. 9. Who did you vote for for Congress last fall?—Ans. I cannot really tell which one it was.

Ques. 10. Was it the Democratic ticket you voted?—Ans. I suppose likely enough it was.

Ques. 11. You have not got your papers?—Ans. No, sir.

Ques. 12. Was your ticket last fall a scratched ticket, that is, the State part of it?—Ans. I didn't notice; I can't read or write; I had a ticket given to me, and I voted it.

Ques. 13. Who gave it to you?—Ans. This man, this messenger gave it to me.

Ques. 14. Was it the editor of the Messenger?—Ans. Yes, sir; he said that he was. I expect that that was him.

Ques. 15. You have no papers?—Ans. No, sir.

Cross-examination:

Ques. 16. Did you ever have papers?—Ans. Yes, sir.

Ques. 17. Where did you get them?—Ans. In New York State; Utica; they gave me one.

Ques. 18. Was it full naturalization papers?—Ans. Yes, sir; that is what they said to me. I can't read or write.

Ques. 19. What became of the paper?—Ans. I was going to New Orleans the year before the war broke out, some one stole my carpet-sack, and stole the papers with fifty dollars.

Ques. 20. Did you vote after you got papers?—Ans. I came out into Iowa; I came fourteen years ago; voted here ever since.

Ques. 21. How old were you when you came to the United States?—Ans. Eighteen.

Ques. 22. You had several tickets the day of the election or only one?—Ans. Well, I cannot tell whether two or three.

Ques. 23. You had more than one?—Ans. Yes, sir; more than one.

Ques. 24. Do you know which one you voted?—Ans. I can't read or write; I cannot tell which one I voted.

Ques. 25. You don't know whether you voted Republican or Democrat?—Ans. No, sir.

Redirect:

Ques. 26. Did you have State and county tickets, or all one ticket?—Ans. I can't tell one from the other.

Ques. 27. Which party do you vote for?—Ans. Sometimes for one, sometimes for another. I voted for Jef. Tolbert here, also a man who used to peddle pumps—Mr. Williams, I voted for him.

Ques. 28. Did you scratch out names and put on other names on that ticket?—Ans. No, sir; I didn't.

Ques. 30. Who scratched them for you?—Ans. One of these little boys.

Ques. 31. They scratched out Jef. Tolbert, and scratched out Wilson's name, and put on Williams?—Ans. I cannot tell that.

Ques. 32. How do you know that you voted for G. W. Williams last fall?—Ans. That is what they said; I can't read or write.

Ques. 33. The name under that was scratched out; how many more scratches on that ticket?—Ans. That is two.

Ques. 34. That is two that was on the straight ticket, G. W. Wilson for recorder, and Williams?—Ans. Yes, sir; I suppose so.

Ques. 35. In what year did you come to the United States?—Ans. I can't tell you; I was eighteen years old; you will know what year it was now.

Ques. 36. How am I to know your age now?—Ans. I will be 49 the 10th of next month.

Ques. 37. Now, what year did you take out these papers in New York?—Ans. I was twenty-one I guess, but I forget.

Ques. 38. Do you remember when you lived in New York State?—Ans. No, sir; I don't remember.

Ques. 39. How long had you been in the United States before you took out your papers?—Ans. I cannot tell.

Ques. 40. Do you think you had been there one year?—Ans. Yes, sir; more than that.

Ques. 41. Are you sure you were there two years?—Ans. I think that it must have been.

Ques. 42. Are you positive you were there three years?—Ans. No, sir; I could not be positive about it at all.

Ques. 43. You don't know how long you were in America before you took out your papers?—Ans. No, sir.

Ques. 44. You are positive you were eighteen when you came to America?—Ans. Yes, sir; I am.

Cross-examination:

Ques. 45. You don't know whether you voted Democratic or Republican ticket, do you?—Ans. No, sir; I can't read or write.

Ques. 46. You don't know whether you voted Democratic or Republican ticket?—Ans. I don't of course, because I can't read or write.

Ques. 47. Do you know positive, of your own knowledge, whether you voted Republican or Democratic ticket?—Ans. I don't know, only I expected that it was a Democratic ticket.

Redirect.

Ques. 48. When the parties nominated a man for President of the United States, now which of these parties did you belong too?—Ans. I belonged to the Democratic, but I vote for the Republican sometimes, too.

Ques. 49. But those men you didn't know on the State ticket you voted Democratic?—Ans. Yes, sir.

Recross-examination:

Ques. 50. You mean you think so, but you do not know it?—Ans. No, sir; I can't read or write a word.

Redirect:

Ques. 51. You have confidence in what you are told?—Ans. I was in a hurry, going home; I just wrapped them up in my pocket and started off up here.

Ques. 52. You had confidence enough in them to be sure that he gave you a Democratic ticket?—Ans. I could not tell that of course.

Ques. 53. You say that you don't know whether you voted a Democrat or Republican ticket?—Ans. Yes, sir; I said that, because I can't read.

Redirect:

You got your tickets from other people?—Ans. Yes, sir.

his
JOHN + HOWLETT,
mark.

STATE OF IOWA,
Iowa County, ss:

ANTHONY RYAN, being produced before me, Mr. Lake, a notary public, for Iowa County, on this twenty-fourth day of April, 1883, testifies, as follows (T. Brown appearing for the contestant, A. H. Simpson appearing for the contestee):

Ques. 1. What township do you live in?—Ans. Marengo Township, Iowa County, Iowa.

Ques. 2. Did you vote here last fall?—Ans. Yes, sir; I did, and what of it.

Ques. 3. What ticket did you vote?—Ans. I was not particular what ticket it was.

Ques. 4. What party do you belong to?—Ans. I don't belong to any separate party; never did.

Ques. 5. You lean a little one way or the other?—Ans. No, sir.

Ques. 6. You don't?—Ans. No, sir.

Ques. 7. Do you know for whom you voted for Congress last fall?—Ans. I don't know that I did.

Ques. 8. Who did you think you did?—Ans. As far as I recollect now I voted for Wilson; as far as I know; I am not certain now; somebody talked to me and said, Wilson was a very good man; I was in a hurry home, my little girl got hurt; I was in a hurry; I had several tickets and I could not say which ticket I voted.

Ques. 9. You can tell us what party you belong to.—Ans. No, sir; I don't belong to any party; never would belong to any party.

Ques. 10. Are you positive you voted for Wilson?—Ans. I am not positive, but I know that I had several tickets; it was late in the evening; I voted just before the polls were closed; I didn't leave home until 4 o'clock; my little girl got her arm hurt.

Cross-examination:

Ques. 11. Were you born in the United States?—Ans. No, sir.

Ques. 12. Whereabouts were you born?—Ans. In Ireland.

Ques. 13. Have you got naturalization papers?—Ans. I got some papers; I don't know whether naturalization papers or not.

Ques. 14. Have you got them here?—Ans. No, sir.

Ques. 15. Who did you get them of?—Ans. Charles Eshman.

Ques. 16. How old were you when you came to this country?—Ans. Sixteen years old and ten months.

Ques. 17. Does Eshman live here?—Ans. Yes, sir.

Ques. 18. Was he county judge?—Ans. Yes, sir; county clerk.

Redirect:

Ques. 19. You can't tell who you voted for?—Ans. No, sir; I was excited; I wanted to get to my child; I was more interested to get to my little girl than in the election. I was after the doctor at that time.

Ques. 20. Which of the national parties do you generally work for?—Ans. I don't belong to any particular; I am not interested in any party at all.

Ques. 21. Men generally belong to some party.—Ans. I am not interested in them; I would just as leave vote for a Republican as a Democrat; just as leave vote for a Democrat as a Republican.

his
ANTHONY + RYAN.
mark.

STATE OF IOWA,
Iowa County, ss:

JAMES A. MCGARRY, being produced and sworn before me, Mr. Lake, a notary public for Iowa County, on this twenty-fourth day of April, 1883, testifies as follows (T. Brown appearing for the contestant, A. H. Simpson appearing for the contestee):

Ques. 1. State your name, age, and place of residence.—Ans. James A. McGarry; 36 years of age; Iowa County, Iowa, Hartford Township.
Ques. 2. Are you a native-born citizen of America?—Ans. Yes, sir.
Ques. 3. Were you born in America?—Ans. Yes, sir.
(Paid $1.95 as fees.)

STATE OF IOWA,
Iowa County, ss:

G. F. LINDENMAYER, being produced and sworn before me, Mr. Lake, a notary public for Iowa County, on this twenty-fourth day of April, 1883, testifies as follows (T. Brown appearing for the contestant, A. H. Simpson appearing for the contestee):

Ques. 1. Where do you live?—Ans. Marengo Township.
Ques. 2. Did you vote here last Nov. election?—Ans. Yes, sir.
Ques. 3. What ticket did you vote?—Ans. I don't have to answer that question.
Ques. 4. Now we can see about that in just two months. What party do you belong to?—Ans. I believe to the Democratic.
Ques 5. You voted that ticket?—Ans. I generally vote that ticket.
Ques. 6. Did you vote for Frederick last fall?—Ans. I guess so.
Ques. 7. That is your impression?—Ans. Yes, sir.
(Mr. Lindenmayer's papers are given by A. H. Willetts, judge of the county court, Iowa County, dated 8th day of Octob., 1866.)

Cross-examination:

Ques. 8. Do you know certainly what ticket you voted?—Ans. I generally vote the Democratic ticket.
Ques. 9. Do you know that you voted the Democratic ticket last fall?—Ans. Yes, sir; I know that I voted the Democratic ticket.
Q. Did you read it?—Ans. Yes, sir; I can read English. I read it.

G. FRED. LINDENMAGER.

(Paid 85 cents as fees.)

STATE IOWA,
Iowa County, ss:

MATTHIAS MILLER, being produced and sworn before me, Mr. H. Lake, a notary public for Iowa County, on this twenty-fourth day of April, 1883, testifies as follows (T. Brown appearing for the contestant; A. H. Simpson appearing for the contestee):

Ques. 1. What township do you live in?—Ans. Amana Township.
Ques. 2. What county?—Ans. Iowa County.
Ques. 3. Did you vote last fall?—Ans. Yes, sir.
Ques. 4. What ticket did you vote?—Ans. I voted for James Wilson.
Ques. 5. I don't know what else to ask you.

Cross-examination:

Ques. 6. Have you been naturalized?—Ans. Yes, sir.
Ques. 7. Have you got your papers with you?—Ans. Yes, sir.
(Objection; not proper cross-examination.)
Ques. 8. Have you got two papers with you?—Ans. No, sir.
Ques. 9. What court were you naturalized in?—Ans. Williamsport, Penn.
Ques. 10. Have you got more than one set of papers?—Ans. Yes, sir; I have two sets.
Contestee withdraws his objection.
Paid as fees, $2.25 cents.

STATE OF IOWA,
Iowa County, ss:

JOB FARLEY, being produced and sworn, testifies as follows, John Hughes, jr., giving the oath, the twenty-fourth day of April, 1883 (T. Brown appearing for the contestant; A. H. Simpson appearing for the contestee):

(The contestant objects to the testimony of this witness as incompetent and immaterial.)
Ques. 1. Where do you live, and what is your age and name?—Ans. 55 years of age in June.

Ques. 2. Did you vote at the general election held on the 7th of Nov., 1882, in Washington Township, last fall?—Ans. I did.

Ques. 3. What ticket did you vote?—Ans. I generally vote the Democratic ticket.

Ques. 4. Have you your naturalization papers?—Ans. I have not.

Ques. 5. Where did you get them?—Ans. In Marengo.

Ques. 6. Who did you get them from?—Ans. I cannot tell the judge's name, because that was a very early day. I think that the court was held down here in the schoolhouse.

Ques. 7. Was it the county judge?—Ans. I cannot say that now, it was so long ago.

Ques. 8. Where are your papers?—Ans. I got burned out here two or three years ago; they got destroyed by the fire.

Ques. 9. Do you know the name of the judge?—Ans. No, sir; I can't. I can tell you who fetched me over; I lived at Millersburg; Thomas Dedmore fetched me over; Mr. Murphy attended to getting my papers; I was 9 years when I came, in 1840, in Illinois; that the country was new, and a foreigner coming in there and having been there for one year could vote; I was about ten years old then; I staid there and became of age and voted there; after I came out here I voted several times in Millersburg. When this question of hog law came up, some of them tried to kick me out, because they knew that I was going to oppose it, but I proved my right to vote and I voted. Mr. Dedmore afterwards said, "Farley, there is a good deal of dispute about your vote, and they want me to go over to Marengo, and get your papers; come and go; it won't cost you a cent," and I came over and got my papers.

Ques. 10. What kind of a paper was that?—Ans. They had a jury, I think, but my memory is failing me and I can't recollect.

Ques. 11. The judge made out papers for you?—Ans. Yes, sir; he gave them to me.

Ques. 12. You say that the judge gave them to you?—Ans. I cannot say that the judge made them out, but I got the papers there at the time.

Ques. 13. You are sure that you can say that you got them there?—Ans. I got them there at the court, but I tell you that my recollection is so I would not pretend to say positively.

Ques. 14. Did the judge that you got them from live in the county here?—Ans. I have the impression that it was Judge Wallace, I could not say positively.

Ques. 15. It was the one-armed man?—Ans. Yes, sir; if my recollection serves me right, it was Judge Wallace.

Ques. 16. You voted the Democratic ticket last fall?—Ans. Yes, sir.

Ques. 17. You voted for Frederick for Congress?—Ans. I cannot recollect that, I voted the straight Democratic ticket, I know that.

Ques. 18. Did your father come to the United States with you?—Ans. Yes. sir.

Ques. 19. Did your father vote?—Ans. Yes, sir.

Ques. 20. Was he a naturalized citizen?—Ans. Yes, sir; according to the law then when he came over he took out first papers, but never lived to get the second papers.

Ques. 21. Your father voted in Illinois?—Ans. Yes, sir. I was only eight years old when I left England.

Ques. 22. You got out papers in the court?—Ans. Yes, sir.

Ques. 23. Do you know positively that Judge Wallace held the court?—Ans. No, sir, not positively.

Ques. 24. Did they have a jury, grand jury, and clerk?—Ans. Yes, sir, I think there was.

Ques. 25. It was a grand jury, and court was in session.—Ans. Yes, sir, court was in session.

Ques. 26. You say that Murphy came with you?—Ans. No, sir; he attended to getting my papers.

Ques. 27. Was that the lawyer that used to be here?—Ans. Yes, sir.

Ques. 28. The same man that is now in Davenport running for Congressman?—Ans. Heard that he was in Davenport.

Ques. 29. Jerry Murphy?—Ans. Yes, sir.

Ques. 30. He took you to the court-house and got your papers?—Ans. Yes, sir.

Ques. 31. There was a jury and grand jury?—Ans. I think so.

Ques. 31. Was there a trial going on?—Ans. Yes, sir, regular court.

Ques. 32. Were there a good many lawyers there?—Ans. Yes, sir, a good many.

Ques. 33. Don't you remember that it was a district court?—Ans. No, sir, I can't remember that.

Ques. 34. Did your papers have the seal of the district court on them?—Ans. Yes, sir.

Ques. 35. Do you know what was written on that seal?—Ans. No, sir, I don't.

Ques. 36. It had the seal of the court?—Ans. Yes, sir.

Ques. 37. Was it signed by a clerk?—Ans. Yes, sir.

Ques. 38. Did you have witnesses?—Ans. Well, I can't tell you that.

Ques. 39. This man that brought you over, what was his name?—Ans. Thos. Dedmore; I haven't heard of his death, and he was a close neighbor of mine there then.

Ques. 40. Can you tell what year that was in that you got your papers?—Ans. I can tell what year I came to Ill. We came to Ill. in the fall of 1840, then we came to Iowa in 1854. I was quite a stranger in those days, never been in town but a few times.

Ques. 41. Do you remember anybody else was present when you got your naturalization papers?—Ans. There was lots of people present then I was acquainted with, I cannot name them now.

Ques. 42. And went there with you?—Ans. All that I can recollect was that my father and Dedmore, and some five or six more.

Ques. 43. How long has your father been dead?—Ans. He died right at the close of the war.

Redirect.

Ques. 44. You have told us that Walter was the judge, and that he lived here at the time?—Ans. Yes, sir.

Ques. 45. One-armed man?—Ans. Yes, sir.

Ques. 46. He lived here?—Ans. Yes, sir; on the farm right out here.

Ques. 47. He was the judge in this county?—Ans. Yes, sir; I think so.

Recross-examination:

Ques. 48. Was he the judge that held the court at that time?—Ans. I don't know positively, I have an idea that he was the judge then; I cannot say positively because my memory fails me now.

his
JOB + FARLEY.
mark.

Paid as fees, $1.05.

IOWA STATE,
Iowa County, ss:

AFTERNOON SESSION, *May* 24.

HENRY MASS, being produced and sworn before me, John Hughes, jr., a notary public for Iowa County, on this 24 day of April, 1883 (T. Brown appearing for contestant; A. H. Simpson appearing for contestee), testifies as follows:

Ques. 1. Where do you live?—Ans. Amana Township.

Ques. 2. What section do you live in?—Ans. Section 36 I guess.

Ques. 3. How far is that from Marengo? How old are you?—Ans. I was born in 1837; I guess I am 45 years old.

Ques. 4. Did you vote at the general election last fall in Nov. 7, in Amana Township?—Ans. Yes, sir.

Ques. 5. Who did you vote for for representative in that district?—Ans. Democratic ticket.

Ques. 6. Are you a native-born citizen?—Ans. I got into this country in the year 1854.

Ques. 7. Where were you born?—Ans. In 1837, in Germany.

Ques. 8. You were about eighteen years of age?—Ans. Yes, sir; about that.

Ques. 9. Have you your naturalization papers with you?—Ans. Yes, sir; I have.

Ques. 10. Will you produce them?

(Witness produces papers in court.)

Ques. 11. Are these all the naturalization papers you have had?—Ans. I guess I had another one, I guess that is the second one; the first I took out when I was about one year here; I came in 1856; that is the second paper.

(The paper presented is signed by A. J. Morrison, county clerk.)

Ques. 12. You stated you voted the straight Democratic ticket?—Ans. Yes, sir.

Ques. 13. I want to ask you another question, have you a number of sons living in this county?—A. No, sir; I have not.

(In this paper, though administered by William H. Wallace, of said county, is certified to by A. J. Morrison, county clerk. Paper dated September 15th, 1860. Seal of the county of Iowa.)

Cross-examination:

This paper is in regular form of an ordinary naturalization record, showing the witness to have been sworn by the county judge, under the seal of A. J. Morrison, county clerk:

UNITED STATES OF AMERICA,
State of Iowa, Iowa County:

To all whom these presence may come, greeting:

Whereas at the county court held at Marengo, in the county of Iowa aforesaid, on the 15th of September, 1860, one Henry Maas, late of the Grand Duchy of Olden-

burg, came in the said court and made application to be made a citizen of the United States of America, and having complied with all the requirements of law in such cases, and took the oath to support the Constitution of the United States of America and to renounce all allegiance and fidelity to every prince and potentate, state and sovereignty whatever, and particularly to the Grand Duke of Oldenburg, being administered to him in open court, before the honorable William H. Wallace, judge of the county court of said county, and said Henry Maas be therefore declared an enrolled citizen of the United States.

In testimony whereof I have hereunto set my hand and seal of said court at Marengo, in said county, this 15th day of September, A. D. 1860.

{ SEAL OF THE COUNTY } { OF IOWA, IOWA. }

A. J. MORRISON,
County Clerk.

Cross-examination continued:

Ques. 14. How long have you voted?—Ans. Ever since I took out my papers.

Ques. 15. What ticket have you usually voted?—Ans. Generally the Democratic ticket.

Ques. 16. You have lived here in the county all the time?—Ans. Yes, sir; all the while since that time.

(Signed) his HENRY + MAAS. mark.

Paid as fees, $1.45.

STATE OF IOWA,
Iowa County, ss:

MICHAEL FLANAGAN, being produced and sworn before me, John Hughes, jr., a notary public for Iowa County, on this 24th day of April, 1883 (T. Brown appearing for the contestant, A. H. Simpson appearing for the contestee), testifies as follows:

Ques. 1. You may state your age and where you now reside.—Ans. I reside now in Pilot Township, Iowa County, Iowa.

Ques. 2. What is your age?—Ans. Fifty-four years old pretty soon.

Ques. 3. Did you vote at the general election in Nov. last fall; if so, where?
(Contestant objects as immaterial.)

Ans. No, sir; I don't think that I did. I was not at home.

Ques. 4. You didn't vote last fall at the general election in Marengo Township?—Ans. No, sir; I don't think that I did. I was working on the extra gang, and we could not come home very well. We were talking of coming, and then we didn't come. Well, I guess may be now we did come.

Ques. 5. You did vote?—Ans. Yes, sir; I believe I did come up.

Ques. 6. Who did you vote for as Representative in Congress for the 5th district of Iowa?—Ans. I don't know now.

Ques. 7. What are your politics, Mr. Flanagan?—Ans. I have changed them around considerable. Sometimes I vote Democratic ticket, sometimes Republican, sometimes Greenback.

Ques. 8. Do you know for a fact who you voted for for Representative in the 5th district last fall?—Ans. No, sir; I don't know now.

Ques. 9. Did you at the time?—Ans. I might have known at the time.

Ques. 10. Do you know who you got your ticket from?—Ans. No, sir; I don't remember.

Ques. 11. Have you been counseled by Brown in Marengo as to what you should answer and as to what you should not answer in this cross-examination in Marengo?—Ans. No, sir; only this that I mustn't criminate myself on something.

Ques. 12. Have you your naturalization papers with you?—A. No, sir; I have not.

Ques. 13. Were you subpœned to bring them?—Ans. Yes, sir; and I could not find them.

Ques. 14. Where did you take out your naturalization papers?—Ans. I took them out in the court-house here.

Ques. 15. Is that the first papers?—Ans. I think that Tom Murphy got them put for me; when I got first papers, he said not to bother about anything.

Ques. 16. You think you got your first and second papers here; which do you think?—Ans. The record will show it, I think.

Ques. 17. You didn't have the papers?—Ans. No, sir; I couldn't find them.

Ques. 18. Do you know what became of them?—Ans. I will tell you how it was I could not find them to-day; my wife wasn't there; I don't know what she did with them; I never looked at them from the time I got them until to-day.

Ques. 19. You didn't find them to-day, did you?—Ans. No, sir; I could not find them.

Ques. 20. Don't know positively that you voted for the Hon. B. T. Frederick?

(Contestant objects as leading.)

Ans. I might have, as you speak of it; it might come to my memory, but I would not swear who I voted for: I came very near forgetting altogether that I came; I would not swear that I voted for either, but the boss and I were coming up, and he said it would not be worth while.

Ques. 21. If you voted at the general election, did you or did you not vote for B. T. Frederick?—Ans. I don't know; I could not tell you.

Ques. 22. What was your intentions?—Ans. Really I don't know; I didn't pay much attention to it; I wanted to come home to see my family, that is the most I cared for.

Ques. 23. Did you look at your ticket?—Ans. I may have looked at the ticket, but I didn't have my glasses.

Ques. 24. What intentions did you have?—Ans. I intended to come home to see my family, then I thought about voting.

Ques. 25. What is your best impression as to who you voted for for Representative in the 5th district?—Ans. I don't know, I could not say about that; I didn't think that the election was causing any trouble until, I think, that it was about last June election that was bothering the people, and never thought about that in the world.

BROWN. It was then at the June election that you voted?—Ans. Yes, sir; but I think that I voted at the fall election, too, but I would not swear that I did or not.

A. H. SIMPSON:

Ques. 27. Were you acquainted with the Hon. B. T. Frederick or James Wilson?—Ans. No, sir; not with either person.

Ques. 28. Did you electioneer for either party prior to the election?—Ans. No, sir; I didn't know which was the best man; I didn't take any part in that, and we were where we didn't pay much attention to it.

Ques. 29. What is your custom to vote, Democratic or Republican ticket?—Ans. Are you a Republican?

Ques. 30. Yes, sir.—Ans. Well, I voted for you.

Ques. 31. Well, I mean the State ticket?—Ans. I could not tell you.

Ques. 32. You don't know whether you voted for Wilson, Frederick, or Platner?—Ans. No, sir; if you should keep me here until morning I could not tell any more than I have told you.

Ques. 33. You positively say you don't know whether you voted for Frederick, Wilson, or Platner?—Ans. No, sir; I didn't pay one bit of attention; I might at the time; I could not swear whether I voted for either one now; I could not swear whether I voted at the polls after coming up or not.

(Excused.)

M. FLANAGAN.

Paid $1.75 as fees.

STATE OF IOWA,
Iowa County, ss:

JOHN WALLICK, being produced and sworn before me, D. H. Wilson, a notary public for Iowa county, on this 24th day of April, 1883, testifies as follows (T. Brown appearing for contestant, A. H. Simpson appearing for contestee):

Ques. 1. Where do you reside?—Ans. In Victor, Iowa.

Ques. 2. What is your age?—Ans. Well, I am 21 any way.

Ques. 3. Well, give it as soon as you can.—Ans. I will be 47 next birthday.

Ques. 4. How long have you resided in Hartford Township?—Ans. Eighteen years.

Ques. 5. What business do you follow there?—Ans. Dealing in stock generally.

Ques. 6. Traveling over the township extensively?—Ans. Well pretty much all the time.

Ques. 7. Are you pretty well acquainted with most of the settlers there?—Ans. Yes, sir.

(Contestant objects as immaterial.)

Ques. 8. I will ask you if, in your traveling over the county, you have had a chance of becoming acquainted with the people of Hartford Township?—Ans. Yes, sir. I had business with nearly all of them.

Ques. 9. You may state whether you are acquainted with one Henry Mohr.—Ans. Yes, sir, very well.

Ques. 10. You may state whether you were present at the polls on Nov. 7th, 1882, in Hartford Township.—Ans. Yes, sir, I was there. I was there to vote, and around there considerable that day.

Ques. 11. Have you been particularly acquainted with Henry Mohr?—Ans. Ever since he has been in the State.

Ques. 12. Do you know where his residence was at that time, or anything about that?

(Objection.)
Ans. Well, he had been to Dakota all summer, and had taken up a homestead and done breaking there.
Ques. 13. I will ask you further whether you are acquainted with W. P. Barker?—Ans. Yes, sir.
Ques. 14. I will ask you whether the answer you have given in regard to Mr. Mohr will apply to Mr. Barker?
(Same objection.)
Ans. Yes, sir.
Ques. 15. You may give your means of becoming acquainted with Hon. W. P. Barker, late resident of that township.—Ans. I got acquainted with him 7 or 8 years ago. He used to live in Deep River Township, Poweshiek County.
Ques. 16. Do you know that he took a homestead in Dakota prior to November 7th, 1882; that is to say, prior to the election?—Ans. Well, I wont be positive that he did, but he took it up some time last fall. I would not give dates.
Ques. 17. Do you know how John Genzly voted at the fall election; whether he voted in Hartford Township?—Ans. Yes, sir.
Ques. 18. Where did he vote?—Ans. In Hartford Township.

Cross-examination:

Ques. 19. Were you in Dakota last fall?—Ans. No, sir.
Ques. 20. You were not?—Ans. No, sir; that is a good ways from home.
Ques. 21. Were you in the State or Territory of Dakota at all?—Ans. No, sir; never.
Ques. 22. How do you know that Henry Mohr took up a homestead there?—Ans. I simply know by the papers that I got from there.
Ques. 23. Have you got the papers?—Ans. No, sir; I have not.
(Contestee objects to this testimony and asks that it be struck out as not the best evidence.)
Ques. 24. Now did Henry Mohr have a family?—Ans. Yes, sir.
Ques. 25. Where does his family live?—Ans. In Victor.
Ques. 26. Last fall?—Ans. Yes, sir.
Ques. 27. How much of a family did he have?—Ans. Well, now you have me there.
Ques. 28. Did he have a wife?—Ans. All the way from a wife to 3, 5, or 6 children.
Ques. 29. How long did they live in Victor?—Ans. Some 7 years; should judge 7 or 8 years.
Ques. 30. Did you know at the time he took a homestead in Dakota, from your own knowledge?—Ans. Some time in the latter part of April, I should think.
Ques. 31. How do you know that? I asked if you know that from your own knowledge?—Ans. Yes, sir; that is when he took up timber claims.
Ques. 32. Were you there?—Ans. No, sir; I didn't have to be.
Ques. 33. Well, I am asking the best of your own knowledge; what knowledge have you that that paper was issued by any land agent there?—Ans. Just as much as though the paper was sent to me.
Ques. 34. Do you know the name of the land agent?—Ans. Yes, sir.
Ques. 35. Ever in Dakota?—Ans. No, sir.
Ques. 36. Did you know of your own knowledge that it was issued by any land agent in the United States?—Ans. I presume that it was.
Ques. 37. I ask it if you know it of your own knowledge?—Ans. I told you.
Ques. 38. I asked you if know it of your own knowledge; do you know that it was signed by any land officer in the United States?—Ans. It had a seal to it.
Ques. 39. You haven't that paper?—Ans. I have confidence enough in a man to know when anything of the man is right.
Ques. 40. Do you know that it was issued to the man that had it, of your own knowledge?—Ans. Yes, sir.
Ques. 41. You do know, that is hearsay; do you know of your own knowledge that it was issued to him?—Ans. To the best of my knowledge I do.
Ques. 42. Have you any knowledge different on that subject?—Ans. No, sir.
Ques. 43. State what knowledge you have, and if that paper was issued by any land agent in Dakota. State what knowledge you have on that subject.—Ans. My knowledge is just as good.
Ques. 44. Well, state the facts constituting that knowledge.—Ans. My best knowledge is of the acknowledgment of those papers; we have confidence enough in man to know that when the notarial seal of the land officer's seal is on, we know it is certainly correct.
Ques. 45. Do you know what is that seal?—Ans. I did know, but I have forgotten.
Ques. 46. Will you state what you know about what is on that seal?—Ans. You get Mr. Tool, he can tell you.
Ques. 47. Do you know that there is such a land officer in Dakota as signed that paper, of your own knowledge?—Ans. No; if I did that I could have remembered the papers. I can produce the papers.

Ques. 48. Will you answer my question whether you know of your own knowledge that that paper is an agent's paper?—Ans. I presume so.

Ques. 49. I want your knowledge.—Ans. That is the best of my knowledge.

Ques. 50. What is your knowledge; what does your knowledge consist of; what knowledge have you on that subject?—Ans. Good, common sense.

Ques. 51. Will you state what you know of that paper being an agent paper.—Ans. I told you.

Ques. 52. I want you to state what facts you have of your own knowledge.—Ans. I told you to the best of my knowledge.

Ques. 53. That isn't it; what do you *know* of it?--Ans. If I should have thought of it, I could have brought them with me.

D. Ans. Did you see this man sign any paper?—Ans. No, sir; I didn't have to.

Ques. 55. Do you know that the paper is genuine because you know his handwriting?—A. No, sir; I told you all I know.

Ques. 56. Do you know the handwriting of the man that signed that paper?—Ans. No, sir, I don't; I didn't have to know it; I have enough confidence in a man for that.

Ques. 57. Now, I will ask you as to W. P. Barker. Where is his family?—Ans. In Victor.

Ques. 58. Where now?—Ans. Living in Victor; that is the family are; the men are in Dakota.

Ques. 59. How long have they lived in Victor?—Ans. Ten or eleven years.

Ques. 60. Do you know that W. P. Barker ever went to Dakota in his life?—Ans. Yes, sir, I do.

Ques. 61. Of your own knowledge?—Ans. I can prove that.

Ques. 62. Well, do you know it of your own knowledge?—Ans. Yes, sir; I have got letters right from him.

Ques. 63. It is that of having letters from him that you know of your own knowledge of his being there?—Ans. Yes, sir; I know it from a good many that have been there, too.

Ques. 64. Is not your own knowledge exclusively hearsay?—Ans. Well, when you come right down, I can swear that he was there.

Ques. 65. Did you see him there?—Ans. No, sir; I run my chance; I am willing to run my chance.

Ques. 66. You are willing to do that?—Ans. Yes, sir; I am willing to do that.

Ques. 67. Have you ever been a witness before in court?—Ans. No, sir; hardly ever.

Ques. 68. Do you know any of the oath?—Ans. Yes, sir.

Ques. 69. Did you tell the truth, and do you know the oath?—Ans. Yes, sir; I did.

Ques. 70. How long has Barker's family lived in this county?—Ans. I can't exactly give the date; it must be from nine to eleven years.

Ques. 71. Did he live there last fall at the election?—Ans. Yes, sir.

Ques. 72. Has he a wife?—Ans. Yes, sir.

Ques. 73. And they kept house?—Ans. Yes, sir.

Ques. 74. Now, T. B. Barker; did he have any family?—Ans. Yes, sir.

Ques. 75. Where did he live?—Ans. Right there in town.

Ques. 76. In the town where he voted?—Ans. Yes, sir.

Ques. 77. Family all live there?—Ans. Yes, sir.

Ques. 78. How long did they live there?—Ans. About the same length of time; they are twin brothers and always stick together.

Ques. 79. State if you saw T. P. Barker's ticket before he voted.—Ans. He showed me a ticket; whether he voted that ticket I don't know.

Ques. 80. Do you know, of your own knowledge, whether he voted the Democratic ticket?—Ans. I presume he did, by the way that he worked for it.

Ques. 81. Did you see the ticket in the box?—Ans. Yes, sir.

Ques. 82. Now, as to W. P. Barker, would you know what ticket he voted?—Ans. No, sir.

Ques. 83. Did you see his ticket?—Ans. No, sir.

Ques. 84. Do you know who was on it for Representative for Congress?—Ans. No, sir, that I don't.

Ques. 85. Do you know who was on T. P Barker's ticket for Representative for Congress?—Ans. No, sir; he showed me a straight Democratic ticket, and said that he was going to vote that, and swore that he was going to vote it.

Ques. 86. Did you see the ticket that Henry Mohr had?—Ans. No, sir, I didn't have to see it, he never voted anything else.

Ques. 87. Do you know what ticket he voted last fall?—Ans. Yes, sir.

Ques. 88. How do you know?—Ans. Because he never voted anything else.

Ques. 89. Don't they frequently change?—Ans. No, sir, from Republican to Democrat.

Ques. 90. You swear they don't change the other way?—Ans. No, sir, I don't swear that; don't misunderstand me because you are sharper than I am, for God's sake.

Ques. 91. Did you know that this man didn't mean to secure this homestead, then go back to prove up their claim?

(Objection.)

Ques. 92. Do you know what they did in Dakota?—Ans. They did some breaking.

Ques. 93. Did you see them breaking?—Ans. The man I was working for was up, staying with them, and saw it broke.

Ques. 94. Another man told you so?—Ans. No, sir; I swear point blank that that is correct; I will stick to it.

Ques. 95. Do you swear of your own knowledge that they broke a furrow in Dakota?—Ans. Yes, sir.

Ques. 96. How do you know it?—Ans. Because I have confidence in man a little.

Ques. 97. Well, you have a damn little to-day. Do you know, sir, when they proved up their claims?—Ans. Well, I don't know that; along in the latter part of April or May.

Ques. 98. How do you know that?—Ans. From the papers I saw.

Ques. 99. What papers did you see?—Ans. I saw three papers proving up, also some tree claims being sold; if I had thought of it I could have three papers here.

Ques. 100. You didn't see they had any breaking in that claim?—Ans. No, sir; but men I have confidence in told me that they had.

Ques. 101. Do you know anything about in any other than what other men have told you?—Ans. Yes, sir; I believe that they broke some farm claims.

Ques. 102. Do you know from your own knowledge that they broke for anybody?—Ans. No, sir; only from hearsay.

Ques. 103. Are not all your statements save three, going to Dakota and as to their taking claims, hearsay?—Ans. In part.

Ques. 104. Do you know anything of the facts except what you have from others, that you have testified to to-day, others who have seen some papers reporting to be issued by land officers in Dakota?—Ans. I know it by good men and they are just as good men as you have.

Ques. 105. Is what you have testified to knowledge you have acquired from good men?—Ans. Yes, sir.

Ques. 106. You have no personal knowledge of your own about it?—Ans. I will give you the men's names if you want to know them.

Ques. 107. You have no personal knowledge of it. Did you see Henry Mohr vote?—Ans. I don't recollect whether I saw him put in his ticket; it is not usual for men to go and display their vote, you understand that.

Ques. 108. Then you don't know that he voted at all?—Ans. Yes, sir; I do.

Ques. 109. How do you know that?—Ans. I know that he did.

Ques. 110. Well, say how.—Ans. I saw him go up to the window and vote and hand in a piece of paper rolled up.

Ques. 111. You don't know what was on that paper?—Ans. No, sir.

Ques. 112. No name?--Ans. Well, I remember devilish well what was on it.

Ques. 113. You never saw that particular paper?—Ans. Well, one just like it.

Ques. 114. Did you see it in his hands?—Ans. Probably I saw a hundred in his hands.

Ques. 115. Who was on there for clerk of the supreme court?—Ans. I don't know; I never voted that ticket, and I had no business with it.

Ques. 116. Who was on there for judge of the supreme court?

(Contestee objects as immaterial.)

Ques. 117. Name any State officers whose names were on that ticket you saw.—Ans. I have not put any attention on that having been called up.

Ques. 118. Who was on there for any of the county offices, you saw and recognized the name that was on the ticket that Henry Mohr voted?—Ans. Quite a number of them; Judge Morrison official.

Ques. 119. Is he a Republican?—Ans. No, sir.

Ques. 200. Did you see that on the ticket that Henry Mohr voted?—Ans. No, sir, I didn't; I saw it on tickets brought from the same channel.

Ques. 201. You saw it on tickets that men peddled at the election?—Ans. Yes, sir; I guess it is all correct, too; I guess there is no doubt about that.

Ques. 202. Where have you been living during the year commencing the first of March, 1882, up to this time?—Ans. I have been living in the town of Victor.

Ques. 203. Have you been out of Iowa during that time?—Ans. Yes, sir; a number of times to Chicago and back shipping stock.

Ques. 204. Have you been north in any of the Northern States, the States north of Iowa?—Ans. No, sir.

Ques. 205. Or west?—Ans. No, sir; never in a State north of Iowa; I believe, yes, sir, once in Wisconsin twenty-five years ago.

Ques. 206. Can you give me the name of the commissioner of the land office that signed any of the papers you have testified to?—Ans. I can if I had just thought of that matter; I could have remembered that if I had expected to be called in here.

Ques. 207. Are you acquainted with any of the land officers in Dakota?—Ans. No, sir.

Ques. 208. You voted Republican ticket, didn't you?—Ans. Yes, sir; you can bet on that every time.

Ques. 209. You have been connected in looking up testimony for Mr. Wilson up there?—Ans. No, sir; I have all I can do to attend to my own business, let alone the politician line.

Ques. 210. You don't take any interest in politics?—Ans. No, sir.

Ques. 211. How old a man is Barker?—Ans. About forty, a little over.

Ques. 212. How long have you known them?—Ans. About seventeen years.

Ques. 213. Have you known them all the while as citizens of Iowa County?—Ans. No, sir; only as citizens of Iowa County; ten or eleven years, along in that neighborhood.

Ques. 214. Have you been, say for 10 or 11 years?—Ans. Yes, sir.

Ques. 215. How long have you known Mohr?—Ans. He must have lived there some eighteen years.

Ques. 216. How old a man is he?—Ans. 35 or 36 years old, but I am like the Arkansas traveler; a man asked how long he lived there. Well, says he, pointing to some rocks, they were here when I came, and that is about the way with Barker; he was there when I came.

Ques. 217. Were you there when either of these men started for Dakota?—Ans. Yes, sir.

Ques. 218. What did they take with them?—Ans. They took some teams and plows. They were breaking plows.

Ques. 219. Did they have any property at home?—Ans. Mr. Mohr has property there yet.

Ques. 220. The Barkers had property, didn't they?—Ans. No, sir; they didn't have any.

Ques. 221. Didn't they have any household goods?—Ans. No, sir; I mean real estate. They left chattels.

Ques. 222. Mr. Mohr had a farm there, didn't he?—A. No, sir.

Ques. 223. What did he have?—Ans. Some town lots.

Ques. 224. He has seven?—Ans. Blacksmith shop, also saloon building, also hotel he had there is torn down.

Ques. 225. Mr. Barker lived in his house there?—Ans. Yes, sir.

Ques. 226. Do you know whether they owned or rented them?—Ans. No, sir; they didn't own them; they were sometimes short of rents and had to get another place.

Ques. 227. When was that?—Ans. That is since I knew them.

Ques. 228. Always been short; never paid any rent?—Ans. Yes, sir; and once in a while got hard up.

Ques. 229. You did not come to answer about that?—Ans. I don't have to answer that what is told me.

Ques. 230. That is hearsay?—Ans. Yes, sir.

(Objection by contestee, as it is not proper cross-examination.)

Ques. 231. Then this is hearsay, is it? You didn't know of your own knowledge that they were ever short, did you?—Ans. I have never known them to be long.

Ques. 232. You know as little about this rent business as you do about their getting homsteads up there?—Ans. I guess when we come down, you know more about it than I do.

Ques. 233. The families of neither of these three families have moved away yet?—Ans. No, sir.

Redirect:

Ques. 234. Was Henry Mohr and Barker around the polls peddling Democratic tickets on the 7th of November at that election?—Ans. Yes, sir; they were.

Recross-examination:

Ques. 235. They peddled to everybody miscellaneously?—Ans. Yes, sir.

Redirect:

Ques. 236. What part of Dakota did they go to?—Ans. Iroquois.

JOHN WALLICH.

(Paid as fees, $1.95.)

STATE OF IOWA,
Iowa County, ss:

ROGER CARRALL, being produced and duly sworn before me, Mr. Wilson, a notary public for this county, on this 24th day of April, 1883 (T. Brown appearing for the contestant, A. H. Simpson appearing for the contestee), testifies as follows:

Ques. 1. Give your place of residence and age?—Ans. I live here in this town; I am 57 or 58 years of age, don't exactly know which.

Ques. 2. What township do you live in?—Ans. Lennox Township.
Ques. 3. Are you an American-born citizen?—Ans. No, sir.
Ques. 4. Did you vote at the general election November 7th, 1882, in Lennox Township, Iowa County?—Ans. Yes, sir.
Ques. 5. What ticket did you vote?—Ans. I don't know; have you any tickets here?
Ques. 6. No, sir; did you vote for the Democratic or Republican Representative in Congress from the 5th district?—Ans. I think that I voted the Democratic ticket.
Ques. 7. Have you your naturalization papers with you, Mr. Carroll?—Ans. Yes, sir; I believe I have.
Ques. 8. You were subpœnaed to produce them; please do so.
(Witness produces papers in court.)
Ans. I lost the old one I had and I went down to New York last fall and went to the clerk of the court and he gave me this one.
Ques. 9. Are these all the papers you have?—Ans. Yes, sir; these are all I have or ask.
Ques. 10. What did you say your name was?—Ans. They used to call me Rhody, and the Yankees called me Rhoney; they called me Rhodie by name. I generally sign my name Roger, then Rhodie and Rhoderick, all the same name; that was about what they called me where I was born.
(Copy introduced in evidence by contestee.)

STATE OF NEW YORK,
Franklin County:

Ques. 11.
Be it remembered that at the county court, held at the court-house, in the town of Malone, in and for the county of Franklin, on the 24th day of October, in the year 1857, personally appeared in open court before the judge and jury, Roney Carroll, an alien, and produces a copy of his original report and declaration of his intention to become a citizen of the United States, of which the following is an abstract: Alien's report: Rhoney Carroll; place of birth, Ireland; age, 30; nation of allegiance, British. Emigrated from Ireland in the year 1848; came to the United States in the year 1848; is a resident of Franklin County; and having proved to the satisfaction of the court by the oath to William G. New, that he has in all respects conformed to the things required of him by an act of Congress to entitle him to become a naturalized citizen, and having taken the oaths required by an act of Congress, is hereby made a citizen of the United States.

By George W. Dustin, clerk of the Franklin County court. Do hereby certify that the above is a true and correct copy from the records of the said court in the matter of Rhoney Carrol. Given under my hand and seal of said county the 12th of October, 1882.

G. W. DUSTIN.

[Franklin County seal.]

Cross-examination:

Ques. 12. Are you the Rhoney Carroll to whom this paper was issued?—Ans. Yes, sir; that is my name; when I was a boy they put it that way; I generally write my name Roger now. They used to call it a girl's name among the Yankees. I changed it to Roger; it is all the same name.

Redirect:

Ques. 13. What name did you give to the clerk?—Ans. I think it was Roger, but the clerk made a mistake, being a Yankee.
Ques. 14. What name was given to the board of trustees at the board of election?—Ans. Roger; that is the way I sign my name now.
Ques. 15. How many miles do you live from Marengo?—Ans. About 15.

ROGER CARROLL.

Paid as fees, $2.25.

STATE OF OHIO,
Iowa County, ss:

JACOB STEVENS, being produced and duly sworn by E. H. Wilson, testifies as follows:

Ques. 1. You may state your age, name, and place of residence.—Ans. Live in Washington Township, Iowa County, Iowa.
Ques. 2. How old are you?—Ans. 50 years old.
Ques. 3. Did you vote at the general election Nov. 7th, 1882?—Ans. Yes, sir; I did; in Washington Township.
Ques. 4. Will you state who you voted for for Representative in Congress, 5th district?—Ans. Yes, sir; I did vote.

Ques. 5. Did you vote a Democratic ticket generally?—Ans. I vote Democratic and Republican tickets both.

Ques. 6. You may state whether or not you have your naturalization papers as a citizen of the United States.—Yes, sir; I have.

Ques. 7. Did you vote the Democratic ticket?—Ans. I expect I can vote; I am in a free country, and I am a citizen; I expect I can vote for the man I want to.

Ques. 8. Will you produce your papers?

(Witness produces papers in court.)

Ques. 9. I will ask you if these are the only papers you have?—Ans. Yes, sir; my second papers; I had first papers before these.

(Copy introduced in evidence by contestee.)

Certificate of naturalization paper.

STATE OF IOWA,
Iowa County, Iowa, ss:

In the said court of said county, I, A. H. Willets, judge of the said court, do hereby certify that on the 24th day of Sept., A. D. 1867, Jacob Stevens, a native of Bavaria, was duly admitted to citizenship of the United States of America, and is therefore entitled to all the rights and privileges of a naiuralized citizen. In testimony whereof I have hereunto set my hand and affixed the seal of said county court, at my office in the city of Marengo, in said county, the 24th day of September, 1867.

{ SEAL OF THE COUNTY OF IOWA, IOWA. }

A. H. WILLETS,
Judge of the County Court of said County.

Ques. 10. Now, Mr. Stevens, at the general election last fall were you there most of the day?—Ans. No, sir; I voted and went home to my work.

Ques. 11. You know what ticket you voted, do you?—Ans. Yes, sir; I do.

Ques. 12. Do you know whether or not it was a scratched or straight ticket?—Ans. Well, I just put down the names of both sides; when I think the men are right I vote for them.

Ques. 13. The head of the ticket was marked Democratic?—Ans. I can't tell any more.

Ques. 14. Did you vote for B. T. Frederick for Congress?—Ans. Yes, sir, I did; and I would vote any time for him.

Cross-examination:

Ques. 15. How long have you voted?—Ans. Since 1867.

Ques. 16. You live in the county and township that you voted?—Ans. Yes, sir I do.

Ques. 17. Your vote has never been challenged before?—Ans. No, sir.

Ques. 18. Your vote wasn't challenged at the polls?—Ans. No, sir; my vote was always right.

JACOB STEPHENS.

Paid as fees by contestee, $1.15.

STATE OF IOWA,
Iowa County, ss:

DANIEL O'LEARY, being produced and sworn by E. H. Wilson, a notary public, testifies as follows:

Ques 1. What township do you reside in?—Ans. York Township.

Ques. 2. Did you vote last fall election?—Ans. Yes, sir.

Ques. 3. Did you vote for Frederick for Congress?—Ans. I don't know who I voted for.

Ques. 4. What party do you belong to?—Ans. I can't tell you what party I belong to.

Ques. 5. What ticket did you vote?—Ans. I cannot tell.

Ques. 6. You can't?—Ans. No, sir.

Ques. 7. That is a remarkable thing.—Ans. It is that; I could not read the ticket.

Ques. 8. You got your ticket from somebody that you had confidence in?—Ans. I got my ticket rolled up; I gave it in as I got it.

Ques. 9. Who did you get it from?—Ans. From a man peddling tickets there.

Ques. 10. Was it a Democratic ticket?—Ans. I presume that it was.

Ques. 11. That is the kind of party ticket you would come to get?—Ans. I expect so.

Ques. 12. You have always voted that ticket in preference to others?—Ans. Most generally.

Ques. 13. Don't you remember who gave you the ticket?—Ans. I don't remember who it was.

Ques. 14. You thought that he was giving you a Democratic ticket?—Ans. Yes, sir.
Ques. 15. Where were you born?—Ans. In Ireland.

Cross-examination:

Ques. 17. How long have you voted, Mr. O'Leary?—Ans. 25 years.
Ques. 17. You are a naturalized citizen of the United States?—Ans. Yes, sir.
Ques. 18. You have citizen's papers?—Ans. Yes, sir.

Redirect:

Ques. 19. Let me see them.
(Witness produces papers in court.)
Ques. 20. I think that your papers are good, Mr. O'Leary.—Ans. I think so myself, sir.

his
DANIEL × O'LEARY.
mark.

Paid as fees, $3.25.

STATE OF IOWA,
Iowa County, ss:

LAWERENCE MCCABE, being produced and duly sworn by E. H. Wilson, a notary public for Iowa County, testifies as follows:

Ques. 1. What township do you live in?—Ans. York Township.
Ques. 2. Did you bring your papers with you?—Ans. Yes, sir; here they are.
(Witness produces papers in court.)
(Contestant objects to the witness producing papers.)
Ques. 4. Did you vote last fall?—Ans. Yes, sir.
Ques. 5. Did you vote for Frederick for Congress?—Ans. I don't know whether I did or not.
Ques. 6. Did you vote the Democratic?—Ans. I expect so; I always do.
Ques. 7. You will show your papers?
(Witness produces papers.)
Paper produced is dated, issued September 1st, 1868; issued by James Cavanaugh, county judge.
(Contestant objects, as the paper is the best evidence; also immaterial.)

Cross-examination:

Ques. 8. How long have you voted?—Ans. I voted since the fall that I got my papers.
Ques. 9. Have you been a member of the grand jury in this county?—Ans. Yes, sir.
Ques. 10. How often have you been one?—Ans. I have been on the grand jury once, any way.
(Contestant objects as not proper examination.)
Ques. 11. You have been a voter here a number of years?—Ans. Yes, sir.

Cross-examination:

Ques. 12. Were you regularly naturalized in court?
(Contestee objects to the question as not proper and asking for the opinion of the witness.)
Ans. Yes.
Ques. 13. You say you don't know what names were on the ticket?
(Objection.)

LAWRENCE MCCABE.

Paid as fees, $2.75.

STATE OF IOWA,
Iowa County, ss:

PATRICK GALLAGER, being produced and sworn before me, E. H. Willson, a notary public for this county, on this 25th day of April, 1883.

Ques. 1. Where do you live?—Ans. York Township, Iowa County, Iowa.
Ques. 2. Did you vote last fall?—Ans. Yes, sir.
Ques. 3. Did you vote a Democratic ticket?—Ans. I expect so. I generally do.
Ques. 4. Did you vote for Frederick for Congress?—Ans. I suppose I voted the Democratic ticket.
Ques. 5. Did you vote for Frederick for Congress?—Ans. I expect so. I got the ticket in a hurry; I just put it in.
Ques. 6. That is what you wanted to do, and you did it?—Ans. I expect I did do it.
Ques. 7. Where were you born?—Ans. In Ireland.
Ques. 8. Have you got citizen papers?—Ans. Yes, sir; I have them here.

Ques. 9. Please produce them.—Ans. Here they are.
(Witness produces half of a paper in a mutilated form; paper produced shows.)
(Contestant objects to the statement of the contestee in regard to the contents of the paper being read for the reason that it is incompetent and immaterial; that the paper was issued to Patrick Gallagher by James Cavanaugh, county judge of Johnson County, on the first day of September, 1868, seal of the Johnson County, Iowa, attached.

PATRICK GALLAGHER.

Paid as fees, $3.25 by contestee.

STATE OF IOWA,
Iowa County, ss:

EDWARD BARRY, being produced and sworn before me, E. H. Wilson, a notary public for this county, on the 25th day of April, 1883, testifies as follows:
Ques. 1. What township do you live in?—Ans. English Township.
Ques. 2. Did you vote last fall election?—Ans. Yes, sir.
Ques. 3. Last November?—Ans. Yes, sir.
Ques. 4. In English Township?—Ans. Yes, sir.
Ques. 5. Iowa County, Iowa?—Ans. Yes, sir.
Ques. 6. What ticket did you vote?—Ans. I voted the Democratic ticket.
Ques. 7. Voted for the Democratic candidate for Congress?
(Contestant objects as incompetent and immaterial.)
Ans. Yes, sir.
Ques. 8. Where were you born?—Ans. In Ireland.
Ques. 9. Have you naturalization papers?—Ans. I have.
Ques. 10. Let me see them.
(Witness produces papers in court.)
Ans. They are worn out some now; I have had them so long.
Ques. 11. Well, I can probably tell by them who they were issued by. Where did you get these papers?—Ans. In this court.
Ques. 12. What court; was it the district court?—Ans. I don't know what court it was.
Ques. 13. Did you get them from a man in this county?—Ans. Yes, sir.
Ques. 14. Do you remember his name?—Ans. No, sir; I don't remember it.
Ques. 15. Was it Wallace, a man with one arm?—Ans. I can't remember now, it was so long ago.
Ques. 16. Was it Elliott?—Ans. I don't remember that either.
Ques. 17. It wasn't Judge Miller, was it?—Ans. I don't remember, but the records will show; I forget all about it now, though.
Ques. 18. Did you have any witness?—Ans. Yes, sir; James Wagner, a juryman, and also Faulkner, who is out West now.
Ques. 19. Where was the court held then?—Ans. Right here before some judge.
Ques. 20. Who was present when you got papers?—Ans. Myself; also two witnesses.
Ques. 21. And a county judge?—Ans. Some court, I don't now remember what judge it was; there were a good many besides.
Ques. 22. A good many besides the county judge?—Ans. Yes, sir.
Ques. 23. You don't recollect anything about what was going on there?—Ans. No, sir; it was court business, of course.
Ques. 24. Was it upstairs in the court, or down in one of the offices?—Ans. It was right in the court.
Ques. 25. Was it in this building where we are now?—Ans. I don't remember whether in this building or not.
Ques. 26. Was it in any other building?—Ans. I know that court was in session, but whether in this building or not I don't remember.
Ques. 27. You don't know now whether there were trials out-doors, or anything of that kind?—Ans. I forget all about that.

Cross-examination:

Ques. 28. Was there a clerk of the court?—Ans. Yes, sir, of course there was; he made out my papers.
Ques. 29. Was court in session?—Ans. Yes, sir; court was in session.
Ques. 30. The clerk wasn't the judge?—Ans. No, sir.
Ques. 31. Was there a clerk besides the judge?—Ans. Yes, sir.
Ques. 32. And they were doing ordinary court business?—Ans. Yes, sir.
Ques. 33. Was there a jury and trials; you don't know that any trials were going on?—Ans. Yes, sir; there was court business, for it was court time.
Ques. 34. Was Judge Miller on the bench, or Judge Smith?—Ans. I forget all about that; what the name was.

EDWARD BERRY.

Paid as fees $3.05, by contestee.

Mr. Brown having examined the fragment of the paper says, that it has impressed on it the seal of the district court.

Commissioner having examined the paper says, that it shows the letters.

STATE OF IOWA,
Iowa County, ss:

MICHAEL GRIFFIN, being produced and sworn before me, E. H. Wilson, a notary public for this county, on this 25th day of April, A. D. 1883, testifies as follows:

Ques. 1. Where do you reside?—Ans. Washington Township, Iowa County, Iowa.
Ques. 2. You voted in that township last fall?—Ans. Yes, sir.
Ques. 3. What ticket did you vote?—Ans. Democratic.
Ques. 4. Did you vote for Congressmen?—Ans. Yes, sir.
Ques. 5. Have you got naturalization papers?—Ans. I must have, though it is such a long time since I got them. I got them in Muscatine, my first and second papers. I got my first papers of the clerk, Roger Cody, and I got my second papers about a year after I got my first paper.
Ques. 6. How long had you been in the country when you got first papers?—Ans. Two or three years in the country.
Ques. 7. How many do you think?—Ans. Three years, I should think.
Ques. 8. What court did you get them in?—Ans. In Muscatine.
Ques. 9. A county court?—Ans. I could not tell that.
Ques. 10. You don't know whether county court or district?—Ans. I could not tell; the judge was trying cases there.
Ques. 11. Do you remember his name?—Ans, It is mighty easy for you to find that out, but the clerk's name was Roger Cody.
Ques. 12. Were you acquainted with the judge?—Ans. I was acquainted with everybody in Muscatine.

Cross-examination:

Ques. 13. Was it in open court?—Ans. Yes, sir; in open court.
Ques. 14. Was there a clerk and sheriff?—Ans. Yes, sir.
Ques. 15. Did they have a jury?—Ans. I cannot tell you that.
Ques. 16. Were they doing ordinary court business?—Ans. Yes, sir; they were.
Ques. 17. It was a court of record, and the clerk was there?—Ans. Yes, sir; the clerk was there.
Ques. 18. He gave you papers?—Ans. No, sir; we had to wait until after court was sitting.
Ques. 19. You were naturalized then?—Ans. Yes, sir; I got my first and second papers.

Redirect:

Ques. 20. The clerk did the business?—Ans. Yes, sir.
Ques. 21. He examined you?—Ans. Yes, sir.
Ques. 22. He administered the oath?—Ans. Yes, sir.
Ques. 23. He did all the business?—Ans. Yes, sir.
Ques. 24. The judge had nothing to do with it then, it was the clerk?—Ans. Well, sir, I think that the judge examined me too, it was from the clerk I got my second papers.
Ques. 25. Who did you get your second papers from?—Ans. From the clerk.

Recross-examination:

Ques. 26. You were sworn before a judge?—Ans. Yes, sir.
Ques. 27. In the court-house?—Ans. Yes, sir.
Ques. 28. In the court room?—Ans. Yes, sir.
Ques. 29. Court was in session?—Ans. Yes, sir.

MICHAEL GRIFFIN.

Paid as fees $1.35, by contestee.
(Excused.)

STATE OF IOWA,
Iowa County, ss:

PATRICK LYNCH, being produced and sworn by E. H. Wilson, testifies as follows:

Ques. 1. What township do you live in?—Ans. York Township.
Ques. 2. Did you vote there in that township last fall?—Ans. Yes, sir.
Ques. 3. York Township, Iowa County, Iowa?—Ans. Yes, sir.
Ques. 4. What ticket did you vote?—Ans. Democratic ticket.
Ques. 5. Did you vote for Frederick for Congress?—Ans. Yes, sir.
Ques. 6. Where were you born?—Ans. In Ireland.
Ques. 7. Have you any papers?—Ans. I lost them.

Ques. 8. When did you come to the United States?—Ans. Twenty-two years ago, in June.
Ques. 9. What was your age then?—Ans. 19 years of age.
Ques. 10. How long had you been in the United States when you got papers?—Ans. At the time of Grant's first election.
Ques. 11. Where did you get them?—Ans. In Omaha, Nebraska.
Ques. 12. You got just one set?—Ans. Yes, sir; I got my papers from a United States counsel.
Ques. 13. You just got one paper?—Ans. Yes, sir.
Ques. 14. You were 19 when you came to the United States?—Ans. Yes, sir.

Cross-examination:

Ques. 15. You got both papers at the same time?—Ans. Yes, sir.
Ques. 16. Did your parents come over with you?—Ans. Yes, sir.
Ques. 17. You came over before you were of age?—Ans. Yes, sir; my uncle fetched me over.
Ques. 18. You got two papers?—Ans. No, sir, only one paper; I got full papers together.
Ques. 19. You got full papers?—Ans. Yes, sir.
Ques. 20. You got them at Omaha?—Ans. Yes, sir.
Ques. 21. Do you know the name of the party that signed them?—Ans. I cannot think of his name.
Ques. 22. How long have you voted, ever since that?—Ans. Yes, sir; I have been voting here ever since that.
Ques. 23. Have you acted on a jury?—Ans. Yes, sir.

his
PATRICK + LYNCH.
mark.

Paid as fees $3.25, by contestee.

STATE OF IOWA,
Iowa County, ss:

MICHAEL DOLPHIN, being produced and duly sworn by E. H. Wilson, notary public for Iowa County, testifies as follows:

Ques. 1. What township do you live in?—Ans. Hilton Township.
Ques. 2. Iowa County, Iowa?—Ans. Yes, sir.
Ques. 3. Did you vote there last fall?—Ans. Yes, sir.
Ques. 4. What ticket?—Ans. I vote mixed ticket some time.
Ques. 5. Who did you vote for for Congress?—Ans. Well, I don't think I have any need to tell that.
Ques. 6. Did you bring your papers?—Ans. Yes, sir.
Ques. 7. Please produce them.—Ans. Here they are. (Witness produces them in court.) Sometimes I vote straight ticket, sometimes I don't. It is for me to know who I voted for.
Ques. 8. We think that your papers are all right.
Paid as fees $1.35, by contestee.
(Excused.)

STATE OF IOWA,
Iowa County, ss:

FALTIN FALTINSON, being produced and duly sworn by N. R. Lyon, clerk of the courts, testifies as follows:

Ques. 1. What township do you live in?—Ans. Hilton.
Ques. 2. Iowa County, Iowa?—Ans. Yes, sir.
Ques. 3. You voted in that township last fall election?—Ans. Yes, sir; for twenty-two years.
Ques. 4. Voted when members of Congress were being voted for in general election in November?—Ans. Yes, sir.
Ques. 5. What ticket did you vote?—Ans. I can tell you that I suppose everybody has a right to vote whatever ticket he wants to.
Ques. 6. Were you asked to bring your papers?—Ans. Yes, sir, I was asked to, but I lost them; it is twenty-two years since I got them here in Marengo.
Ques. 7. When did you get the papers?—Ans. In 1860.
Ques. 8. Who did you get them from?—Ans. Mr. Morrison.
Ques. 9. When did you lose them?—Ans. I can't tell that; I can't find them again.
Ques. 10. Didn't you show your papers yesterday to the officers?—Ans. No, sir; because I didn't have them; I couldn't find them.
Ques. 11. You lost them before yesterday?—Ans. Yes, sir; I can't remember having seen them for a good while. I don't think anything of them.

Ques. 12. Were you present when they were first gotten?—Ans. Yes, sir.
Ques. 13. You got them in Marengo?—Ans. Yes, sir; in 1860.
Ques. 14. Who was the judge you got them of?—Ans. I got it from Morrison; I believe the judge was Wallace.
Ques. 15. A one-armed man?—Ans. Yes, sir.
Ques. 16. That lived here?—Ans. Yes, sir.
Ques. 17. County judge of this county?—Ans. Yes, sir.
Ques. 18. I asked you what ticket you voted?—Ans. Yes, sir; think you did.
Ques. 19. You voted for Frederick?—Ans. Yes, sir; I voted for Frederick.

FALTIN FALTINSON.

Paid as fees $1.45, by contestee.

STATE OF IOWA,
Iowa County, ss:

LARS OLSON, being introduced and duly sworn by N. R. Lyon, clerk of the courts, testifies as follows:

Ques. 1. What township do you live in?—Ans. Hilton.
Ques. 2. Iowa County, Iowa?—Ans. Yes, sir.
Ques. 3. You voted in that township, last fall?—Ans. Yes, sir?
Ques. 4. What ticket did you vote?—Ans. I don't believe it is necessary to tell you.
Ques. 5. Where were you born?—Ans. In Norway.
Ques. 6. Did you bring your citizen papers?—Ans. Yes, sir.
(Witness produces papers in court.)
Ques. 7. Mr. Olson's papers which have been presented——
(Same objection by the contestant, as incompetent, irrelevant, and immaterial.)
(The witness produces in court, as his only naturalization papers, a paper purporting to be issued from the county court of Iowa County, Hon. William H. Wallace, county judge, signed by A. J. Morrison, county clerk. Seal attached. Seal of the county of Iowa, Iowa.)
Ques. 8. Now you may state what ticket you voted.—Ans. Democratic ticket.
Ques. 9. Did you vote for Frederick for Congress?—Ans, Well, I can't tell that.
Ques. 10. You voted a straight Democratic ticket?—Ans. Yes, sir.

Cross-examination:

Ques. 11. How long have you voted?—Ans. Since this paper was given.
Ques. 12. Have you held any office in this county?—Ans. No, sir.
Ques. 13. Have you been on juries?—Ans. No, sir.
Ques. 14. You have been a voter for a number of years?—Ans. Yes, sir; for twenty-three years.

his
LARS + OLSON.
mark.

Paid as fees $1.45, by contestee.

STATE OF IOWA,
Iowa County, ss:

JOHN O'BRIAN is called, but, having ascertained that he did not vote at all, he was excused.
Paid as fee, by contestee, $3.15.

STATE OF IOWA,
Iowa County, ss:

WILLIAM HOURIGAN, being produced and sworn by N. R. Lyon, clerk of the courts, testifies as follows:

Ques. 1. Where do you reside?—Ans. Sumner Township.
Ques. 2. Iowa County, Iowa?—Ans. Yes, sir.
Ques. 3. Voted there last fall?—Ans. Yes, sir.
Ques. 4. What ticket did you vote?—Ans. I don't know that that makes any difference.
Ques. 5. Where were you born?—Ans. In Ireland.
Ques. 6. You have citizen papers, have you?—Ans. Yes, sir.
Ques. 7. Let me see them, please.
(Witness produces papers in court.)
Ans. I came here under age.
Ques. 8. These are your naturalization papers?—Ans. Yes, sir.
Ques. 9. Your only ones?—Ans. Yes, sir.
(Copy introduced in evidence by contestee.)

STATE OF IOWA,
Scott County, ss:

Before the undersigned, clerk of the district court in the aforesaid county, personally appeared William Hourigan, a native of Ireland, and makes solemn oath that it is his bona fide intention to become a citizen of the United States, and to renounce and abjure all allegiance and fidelity to every foreign prince and potentate, state or sovereignty whatsoever, and particularly allegiance to the Queen of Great Britain and Ireland, to whom he was a subject.

WILLIAM HOURIGAN.

Subscribed and sworn to before me this 6th day of April, A. D. 1867.

JOHN GALLIGAN,
Clerk of the District Court.

(Seal of the district court of Iowa, Scott County; certified to by the clerk.)

Ques. 10. Now, we will have to ask you what ticket you voted?—Ans. I have always voted the Republican ticket until last fall.
Ques. 11. What ticket did you vote then?—Ans. Straight Democratic ticket.
Ques. 12. Did you vote for Frederick for Congress?—Ans. Yes, sir; I suppose so.

Cross-examination:

Ques. 13. Do you know whether you voted for him or not?—Ans. I suppose so; that is my intention.
Ques. 14. Who gave you your ticket?—Ans. I don't remember.
Ques. 15. You don't recollect Mr. Frederick's name being on there, do you?—Ans. I had a lot of them, and staid there two or three hours. I wouldn't swear that I did put in the right ticket, but it was my intention to vote that.
Ques. 16. You say you don't know what ticket you did vote?—Ans. I say I wouldn't swear that his name was on or not.

Redirect:

Ques. 17. You were there with that intention, and did it?—Ans. I presume so.
Ques. 18. You are generally a man that generally does what he wants to?—Ans. Well, in part.

Recross-examination:

Ques. 18. Did you ever get any more than one paper?—Ans. It wasn't necessary, because I came here under age.
Ques. 20. How old were you when you came here?—Ans. About 17.
Ques. 21. Did your father come with you?—Ans. No, sir.
Ques. 22. You came under age?—Ans. Yes, sir.
Ques. 23. How long had you been in the United States when you got that paper?—Ans. About six years, a little short of six years.

Redirect:

Ques. 24. You told me different, first, before Mr. Brown got to bothering you; you told me that you voted the Democratic ticket last fall.--Ans. Yes, sir, that was the intention.
Ques. 25. How far did you come?—Ans. Well, I had to go two miles and a half out of the way to get my papers.
Ques. 26. Well, we will let you have that.

WILLIAM HOURIGAN.

STATE OF IOWA,
Iowa County, ss:

EGNATZ WEISHAUBT, being produced and duly sworn before me, E. H. Wilson, notary public for this county, testifies as follows:

Ques. 1. What township do you live in?—Ans. Washington Township.
(Contestant objects for the reason that the name of the witness is not on the notice, also that it is irrelevant and immaterial.)
Ques. 2. Did you vote there at the November election last fall?—Ans. Yes, sir.
Ques. 3. What ticket?—Ans. Democratic ticket.
Ques. 4. Did you vote for Frederick for Congress—did you vote straight Democratic ticket?—Ans. Yes, sir.
Ques. 5. Where were you born?—Ans. In Germany.
Ques. 6. Have you citizen papers?—Ans. Yes, sir; I have.
Ques. 7. Please let me see them?
(Witness produces papers in court.)
Ans. Here are my first papers; here are my second.
(Witness' papers are issued by Isaac Bowen, county judge of Iowa County, 25th of September, 1868.)

(Contestant objects as incompetent and immaterial, not the best evidence; the papers themselves being best evidence.)

(Seal of Iowa County, Iowa.)

Cross-examination:

Ques. 8. How long have you been a voter?

(Contestee objects as not being proper cross-examination.)

Ques. 9. How long have you voted; how many years?—Ans. I guess; well, I don't know, but I think about nineteen years.

Ques. 10. Do you know any names on the ticket you have voted for?—Ans. No, sir.

Ques. 11. You don't know whether any Congressmen were on the ticket or not?—Ans. I didn't look much at the ticket; I came there in the night-time.

Ques. 12. You don't know whether any Congressmen were on the ticket or not?

(Contestee objects as leading.)

Ques. 13. Do you know who you voted for for State officers?—Ans. No, sir.

Ques. 14. Who was it?—Ans. I have forgotten.

Ques. 15. You don't know any of the names on the ticket?—Ans. I have forgotten everything.

Ques. 16. You don't know whether any Congressmen were on it or not; you have forgotten them?—Ans. Yes, sir.

Ques. 17. Who did you vote for for clerk of the supreme court?—Ans. I have forgotten everything; I can't tell it now.

Redirect:

Ques. 18. You know you voted straight Democratic ticket?—Ans. Yes, sir.

Recross-examination:

Ques. 19. You read English, don't you?—Ans. Yes, sir, a little; not much.

Ques. 20. Did you look at your ticket particularly?—Ans. Yes, sir; I looked at it.

Ques. 21. How do you know that it was straight; did you know whether Wilson's name was printed on it or not?—Ans. I know that I saw every name.

EGNATZ WEISHAUBT.

Paid as fees by contestee, $1.50.

STATE OF IOWA,
Iowa County, ss:

BERNARD FLANIGAN, being produced and sworn, testified as follows (witness was sworn by E. H. Wilson):

Ques. 1. What township do you live in?—Ans. Sumner Township.

Ques. 2. You voted in Sumner Township last fall?—Ans. Yes, sir.

Ques. 3. At the November election?—Ans. Yes, sir.

Ques. 4. What ticket did you vote?—Ans. Straight Democratic ticket.

Ques. 5. Where were you born?—Ans. In Ireland.

Ques. 6. Have you citizen papers?—Ans. Yes, sir. I have lost my first papers; I have the second papers with me; the first papers I took out in Albany, Indiana.

(Witness produces first papers; contestee reads it; Brown says the witness states that he got the second papers in St. Louis. It is agreed that witness produces first papers.)

Ques. 7. You say you got first papers?—Ans. Yes, sir.

Ques. 8. When did you get them?—Ans. In 1852.

Ques. 9. When did you get your second papers?—Ans. Three years after that; I got these in the court at St. Louis, in the month of September.

Cross-examination:

Ques. 10. They had a court in St. Louis and had a seal on the papers?—Ans. They had a clerk of the court, a sheriff, and jury.

Ques. 11. How long have they been lost?—Ans. I can't say exactly how long, but I lost them in moving around.

B. FLANIGAN.

(Paid as fees by contestee, $1.55.)

STATE OF IOWA,
Iowa County, ss:

JACOB DENZLER, being produced and sworn by E. H. Wilson, testifies as follows:

Ques. 1. Where do you live?—Ans. Washington Township.

Ques. 2. Iowa County, Iowa?—Ans. Yes, sir.

Ques. 3. Voted at the November election last fall?—Ans. Yes, sir.

Ques. 4. Voted which ticket?—Ans. I believe that that is my own affair.

Ques. 5. Where were you born?—Ans. In Switzerland.

Ques. 6. Have you citizen papers?—Ans. Yes, sir.
Ques. 7. Let me see them.—Ans. I haven't got them along with me.
Ques. 8. Were you subpœnaed to bring them?—Ans. No, sir; me and nothing else.
Ques. 9. How far do you live from here?—Ans. Five and a half miles.
Ques. 10. We want those papers.—Ans. Well, I haven't got them.
Ques. 11. Have you a copy of the subpœna with you?—Ans. No, sir; he left me no copy at all; he read it to me; I told him that he could depend on me without leaving a copy.
Ques. 12. Do you remember where you got those papers?
(Brown objects to the statement as not the best evidence.)
Ques. 13. Now, where did you get those papers?—Ans. I got the first paper, I got it twice.
Ques. 14. Where did you get the last one?
(Contestant objects as incompetent and immaterial.)
Ans. In Jo Dorin County; last the paper in Marengo.
Ques. 15. In what court?
(Objection by contestee as not the best evidence.)
Ans. I don't know.
Ques. 16. County judge of that county?—Ans. Yes, sir; I guess so.
Ques. 17. Mr. Wallace?—Ans. I don't know the judge's name.
(Objection by contestee as not the best evidence, incompetent and immaterial because he has got papers and does not produce them.)
WITNESS. I guess you have a record here of my papers.
Ques. 18. You may bring your papers in court; I will pay you an extra milage which I will not have to do?—Ans. Well, I have voted for twenty years in this county; held office in this county.
Ques. 19. What ticket did you vote?—Ans. I won't tell that to anybody; I never tell anybody what ticket I vote; it is my own affair, and I stick to it.
(Witness excused for the present, for the reason of procuring his naturalization papers.)

STATE OF IOWA,
Iowa County, ss:

ANDREW HARTIN, being produced and sworn by E. H. Wilson, a notary public for this county, testifies as follows:
Ques. 1. Where do you live?—Ans. Hilton Township.
Ques. 2. Iowa County, Iowa?—Ans. Yes, sir.
Ques. 3. Did you vote in Hilton Township last fall election?
(Contestant objects as incompetent, irrelevant, and immaterial, in that township.)
Ans. Yes, sir.
Ques. 4. What ticket?—Ans. I guess straight Democratic.
Ques. 5. Where were you born?—Ans. In Ireland.
Ques. 6. Have you got citizen papers?—Ans. No, sir, I haven't got papers.

Cross-examination:

Ques. 7. Have you ever had papers?—Ans. Yes, sir.
Ques. 8. Where did you get them?—Ans. In New York.
Ques. 9. In the State of New York?—Ans. Yes, sir.
Ques. 10. How many papers?—Ans. Two papers.
Ques. 11. Of what court?—Ans. I disremember what court. I know that Mayor Gunter was mayor of New York at that time, and his name was signed to them.
Ques. 12. You got regular papers in the State of New York?—Ans. Yes, sir.
Ques. 13. Did the papers have a seal, with the clerk's name?—Ans. Yes, sir.

Redirect:

Ques. 14. What became of these papers?—Ans. They got lost during the war. I was four years in the service of the United States in the late war.
Ques. 15. What age did you come to the United States?—Ans. 28 years of age.
Ques. 16. How long before you got these papers?—Ans. About five and a half years.
Ques. 17. You got them of the mayor of New York?—Ans. His name was signed, Mayor Gunter.

Recross-examination:

Ques. 18. Who was judge of the court? Was he?—Ans. I don't know what he was. His name was signed Mayor Gunter.

Redirect:

Ques. 19. Where did you get the first papers?—Ans. New York.
Ques. 20. How long after that did you get second papers?—Ans. About a year I should guess.

Recross-examination:

Ques. 21. The papers you got from the State of New York were obtained in court while court was in session, I suppose?—Ans. Yes, sir.

Ques. 22. Could you get them of the judge; there was a judge there wasn't there?—Ans. Well, I guess there was.

Ques. 23. Was there a seal on the papers?—Ans. Yes, sir.

Ques. 24. There was a clerk and jury and sheriff there?—Ans. Yes, sir; I guess so.

Ques. 25. Properly certified to by the clerk, and a seal on them you say?—Ans. Yes, sir.

Redirect:

Ques. 26. It was about twenty years ago you got your papers; can you tell about the date of that paper?—Ans. I cannot exactly tell.

Ques. 27. Do you remember what year it was in?—Ans. I disremember that now.

Ques. 28. You said about twenty years ago?—Ans. It may be two or three years more.

Ques. 29. How long after getting first papers did you get second papers?—Ans. It was five or six years, or a year more or less; I never kept any record of that at all.

Ques. 30. Did you have your second papers when you went into the service of the United States as a soldier?—Ans. I had one; I am not sure; I think so.

Ques. 31. Then you were four years in the service?—Ans. Yes, sir; but went home. I went home after being out three years; I went home on a furlough.

Ques. 32. When did you get the second papers then?—Ans. It may be a year or two, or it may be three.

Ques. 33. After you came home from the service?—Ans. Yes, sir; it was between the times.

Ques. 34. During the time you were in the service, or did you vote as they all voted in 1862?—Ans. Yes, sir; I voted at the Presidential election.

Ques. 35. Did you have your second papers at that time?—Ans. I am not sure.

Ques. 36. Was it after that then you got them?—Ans. I guess it was before that; I am not sure.

Ques. 37. You are not very positive that you had more than one set of papers?—Ans. Yes, sir; because I had full papers; I drove on 4th avenue for nearly two years; I would not be allowed to drive on street cars unless I nad papers; I would be fined.

Ques. 38. Then you must have had full papers before you went into the service.—Ans. Yes, sir; I did, I guess.

Ques. 39. What year did you go into the service?—Ans. I cannot tell.

Ques. 40. Could you come pretty near it?—Ans. I guess I could; I went in 1828 or '29.

Ques. 41. You say you think the mayor gave you papers?—Ans. His name was signed; I don't know that he was at the office at that time or doing other business.

Ques. 42. He had charge of running street cars at that time; issuing licenses to drivers?—Ans. No, sir; I got my papers previous to this.

Ques. 43. I am speaking at the time that Mayor Gunter issued this license to drivers. Do you know about that, or did the State recorder do that?—Ans. The State recorder used to do that sometimes.

Ques. 44. Now state to me; you say you got two sets of papers; state the difference between the two sets of papers; do you remember what was stated in either one of them?—Ans. I cannot remember; we went down and took out our papers.

Ques. 45. You got them so as to be driver to street cars?—Ans. No, sir.

Ques. 46. Was it so you could vote?—Ans. Yes, sir; so as to vote.

Ques. 47. You commenced voting at that time?—Ans. Yes, sir; I voted up to this time.

Ques. 48. That was before you were in the service?—Ans. Yes, sir.

Ques. 49. You don't remember now when you came to the United States?—Ans. It may be 28 or 29 years ago.

Ques. 50. At what age were you when you arrived in the United States?—Ans. I suppose 28 or 30 years.

Ques. 51. How old are you now?—Ans. I may be upwards of 50.

Yues. 52. Will you swear positively here that there was a seal on those second papers, and that they were signed by that Mayor Gunter, that there was a seal on there?—Ans. Yes, sir.

Ques. 53. And that these were your second naturalization papers?—Ans. Yes, sir.

ANDREW HORTEN.

Paid as fees by contestee, $1.35.

STATE OF IOWA,
Iowa County, ss:

SAMUEL BROWN, being produced and sworn by E. H. Wilson, a notary public for this county, testifies as follows:

Ques. 1. What township do you live?—Ans. Troy Township.
Ques. 2. Iowa County, Iowa?—Ans. Yes, sir.
Ques. 3. Did you vote last fall?—Ans. Yes, sir.
Ques. 4. What ticket?—Ans. The Democratic ticket.
Ques. 5. Straight Democratic?—Ans. Yes, sir; I didn't scratch at all.
Ques. 6. Where were you born?—Ans. In Ireland.
Ques. 7. Have you got citizen papers?—Ans. No, sir; I have not.

Cross-examination:

Ques. 8. Did you ever have any?—Ans. I did.
Ques. 9. Where did you get them?—Ans. In Cincinnati, Ohio.
Ques. 10. How many papers did you get?—Ans. Two.
Ques. 11. Do you remember the court?—Ans. Yes, sir.
Ques. 12. What court was it?—Ans. I don't remember the court.
Ques. 13. Was there a judge of the court, clerk, and jury?—Ans. There was a judge there; I went and got them from the judge; you can go any day in the week there and get them from the judge.
Ques. 14. Was court in session?—Ans. I don't know whether it was or not; a man can go any day.
Ques. 15. How many papers did you get?—Ans. I got two.
Ques. 16. When you got the papers you appeared before a court, didn't you?—Ans. No, sir; there was no court.
Ques. 17. What judge was it?—Ans. I don't know what judge it was.
Ques. 18. Was there any court there?—Ans. There was no court there then; there was a court-house.
Ques. 19. You got them in the court-house, didn't you?—Ans. I got them in the court-house.
Ques. 20. There was a clerk there, wasn't there?—Ans. There was a clerk there.
Ques. 21. You were sworn and had witnesses?—Ans. Yes, sir; I was sworn there. I declared my intentions against the Queen of Great Britian and Ireland.
Ques. 22. When did you go the second time?—Ans. I got my first papers; in two years or two and a half years afterwards I got me second papers.
Ques. 23. When you got second papers did you take witnesses there?—Ans. I had one witness, I guess.
Ques. 24. The judge swore the witness?—Ans. Yes, sir.
Ques. 25. In the court-house?—Ans. I guess so.
Ques. 26. In the court-room?—Ans. I cannot tell a hate about it when I got my papers.
Ques. 27. The judge swore the witness?—Ans. Yes, sir.
Ques. 28. The clerk gave you papers?—Ans. The judge did.
Ques. 29. Did you have a seal on them?—Ans. Yes, sir.
Ques. 30. A seal of the court?—Ans. Yes, sir; I guess so.
Ques. 31. They were full naturalization papers?
(Contestant objects to the question as not being proper.)
Ques. 32. How long have you voted?—Ans. I guess about twenty-five years.
Ques. 33. Did you commence voting there where you got your papers?—Ans. Yes, sir; a Henry Kesler was mayor of Cincinnati when I got my papers; I went to him because he was a Democrat, and boss Tamany, and he had plenty to drink, too.
Ques. 34. Do you know whether it was an ordinary city court?—Ans. No sir, I don't know what the name was.
Ques. 35. You know you got papers, and that you had witnesses there, and that there was a judge and clerk and seal?—Ans. Yes, sir.
Ques. 36. How did you lose your papers?—Ans. At the time of the war.
Ques. 37. Were you in the service?—Ans. I wasn't.
Ques. 38. You lost them time of the war?—Ans. Yes, sir.
Ques. 39. Where then?—Ans. I was in Cincinnati working at my trade.
Ques. 40. You haven't had them since that?—Ans. No, sir, I lost them there then.

Re-direct.

Ques. 41. This was a court where you could go in any day and get papers?—Ans. I was told I could go in any day and get papers. I wasn't disappointed when I went there to get my papers.
Ques. 42. The judge lived there where you could find him any time?—Ans. I guess so; I can't tell now.

SAMUEL BROWN.

Paid as fees by contestee, $2.25.

STATE OF IOWA,
Iowa County, ss:

MICHAEL MCDENNELL, being produced and sworn by E. H. Wilson, testifies as follows:

Ques. 1. Where do you live?—Ans. Iowa Township, Iowa County, Iowa.
Ques. 2. You voted in that township last fall?—Ans. Yes, sir.
Ques. 3. What ticket?—Ans. Well, I don't really know what ticket.
Ques. 4. What ticket do you think it was?—Ans. I suppose Democratic ticket.
Ques. 5. That is what you intended to vote?—Ans. Yes, sir.
(Contestant objects; incompetant, irrelevant, and immaterial, and asking for the opinion of the witness.)
Ques. 6. Where were you born?—Ans. In Ireland.
Ques. 7. Have you citizen papers?—Ans. No, sir.
Ques. 8. You haven't any?—Ans. No, sir.
Ques. 9. Did you come to this country with your father?—Ans. No, sir; I came before him.
Ques. 10. Did your father get naturalized that you know of?—Ans. I supposed all the time that he was.
Ques. 11. Where did he get naturalized, if he got naturalized?—Ans. It must be here in Marengo.
Ques. 12. What is your father's name?—Ans. James McDennell.
Ques. 13. Have you ever looked to see whether he was naturalized?—Ans. No, sir.
Ques. 14. You have never had the records looked up?—Ans. No, sir; something was said about it, that he had only one paper. I don't know whether it was the right one or not.
Ques. 15. According to the records of this county your father got one paper only?—Ans. Yes, sir; I suppose so.

Cross-examination:

Ques. 16. How old were you when you came here?—Ans. I don't know exactly.
Ques. 17. Small child?—Ans. Yes, sir.
Ques. 18. Your father has lived here and been a citizen a good many years?—Ans. I don't know how long he has been a citizen.
Ques. 19. How long has he been here in Iowa?—Ans. May be 12 or 14 years.
Ques. 20. Do you remember when you came to the United States?—Ans. No, sir; I don't.
Ques. 21. You were too small to remember it?—Ans. Yes, sir.
Ques. 22. Do you know that you were not born in the United States?—Ans. I was born in Ireland.
Ques. 23. You don't know where your father was naturalized, only you have heard and understood that he was a naturalized citizen?—Ans. I supposed that he was all the time.
Ques. 24. Do you suppose so now?
(Contestee objects, as he is asking for an opinion.)
Ques. 25. Have you any doubt about the fact now?—Ans. He has got one paper now, that is all I know about it.
Ques. 26. Have you ever seen his paper?—Ans. No, sir.
Ques. 27. Do you understand him to be naturalized? You don't know whether he has got one or more papers?—Ans. He has got one; whether he has got more or not, I cannot say.
Ques. 28. How do you know that he has got one?—Ans. Because he told me so.
Ques. 29. He told you that he had one paper?
(Contestee objects as hearsay.)
Ans. Yes, sir; I know that he has one paper.

his
MICHAEL + MCDENNELL.
mark.

STATE OF IOWA,
Iowa County, ss:

PETER HORTIAN, being produced and sworn by E. H. Wilson, testifies as follows:

Ques. 1. What township do you live in?—Ans. Hilton Township.
Ques. 2. Iowa County, Iowa?—Ans. Yes, sir.
Ques. 3. Did you vote in that township last fall election?
(Contestant objects as incompetent, irrelevant, and immaterial.)
Ans. Yes, sir.
Ques. 4. Where were you born?—Ans. In Ireland.
Ques. 5. Did you vote the Democratic ticket?—Ans. Yes, sir; I suppose so.
Ques. 6. Did you vote straight Democratic ticket?—Ans. Yes, sir; that is what I am thinking.

Ques. 7. What age were you when you came from Ireland?—Ans. I cannot exactly tell.
Ques. 8. As near as you can recollect?—Ans. About 25 years old.
Ques. 9. In what year did you come to the United States?—Ans. I don't know, sir.
Ques. 10. As near as you could guess to it. How many years have you been in this country?—Ans. 11 years.
Ques. 11. Then, you came here in about 1872?—Ans. Yes, sir; as near as I can recollect.
Ques. 12. Have you not citizen papers?—Ans. No, sir.
Ques. 13. Ever have any?—Ans. Yes, sir.
Ques. 14. Where did you get them?—Ans. South of here, several hundred miles.
Ques. 15. Where did you get them?—Ans. At Detroit.
Ques. 16. One or two papers?—Ans. Two papers.
Ques. 17. How long had you been in the country when you got second papers?—Ans. Coming on five years.

Cross-examination:

Ques. 18. You say you got two papers in court at Detroit?—Ans. Yes, sir.
Ques. 19. Do you know whether between 4 or 5, or over 5 years; had you been in the United States 5 years when you got last papers?—Ans. Yes, sir; I expect over that.
Ques. 20. What court did you get them before?—Ans. I could give you an opinion; I think I can remember.
Ques. 21. Did you have witnesses there?—Ans. Yes, sir.
Ques. 22. Was there open court, judge and clerk?—Ans. Yes, sir.
Ques. 23. Did you have a seal on that paper?—Ans. Yes, sir.
Ques. 24. A seal of the clerk?—Ans. Yes, sir.
Ques. 25. Where are your papers?—Ans. I have lost them; I thought I had them, but I couldn't find them.
Ques. 26. You thought you had them?—Ans. Yes, sir.
Ques. 27. When did you commence voting, some years ago?—Ans. 15 years ago, I guess.

Redirect:

Ques. 28. How long have you lived in this State?—Ans. About 7 years, I think.
Ques. 29. How long did you live in Detroit?—Ans. I cannot exactly say that.
Ques. 30. Did you come here before or after the war?—Ans. Yes, sir; after the war.
Ques. 31. You don't remember just what year it was in?—Ans. No, sir.
Ques. 32. You lived 5 years in Detroit before you got your papers?—Ans. Yes, sir.

PETER HORTIAN.

Paid as fees by contestee, $1.35.

STATE OF IOWA,
Iowa County, ss:

P. H. JOHNSON, being produced and sworn by E. H. Wilson, a notary public, testifies as follows:

Ques. 1. Where do you live?—Ans. Hilton Township.
Ques. 2. Iowa County, Iowa?—Ans. Yes, sir.
Ques. 3. Did you vote there last fall?—Ans. Yes, sir.
Ques. 4. What ticket?—Ans. Democratic ticket.
Ques. 5. Straight ticket?—Ans. Yes, sir.
Ques. 6. Where were you born?—Ans. In Norway.
Ques. 7. Have you citizen papers?—Ans. No, sir.
Ques. 8. Haven't got any?—Ans. No, sir.
Ques. 9. Never had any?—Ans. No, sir.

Cross-examination:

Ques. 10. You say you never had any papers?—Ans. No, sir.
Ques. 11. Have you ever been in court since you were in the army?—Ans. I was down here; they promised me some, but they forgot it.
Ques. 12. Did you have witnesses before the court with you?—Ans. Yes, sir; I was in.
Ques. 13. Was your witness sworn?—Ans. No, sir.
Ques. 14. He wasn't sworn?

Redirect:

Ques. 15. You wanted to get them, but they didn't get them for you?—Ans. No, sir; they didn't.

Recross-examination:

Ques. 16. Did you read your ticket?—Ans. Yes, sir; I guess so.
Ques. 17. Do you remember any of the names on that ticket you read that day?—Ans. I voted a straight Democratic ticket; I took out some names and put on others.
Ques. 18. You voted a straight Democratic ticket?—Ans. Yes, sir.
Ques. 19. What name was on for secretary of state and supreme judge?—Ans. I don't remember.
Ques. 20. Do you remember any of the names that were on for State officers, and for Congressional officers?—Ans. I don't remember it now; I know that at the time I knew I read more about Wilson than I did the other one; then I was going to do this; I didn't do it, and let it go.
Ques. 21. Have you voted for Frederick?—Ans. Yes, sir.

Recross-examination:

Ques. 22. You don't know whose name was on it?—Ans. No, sir; only straight Democratic ticket.
Ques. 23. You can't tell any names on that ticket, can you?—Ans. No, sir; not now; of course I knew at the time. I was calculating to vote for Wilson; I heard more about him; but we were talking there, and so I let him go.
Ques. 24. Are you positive that Wilson's name was not on the ticket?—Ans. I would not say that for certain.
Ques. 25. Are you positive that Wilson's name was not printed on the ticket; are you positive of that?—Ans. No, sir; I wouldn't swear to that.
Ques. 26. You wouldn't swear that his name wasn't printed on the ticket?—Ans. I knew then, but not now.
Ques. 27. You couldn't swear now that his name was not on the ticket?—Ans. We were talking there about voting for him.
Ques. 28. You couldn't swear now that you didn't vote for Wilson, positively?—Ans. Well, we were talking there.
Ques. 29. Well, answer my question, then state whether you can swear.

STATE OF IOWA,
Iowa County, ss:

PATRICK KELLY, being produced and sworn before Mr. Wilson, on this 25th day of Apr., 1883 (H. A. Simpson appearing on the part of the contestee and T. Brown on the part of contestant), testifies as follows:

Ques. 1. Where do you live?—Ans. In York Township.
Ques. 2. In Iowa County, Iowa?—Ans. Yes, sir.
Ques. 3. You voted in that township last fall?—Ans. Yes, sir.
Ques. 4. What ticket?—Ans. Democratic ticket.
Ques. 5. Straight Democratic ticket?
(Objection as leading, incompetent, and immaterial.)
Ans. Yes, sir.
Ques. 6. Where were you born?—Ans. On the other side of the Atlantic, in Ireland.
Ques. 7. Did you bring your citizen papers?—Ans. I think that I ought to have one of them; I don't believe I have brought two.
Ques. 8. Please let me see them.
(Witness produces papers.)
Ques. 9. Papers pronounced good.

PATRICK KELLY.

Paid $2.75 as fees by contestee

STATE OF IOWA,
Iowa County, ss:

W. GRACE, being produced and sworn before Mr. Wilson, this 25th day of Apr., 1883 (H. A. Simpson appearing on the part of the contestee and T. Brown on the part of contestant), testifies as follows:

Ques. 1. Where do you live?—Ans. In York Township, Iowa County, Iowa.
Ques. 2. You voted there last fall?—Ans. Yes, sir.
Ques. 3. What ticket?—Ans. Democratic ticket.
Ques. 4. Straight ticket?—Ans. Yes, sir.
Ques. 5. Where were you born?—Ans. In Ireland.
Ques. 6. Have you citizen papers?—Ans. Yes, sir.
Ques. 7. You may show them.—Ans. Yes, sir, I will.
(Witness produces papers.)
Papers are pronounced good.

WILLIAM GRACE.

Paid as fee $2.75 by contestee.

STATE OF IOWA,
Iowa County, ss:

ANDREW P. FESTER, being produced and sworn before Mr. Wilson, on this 25th day of Apr., 1883 (H. A. Simpson appearing on the part of the contestee, and T. Brown on the part of contestant), testifies as follows:

Ques. 1. Where do you live?—Ans. In Hardin Township.
Ques. 2. Were you subpœnaed?—Ans. I had no subpœna.
Ques. 3. How did you happen to come here?—Ans. I didn't get a copy; I was subpœnaed.
(Contestant objects to the witness for the reason that no notice of the name nor place of residence of the witness was given.)
Ques. 4. Where do you live?—Ans. Hardin Township, Iowa County, Iowa.
Ques. 5. You voted there last fall?—Ans. Yes, sir.

Cross-examination:

Ques. 6. Did you vote last fall?—Ans. Yes, sir.
Ques. 7. Who did you vote for? What ticket?—Ans. I voted a Democratic ticket.
Ques. 8. How long have you lived there?—Ans. About two years.

Redirect:

Ques. 9. You voted straight Democrat ticket?—Ans. Yes, sir.
Ques. 10. Where were you born?—Ans. In Norway.
Ques. 11. Have you any naturalization papers?—Ans. I haven't any here; I left them in Illinois.
Ques. 12. What county in Illinois?—Ans. Grundy County.
Ques. 13. How long after you came did you take out second papers?—Ans. I had been here 6 years before that.
Ques. 14. How long have you been in this county?—Ans. Some over two years.
Ques. 15. You came to Illinois when you came here from the old country?—Ans. Yes, sir.
Ques. 16. What county?—Ans. Grundy County.
Ques. 17. How long after you had been here did you take out first papers?—Ans. Some over 6 years.
Ques. 18. How old were you when you came?—Ans. Sixteen, going on seventeen.
Ques. 19. How long after you took out first papers before you got second papers?—Ans. I got them both at once.
Ques. 20. Then you came to this country?—Ans. Yes, sir; when I got them.
Ques. 21. You lived in Grundy County 7 years?—Ans. Yes, sir.
Ques. 22. Then came to this county?—Ans. Yes, sir; been here 2 years.
Ques. 23. You have lived in Grundy County, Illinois and Iowa County since you came here from Norway?—Ans. Yes, sir.
Ques. 24. How many miles did you come?—Ans. Seven miles.
Ques. 25. How did you come to lose your papers?—Ans. I didn't lose them; I left them in Illinois when I came here.

ANDREW P. FESTER.

Paid $1.45 as fee by contestee.

STATE OF IOWA,
Iowa County, ss:

JOHN KERKOVER, being produced and sworn before Mr. Wilson on this 25th day of Apr., 1883 (H. A. Simpson appearing on the part of the contestee, and T. Brown on the part of the contestant), testifies as follows:

Ques. 1. Where do you live?—Ans. Dayton Township.
(Witness produces papers. Papers are pronounced good.)

JOHN KERKOVER.

Paid as fee by contestee, $3.05.

STATE OF IOWA,
Iowa County, ss:

JOHN BRANNAN, being produced and sworn before Mr. Wilson, on this 25th day of Apr., 1883 (Mr. H. A. Simpson appearing on the part of the contestee, and T. Brown on the part of the contestant), testifies as follows:

Ques. 1. What county do you live in?—Ans. Iowa County.
Ques. 2. What township?—Ans. English Township.
Ques. 3. Did you vote at the general election last fall?—Ans. I did.
Ques. 4. Are you a naturalized citizen of the U. S.?—Ans. Well, I was about 35 years ago.
Ques. 5. Have you your naturalization papers with you?—Ans. No, sir; not now.

Ques. 6. I will ask you what ticket you voted last fall?
(Objected to as immaterial.)
Ans. I never voted the Republican ticket; I always vote the straight Democratic ticket.
Ques. 7. You have no naturalization papers?—Ans. I had some once but I have lost them; got molded in my pocket by being carried back and forth.
Ques. 8. When did you come to America?—Ans. 45 years ago.
Ques. 9. How old were you at that time?—Ans. I can't tell how old I was when I came to this country. I don't know whether about 20 years old or not.
Ques. 10. How old are you now?—Ans. 65.

Cross-examination:

Ques. 11. You say that you were naturalized?—Ans. Yes, sir.
Ques. 12. Where?—Ans. In the State of New York.
Ques. 13. How many papers did you get?—Ans. two.
Ques. 14. How long before you got the first papers?—Ans. two years.
Ques. 15. How long then before you got the second papers?—Ans. Well, about 3 or 4 years after I got the first papers.
Ques. 16. Were you in the United States 5 years before you got the second papers?—Ans. Yes, sir.
Ques. 17. Did you get yours in court?—Ans. It was 5 years.
Ques. 18. Where did you get them?—Ans. It was 5 years.
Ques. 19. Where did you get them?—Ans. In the court-house.
Ques. 20. Who was present when you got them?—Ans. The clerk there, the judge and jury when I got my second papers.
Ques. 21. Holding court, were they?—Ans. Yes, sir.

Redirect examination:

Ques. 22. You were subpœnaed yesterday evening?—Ans. Yes, sir.
Ques. 23. You just come to town a little bit ago; have you had a conversation with any other parties as to what you would testify in this matter since you came to town?—Ans. No, sir.
Ques. 24. Have you had a talk with Frederick in regard to this matter?—Ans. No, sir, I never talked with anybody.
Ques. 25. You didn't talk with this man?—Ans. Yes, sir, outside of the door.
Ques. 26. Did he say anything to you as to how you should testify; whether there was a judge and jury and sheriff present when you got your papers?—Ans. No, sir, I did not understand it that way.
Ques. 27. Did he say anything to you about what your testimony should be?—Ans. No, sir, he did not.
Ques. 28. Did he talk to you about this matter at all?—Ans. I can't tell whether he did or not.
Ques. 29. You don't know what he told you?—Ans. No, sir; I told him what I had to say.
Ques. 30. Then you had a conversation with the contestant in this case just before coming into court here?—Ans. Just outside of the door there.
Ques. 31. On the outside of the court-house?—Ans. Yes, sir.
Ques. 32. You had a conversation with Frederick at that time?—Ans. He was talking to me and I was talking to him.
Ques. 33. About this case?—Ans. Yes, sir.

Recross examination:

Ques. 34. What did you go to tell him about your papers?—Ans. I told him that I got my papers in New York, and the first time that I voted in this conntry was for Franklin Pierce.
Ques. 35. Did I ask you anything about your papers before you told me that?—Ans. No, sir, I don't think you did.
Ques. 36. Did you tell me that you got your papers in N. Y.?—Ans. Well, what did I tell you?
Ques. 37. I can't tell what you did tell me. Didn't I say if you got them in N. Y. City that they were not good?—Ans. Perhaps you did.
Ques. 38. Didn't you tell me that you got them in N. Y. before a clerk and judge and jury?—Ans. Yes, sir.
Ques. 39. And that you had been in this country 5 years before you got your papers?—Ans. Yes, sir; I am willing to swear.
Ques. 40. Didn't you tell me that without my asking you anything about it?—A. Yes, sir; I did.
Ques. 41. I didn't ask you anything about what you are willing to swear to nor tell you anything about it?—Ans. No, sir; you did not.

his
JOHN + BRANNAN.
mark.

STATE OF IOWA,
Iowa County, ss:

HERMAN SCHULING, being produced and sworn before E. H. Wilson, on this 25th day of Apr., 1883 (H. A. Simpson appearing on the part of contestee, and T. Brown on the part of the contestant), testifies as follows:

Ques. 1. What township do you live in?—Ans. Marengo, Iowa County, Iowa. I have lived in this county since 1850.

Ques. 2. Did you vote last fall?—Ans. Yes, sir.

Ques. 3. What ticket did you vote?—Ans. I cannot tell. I took 2 Democratic and 2 Republican tickets and doubled them up and put them in my pocket, and went to the depot with a load of bread, and when I got back I put in my fingers and took out one of the tickets and put it in.

Ques. 4. Which one do you think that you voted?—A. Well, I don't know, I had one of each kind in my pocket.

Ques. 4. What party do you belong to?—Ans. I generally—well, I can't tell.

Ques. 6. You know what kind of party you like best?—Ans. I always vote for the best man.

Ques. 7. Which man for President did you vote for?—Ans. Well, I don't know; I didn't care much about it; whenever they name a man here in town I vote for him.

Ques. 8. What man in town did you vote for?—Ans. Well, I have forgotten it.

Ques. 9. Who was running in this town last fall for office?—Ans. Well, I have forgotten that too.

Ques. 10. Don't you ever remember anybody you vote for, any President you ever voted for?—Ans. I voted for Harrison.

Ques. 11. What are his politics?—Ans. I can't tell; I don't care much about it.

Ques. 12. Did you remember voting for President?—Ans. No, sir.

Ques. 13. The last time Garfield and Hancock were running for office, which one did you vote for?—Ans. The same as I did the last one; I put two tickets in my pocket and threw one of them in.

Ques. 14. You never know who you do vote for?—Ans. No, sir.

Ques. 15. You fix it so you don't know?—Ans. Yes, sir.

Ques. 16. You put two tickets in your pocket, one of which you vote?—Ans. Two of each kind and shake them up in my pocket, take one and put it in.

Ques. 17. Well, we have had a good many fusses, but this is certainly the most interesting. You had no preference last fall for Congressman; didn't care whether you voted for Frederick or Wilson?—Ans. It didn't make any difference to me.

Ques. 18. Did you talk to anybody about this thing?—Ans. No, sir.

Ques. 19. You are sure of that?—Ans. I am sure of that.

Ques. 20. How do you know that the tickets that you had in your pockets were tickets of two kinds?—Ans. I looked at them first.

Ques. 21. You can read?—Ans. Yes, sir; as well as any of them.

Ques. 22. Are you positive that you did not vote two tickets last fall?—Ans. I am sure of that.

Ques. 23. How do you know that?—Ans. Because I had three left when I came home.

Ques. 24. How did you know that you had three left?—Ans. I looked at them in my pocket.

Ques. 25. What kind of tickets were they?—Ans. I didn't look at them; they were doubled up. I threw them in the stove.

Ques. 26. Did you vote in June on the amendment?—Ans. No, sir. A man gave me a ticket at the polls; I didn't look at it; I just put it in.

Ques. 27. You don't know how you voted on that subject?—Ans. No, sir; I don't know that either.

Ques. 28. When there are parties holding caucuses and conventions, what side do you sympathize with?—Ans. I don't go at all then.

Ques. 29. Under oath, you state you don't know what ticket you voted last fall?—Ans. No, sir; I don't know whether Democratic or Republican; I am not sure.

Ques. 30. What do you think about it?—Ans. I can't tell.

Ques. 31. Give us your impression.—Ans. I can't tell anything about it.

Ques. 32. Give us your best judgment, supposing you were going to guess about it.—Ans. I can't guess about it.

Ques. 33. You have some respect for your standing in your neighborhood?—Ans. Yes, sir; I hope so.

Ques. 34. You are a pretty smart, intelligent man.—Ans. No, sir; not very.

Ques. 35. Every lineament of your face shows that you are intelligent; you know what the sanctity of the oath is?—Ans. An oath, yes, sir; I guess I do.

Ques. 36. You are to tell the truth, the whole truth, and nothing but the truth.—Ans. Yes, sir; the whole truth.

Ques. 37. Now, then, you say that you never know who you vote for?—Ans. I do not. No, sir; I do not.

Ques. 38. Where were you born?—Ans. In Prussia.
Ques. 39. That is well settled, is it?—Ans. Yes, sir.
Ques. 40. Ever naturalized?—Ans. Yes, sir.
Ques. 41. Where?—Ans. In Davenport.
Ques. 42. How long had you been in this country before you were naturalized?—Ans. The first papers after 3 years; then I run on a steamboat for 3 years as pastry cook; then 3 years in the Leclaire House; then a man came after me to go and get my second papers; I went with him to the court-house and got the papers that were taken from me at Rochester. I claimed some land there, and they took my papers and were to send them to me in 14 days, and they didn't do it.
Ques. 43. How did you remember these facts so well?—Ans. I can remember the time that I went to school in the old country.
Ques. 44. But you never remember how you vote?—Ans. I don't want to.
Ques. 45. You have no papers now?—Ans. No, sir; I have no papers now; they took them from me in Rochester, Minn.

HERMAN SCHULING.

(Paid as fee by contestee $1.85.)

STATE OF IOWA,
Iowa County, ss:

JOHN MONAGHAN, being produced and sworn, before E. H. Wilson, on this 25th day of Ap., 1883 (H. A. Simpson appearing on the part of the contestee and T. Brown on the part of the contestant), testifies as follows:

Ques. 1. You are living in Grant Township, Iowa County, Iowa?—Ans. Yes, sir.
Ques. 2. Voted there last fall?—Ans. Yes, sir.
Ques. 3. How is your name spelled?—Ans. Two ways.
Ques. 4. What ticket did you vote?—Ans. I don't know; sometimes one way, sometimes another
Ques. 5. How did you vote last fall?—Ans. I can't tell exactly. (Objection, immaterial.) I never keep track of it.
Ques. 6 You know what you intended to do last fall? We will get through with you in a few minutes if you will answer one or two questions. Were you subpœnaed here?—Ans. Yes, sir.
Ques. 7. Have you papers?—Ans. My father has them.
Ques. 8. What age were you when you came to the United States?—Ans. Ten or 12 years old.
Ques. 9. Where did your father get his papers?—Ans. In America.
Ques 10. Who did you get them from?—Ans. I can't tell you exactly.
Ques. 11. Did you ever see them? –Ans. No, sir; but I have heard him say that he had them.
Ques. 12. Who did he get them from?—Ans. Jerry Grove got them for him. (Witness says, are they not as good as any other?)
Ques. 13. Do you know what judge was sitting in the court at the time that your father got his papers?—Ans. No, sir; I never saw them; I only heard him say that he got them and voted.
Ques. 14. Where is your father now?—Ans. In Cook County.
Ques. 15. If your father ever got any papers to your knowledge it wasn't in Iowa County?—Ans. Yes, sir.
Ques. 16. You never saw them?—Ans. No, sir.
Ques. 17. What ticket did you vote last fall?—Ans. I generally vote the Democratic ticket—sometimes the other.
Ques. 18. You voted last fall in the November election; did you vote the Democratic ticket?—Ans. I cannot tell you whether I did or not.
Ques. 19. You can read?—Ans. Not to amount to anything.
Ques. 20. You can read names on the ticket?—Ans. Some of them I can.
Ques. 21. Did you read your ticket last fall?—Ans. No, sir.
Ques. 22. Who gave it to you?—Ans. So many had tickets around there that I did not keep track of them.
Ques. 23. Who was the man you got your ticket of when you voted?—Ans. I can't tell you that.
Ques. 24. Was it your intention to vote the Democratic or Republican ticket last fall? You must have had a definite intention to do something. Give us your best impression as to what you did last fall.
(Objection, incompetent, asking the witness' opinion.)
Ans. I have said that I vote sometimes one way sometimes another.
Ques. 25. Which way did you vote last fall?—Ans. I cannot tell you that.
Ques. 26. Do you know whether you voted for Frederick or Wilson last fall?—Ans. I can't tell you that, sir.

Ques. 27. Which of them do you think you voted for?—Ans. I don't know that. If I could tell you that would be all right.

Ques. 28. You won't say or give any impression how you voted or how you generally vote?—Ans. I didn't pay much attention. I just took the vote and put it in.

Ques. 29. You have a choice?—Ans. Sometimes I have, sometimes I have not.

Ques. 30. Did you have any choice last fall?—Ans. Not a great deal.

Ques. 31. You had no choice last fall?—Ans. Only a little.

Ques. 32. What was it for, the Democratic or Republican ticket?

(Contestant objects to the question as leading.)

Ans. I guess a little. I mean that way.

Ques. 33. Which way?—Ans. Voted Democratic.

Ques. 34. Your impression is that you voted the Democratic ticket?—Ans. I can't tell you for certain.

Ques. 35. Don't you think you did? I want to get your judgement about it.

JOHN MONAGHAN.

Paid as fee by contestee, $3.25.

STATE OF IOWA,
Iowa County, ss:

JACOB RANCK, being produced and sworn, by E. H. Wilson, on this 25th day of April, 1883 (A. H. Simpson appearing on the part of the contestee and T. Brown on the part of the contestant), testifies as follows:

(Witness excused, having voted the Greenback ticket.)

JACOB RANCK.

Paid as fee by contestee, $2.35.

STATE OF IOWA,
Iowa County, ss:

BENIDICT GAHREG, being produced and sworn, before E. H. Wilson, on this 25th day of April, 1883 (A. H. Simpson appearing on the part of the contestee and T. Brown on the part of the contestant), testifies as follows:

(Witness is called and excused because he did not bring his papers.)

BENIDICT GAHREG.

Paid as fee by contestee, $2.35.

STATE OF IOWA,
Iowa County, ss:

PETER O. SHANGHNEY, being produced and sworn on this 25th day of Apr., 1883 (A. H. Simpson appearing on the part of the contestee, and T. Brown on the part of the contestant), testifies as follows:

(Excused because he did not bring his papers in court.)

Paid as fee by contestee, 85 cents.

PETER O. SHANGHNEY.

STATE OF IOWA,
Iowa County, ss:

Four men from Amana Township were discharged and fee paid by Wilson; 19 witnesses excused without examination.

(Paid as fees by contestee, $38.90.)

STATE OF IOWA,
Iowa County, ss:

I, Eldon Moran, a notary public and commissioner agreed upon to take testimony in this case, in pursuance of the annexed agreement, attached to the testimony of J. L. Adams, whose testimony was taken Feb. 22nd, '83, do truly certify that on the 24th and 25th of April, in pursuance of the notice hereunto annexed, I took the depositions of the following witnesses: Patrick McGue, Christian Mohr, Martin Kelly, J. W. Nelson, Fritz Branch, Joseph A. Schmuky, James Quinn, M. Stern, Fred. Lipsins, John Howlett, Anthony Ryan, James A. McGarry, G. F. Lindenmayer, Mathias Miller, Job Farley, Henry Mass, Michael Flanagan, John Wallick, Roger Carrall, Jacob Stevens, Daniel O'Leary, Lawrence McCabe, Patrick Gallager, Edward Barry, Michael Griffin, Patrick Lynch, Michael Dolphin, Falkin Falkinson, Lars Olson, Wm. Hourigan, Egnatz Weishaubt, Bernard Flanagan, Jacob Denzler, Andrew Harten, Samuel Brown, Michael McDennell, Peter Hortian, P. H. Johnson, Patrick Kelly, William Grace, Andrew P. Fester, Jno. Kerkover, John Bronnan, Herman Schnlnig, John Monaghan, Jacob Rank, Benedict Gahrey, Peter O'Shaughney, whose testimony is set forth in the following manner:

Each witness was by me duly sworn, or caused to be sworn in my presence as pro-

vided by law, and when sworn the questions were propounded to him by the respective parties, Benj. T. Frederick, contestant, and James Wilson, contestee, by their respective att'ys, and the same by me read to the witness, who answered the same, and his answer by me in the language of the witness taken down under each question propounded, and reduced to writing till the deposition was completed.

I further certify that when the testimony of each witness was taken, I carefully read the same over to the witness, who corrected the same, and each correction noted, and said testimony was then signed by the witness, and sworn to by him before me.

I further certify that T. Brown and Carney appeared as counsel for the contestant, Benj. T. Frederick, and Mr. Simpson appeared as counsel for the contestee, James Wilson.

In witness whereof I have set my hand and seal notarially this 25th day of April, 1883.

[SEAL.]

ELDON MORAN,
Notary Public for Johnson County, Iowa, and Commissioner agreed upon to take testimony.

No. 6.

LINN COUNTY.

FREDERICK
v.
WILSON.

STATE OF IOWA,
Linn County, ss:

Deposition of witnesses produced before me, Eldon Moran, a notary public and commissioner agreed upon to take testimony, and duly sworn before me, a notary public for Johnson County, Iowa, on this 26th and 27th of April, 1883, at Cedar Rapids, in pursuance of the notice hereunto attached, in a proceeding pending before the House of Representatives of the United States of America, in a contested election for the office of Representative in Congress, in which proceeding Benj. T. Frederick is contestant, and James Wilson, contestee; Brown and Carney for contestant, and M. P. Mills for contestee.

The following testimony was taken before me:

STATE OF IOWA,
Linn County, ss:

W. J. KOSLANSKY, being produced and sworn before M. P. Mills, notary public for Linn Co., on this 26th day of April, A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant, and M. P. Mills on the part of contestee):

(Contestant objects to the testimony of this witness for the reason that no notice has been given to the taking of his testimony or the residence of the witness.)

Ques. 1. Where do you reside?—Ans. At Cedar Rapids.

Ques. 2. Of what country are you a native?—Ans. Austria.

Ques. 3. Have you ever been naturalized as a citizen of the United States?—Ans. Yes, sir.

Ques. 4. Have you your papers?—Ans. No, sir; I have not got my papers; I don't need any papers really, but I got them all the same.

Ques. 5. Where were you naturalized, and before whom?—Ans. In this county.

Ques. 6. Do you remember whether it was before Judge Elliot, of Marion?—Ans. I don't recollect; it was 15 or 16 years ago.

Ques. 7. Where are your papers?—Ans. I cannot say. I have never taken any care of them, because I don't need them.

Ques. 3. You cannot find them then?—Ans. No, sir.

Ques. 9. Now, did you vote at the last November election?—Ans. No, sir; I was not at home.

Ques. 10. You didn't vote?—Ans. No, sir.

Ques. 11. You say you were not here?—Ans. No, sir; I wasn't here that day.

Ques. 12. Then you didn't vote?—Ans. No, sir.

Ques. 13. You didn't vote in the first ward in the city of Cedar Rapids at the election held last November, for the office of Congressman from the 5th Congressional district?—Ans. No, sir; I wasn't at home.

W. J. KOSLANSKY.

85 cents paid as witness fees by contestee.

STATE OF IOWA,
Linn County, ss:

PHILLIP SEITZ, being produced and sworn before M. P. Mills, notary public for Linn Co., on this 26th day of April, A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant, and M. P. Mills on the part of contestee):

(Contestant objects on the same ground as before stated.)

Ques. 1. Mr. Seitz, of what country are you?—Ans. From Baden.

Ques. 2. Have you ever been naturalized as a citizen of the United States of America; and, if so, have you your papers?—Ans. Yes, sir; here they are.

(Witness produces papers.)

Ques. 3. Then you say you have been naturalized and have your papers?—Ans. Yes, sir.

Ques. 4. Are these your papers?—Ans. Yes, sir.

(Copy introduced in evidence by contestee.)

STATE OF IOWA,
Linn County:

Be it remembered that on the 16th day of May, A. D. 1861, Phillip Seitz, late of the Grand Duchy of Baden, now of Linn Co., in the State of Iowa, appeared in the county court of Iowa, county of Linn, being a court of record, having a law jurisdiction and a seal and clerk, and applied to the said court to be admitted to become a citizen of the United States of America, according to law, the said Phillip Seitz having thereupon brought to the court such witnesses and taking such oaths and making such declarations as are required by law, thereupon it was considered by the said court that the said Phillip Seitz be admitted, and he was accordingly admitted by the said court to become a citizen of the United States of America. In testimony whereof the seal of said court is hereunto affixed the 16th day of May, A. D. 1861.

[SEAL OF THE COUNTY OF LINN, IOWA.] DANIEL LOTHAN, *Clerk.*

Ques. 5. Did you vote at the election held in this county on the 7th day of November, 1882?

(Contestant objects as incompetent, irrelevant, and immaterial.)

Ans. No, sir; I don't believe I did; I wasn't here; I live 2 miles out, I wasn't here; I never lost an election, except that; I have voted for 20 years.

Ques. 6. Now, did you say here that you didn't vote at the general election held on the 7th day of last November?—Ans. Yes, sir.

PHILLIP SEITZ.

85 cts. paid as witness fees.

STATE OF IOWA,
Linn County, ss:

JOHN DREFAHL, being produced and sworn before M. P. Mills, notary public for Linn County, on this 26th day of April, A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant, and M. P. Mills on the part of contestee):

(Same objection as before stated.)

Ques. 1. Where were you born?—Ans. In Germany.

Ques. 2. Are you a naturalized citizen of the United States?—Ans. Yes, sir.

Ques. 3. Where and when did you receive your papers, and have you got them with you?—Ans. I received them in 1883 in Merryville, two or three years ago.

Ques. 4. You don't mean '83; don't you mean '63?—Ans. Yes, sir; I mean '63.

Ques. 5. Have you your papers with you?—Ans. Yes, sir; but it is not necessary for me to show them, I never show them to anybody else.

(Contestant objects to the same for the reason that it is not shown that the witness is an illegal voter.)

(Papers are produced by the witness.)

(Mills says papers produced are similar to those produced by the witness just preceding, and these papers being the same in form as that introduced in the testimony of Phillip Seitz, issued Oct. 9, 1868, signed by Daniel Lothan, county judge and ex-officio clerk.

Contestant objects to the same as incompetent, irrelevant, and immaterial, and not the best evidence.)

Ques. 6. On November last, 1882, where did you reside?—Ans. In Fayette Township.

Ques. 7. Did you vote at the November election?—Ans. I voted for Frederick, he is my man.

Ques. 8. Well, this question was did you vote at the general election held November the 7th, 1882, in Fayette Township?—Ans. Yes, sir; in Palo.

Ques. 9. For whom did you vote for Representative in Congress from the fifth Congressional district?—Ans. I voted for Frederick.

Cross-examination:

Ques. 10. How long have you been a voter?—Ans. Since twenty years ago.
Ques. 11. Have you ever had your right to vote questioned before?—Ans. No, sir; ever since I had my papers I voted.
Ques. 12. Have you served on juries or grand juries in this county?—Ans. No, sir; I never did anything of this kind before.
Ques. 13. Well, have you served on the juries in this county?—Ans. No, sir.
Ques. 14. Never been on the jury?—Ans. No, sir.
Ques. 15. In any case?—Ans. Yes, sir; on the jury case in Marion I have been a witness but not a juryman.
Ques. 16. How many years have you been in Iowa?—Ans. 20 years.
Ques. 17. What attorney was with you when you obtained your papers?—Ans. In Marion?
Ques. 18. Yes, sir.—Ans. I don't know; I think that it was Judge Lothan.
Ques. 19. Are your certain you voted for Frederick for the office of Representative in Congress?—Ans. Yes, sir, I did.

Redirect:

Ques. 20. You are certain Lothan was the judge then and there?—Ans. Yes, sir, I know that.

JOHN DREFAHL.

$1.75 paid as fees by contestee.

STATE OF IOWA,
Linn County, ss:

JAMES BIRD, being produced and sworn before M. P. Mills, notary public for Linn Co., on this 26th day of April, A. D. 1883, testified as follows (T. Brown appearing on the part of contestant and M. P. Mills on the part of contestee):

Ques. 1. Where do you reside?—Ans. Rapids Township.
Ques. 2. I will ask you this question: Did you vote at the general election held November the 7th, 1882, for the office of Representative in Congress?—Ans. Yes, sir.
Ques. 3. Are you a native-born citizen?—Ans. No, sir, I am not.
Ques. 4. When and where were you naturalized, and have you your papers with you?—Ans. I haven't my papers with me; I was naturalized in 1866 or '7, I won't be sure which.
Ques. 5. Where are your papers?—Ans. I suppose they are at home; I don't at liberty to look half a bushel of old documents. I can give you my witness, with no doubt of that it's simply a question of law demanding by whom you were naturalized.
(Contestant objects as incompetent, immaterial, and not the best evidence. Then you will have to go and find your papers.)
Ques. 6. State by whom you were naturalized.—Ans. Judge Dumont, of Marion.
Ques. 7. He was judge of the county court, wasn't he?—Ans. Yes, sir.
Ques. 8. Then you are not sure that you were naturalized by Judge Dumont, judge of the probate court of Marion?
(Same objection as before.)
Ans. Yes, sir.
Ques. 9. Now, for whom did you vote for for office of Congressman?—A. I voted for Frederick.

Cross-examination:

Ques. 10. How long have you been a voter?—Ans. For the last 15 or 16 years.
Ques. 11. Have you ever had your right to vote questioned since you got your papers?—Ans. No, sir.
Ques. 12. And have voted different tickets every year?—Ans. Yes, sir.

JAMES BIRD.

85 cts. paid as fees by contestee.

STATE OF IOWA,
Linn County, ss:

JOHN FLAHERTY, being produced and sworn before M. P. Mills, notary public for Linn Co., this 26th day of April, A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant, and M. P. Mills on the part of contestee):

Ques. 1. Where do you live?—Ans. Fairfax Township.
(Contestant objects same as before.)
Ques. 2. In what township do you live?—Ans. Fairfax.
Ques. 3. Did you reside there November last?—Ans. Yes, sir.
Ques. 4. Did you vote at the November election, 1882?—Ans. Yes, sir.
Ques. 5. Are you a naturalized citizen of the United States; and if so, have you your papers?—Ans. Yes, sir.
(Copy introduced in evidence by contestee.)

STATE OF IOWA, *ss*:

Be it remembered on the 18th day of March, 1868, John Flaherty, late of Canada, residing now in Linn Co., State of Iowa, appeared in the county court of Iowa, then and for the county of Linn, being a court of record, having a common law and jurisdiction and a sealing clerk, applied to the said court to be admitted to become a citizen of the United States of America according to law, and the said John Flaherty having thereupon produced to the court such witnesses, taking such oaths, and making such declarations as are required by law, thereupon it was furthered by the said court that the said John Flaherty be admitted, and he was accordingly admitted by the said court to become a citizen of the United States of America. In testimony whereof seal of said court is hereunto affixed this 18th day of March, A. D. 1868.

{ SEAL OF THE COUNTY COURT OF LINN CO. IOWA. }

A. B. DUMONT,
County Judge and ex officio Clerk of the County Court of Linn County.

[5 cts. stamp.]

Ques. 6. For whom did you vote for the office of Congressman in this district?
(Objection to that as incompetent, irrelevant, and immaterial, also that it is not shown that the witness is an illegal voter.)
Ques. 7. These are the only naturalization papers that you have received, are they not?—Ans. Yes, sir.

Cross-examination:

Ques. 8. How long have you voted, Mr. Flaherty?—Ans. Since papers were made out.
Ques. 9. Have you voted ever since?—Ans. Yes, sir.
Ques. 10. Who was on the ticket you voted, whose names? Can you tell that?—Ans. No, sir; I can't tell that.
Ques. 11. Did you not absolutely vote for Frederick?—Ans. Yes, sir; I am pretty well certain of that.
Ques. 12. You don't know as to who the other candidates were?—Ans. No, sir; I can't name them all.
Ques. 13. You read your ticket you voted?—Ans. Yes, sir.
Ques. 14. You are supposed to have a right to vote?—Ans. Yes, sir; I supposed I had.
Ques. 15. Was your vote ever challenged before?—Ans. I believe it never was; I have voted for a number of years.
Ques. 16. Have you been in the Army?—Ans. No, sir.

JOHN FLAHERTY.

Paid as fees $2.25, by contestee.

STATE OF IOWA,
Linn County, ss:

JAMES MCNAMARA, being produced and sworn before M. P. Mills, notary public for Linn Co., on this 26th day of April, A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant, and M. P. Mills on the part of contestee):
(Contestant objects same as before.)

Ques. 1. Where do you reside?—Ans. In Clinton.
Ques. 2. What township do you live in?—Ans. In Clinton.
Ques. 3. Did you vote at the November election in your township?—Ans. Yes, sir.
Ques. 4. Are you a naturalized citizen of the United States, and, if so, have you your papers with you?—Ans. Yes, sir.
Ques. 5. Please produce them.
(Brown says witness is not obliged to show papers unless he wants to.)
(Witness produces papers. Papers are pronounced good.)

JAMES MCNANARA.

$1.50 paid as fees by contestee.

STATE OF IOWA,
Linn County, ss:

MICHAEL FLAHERTY, being produced and sworn before M. P. Mills, notary public for Linn Co., on this 26th day of April, A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant and M. P. Mills appearing on the par tof contestee):

Ques. 1. What township do you live in?—Ans. Fairfax Township.
Ques. 2. Where did you live in November last?—Ans. Same place.
Ques. 3. Did you vote at the election held November 7th, 1882, in Fairfax?—Ans. Yes, sir; I did.

Ques. 4. Are you a naturalized citizen of the United States, and, if so, have you papers, and produce them?—Ans. Yes, sir, I have, but I need not produce them.

Ques. 5. You mentioned you are a citizen and you have papers?—Ans. Yes, sir; I wasn't of age when my father got his papers.

(Papers produced is in form like the one in the testimony of John Flaherty, issued the 18th day of March, 1868, signed by A. B. Dumont, county judge and ex-officio clerk of the county court of Linn Co., Iowa, with county seal attached.

Contestant objects to the same as incompetent, irrelevant, and not the best evidence.)

Ques. 6. For whom did you vote for the office of Congressman 5th Congressional district?—Ans. If I understand the law, I put it in as a secret; I don't think any one can compel me by law to tell who I voted for; I think a man can vote for whom he pleases.

Ques. 7. What ticket did you vote last November at the general election?—Ans. I won't answer unless I am compelled to; not that I have any objections, but I want to see whether I am compelled by law to do it.

Ques. 8. Well, I would answer the question if I was in your place; I have no interest in this matter, but anybody will tell you to answer. Brown says if your father was a naturalized citizen of the United States, and you came to the United States as a minor, you are not obliged to answer the question.—Ans. I merely got these papers; we had a little dispute; I got them just to satisfy myself.

Ques. 9. That is all right. Mr. Flaherty, you can just answer who you voted for?—Ans. I refuse to do that.

Ques. 10. I will ask you what your general politics are, Democrat or Republican?—Ans. It would be an honest man and best man; I sometimes find them in both parties, especially in the Republican party.

Ques. 11. That is what I supposed; which party did you consider most honest last fall?—Ans. I didn't make up my mind to that; it was just the same all the time.

Ques. 12. Did you vote for any Democrats last fall?—Ans. Yes, sir; I did some scratching to mine as the rest of them.

Ques. 13. Did you vote for any Republican last fall?—Ans. I believe I did, but I can't name them.

Ques. 14. Did you vote for James Wilson?—Ans. I won't answer that whether I voted for him or the other man.

Ques. 15. Then you won't answer whether you voted for James Wilson, Republican candidate for Congress?—Ans. No, sir.

Ques. 16. Did you vote for David Platner, the Greenback candidate for Congress?—Ans. I refuse to answer that, as I stated it was a secret.

Ques. 17. Well, never mind that now; I will ask you again if you didn't vote for Benj. Frederick for Congress?—Ans. I refuse to answer that.

Ques. 18. Did you vote a ticket with Frederick's name on for Congress?—Ans. I refuse to answer that.

Ques. 19. Did you vote a Democratic ticket last fall?—Ans. I refuse to answer that.

Ques. 20. Did you vote at all?--Ans. I did.

Ques. 21. Now, Mr. Flaherty, this is all I have to ask you now; you may stay here.

Cross-examination:

Ques. 22. How old were you when you came to the United States?—Ans. Well, sir, as near as I can judge, I was 12 years old when I crossed that pond, and that is the trouble in this——

Ques. 23. Did you live with your father in the United States?—Ans. Yes, sir; I lived in this State since '55.

Ques. 24. Was your father a naturalized citizen of the United States?—Ans. Yes, sir.

Ques. 25. Was he naturalized before you were of age?—A. Yes, sir.

Ques. 26. Was he a voter?—Ans. Yes, sir.

MICHAEL FLAHERTY.

(Paid as fees, $1.85 by contestee.)

STATE OF IOWA,
Linn County, ss:

JAMES HEDGE, being produced and sworn before M. P. Mills, a notary public for Linn County, on this 26th day of April, A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant and M. P. Mills appearing on the part of contestee):

Ques. 1. Where do you live?—Ans. Fairfax.

Ques. 2. Where did you reside in November 7th, 1882?—Ans. At Fairfax.

Ques. 3. Did you vote at the general election held on that day?—Ans. Yes, sir.

Ques. 4. Are you a naturalized citizen of the United States, and, if so, have you your papers? If you have, please present them to the commissioner.

(Contestee objects to the question on the ground that it is incompetent, immaterial, and irrelevant to the issue; therefore no longer in the answer of any witness voting in Fairfax illegally.)

Ques. 5. Have you your papers?—Ans. Yes, sir; here they are.

(Witness produces papers.

Same notes in evidence by contestee; papers show that he was a native of Ireland; same issued on the 24th of August, 1868, by A. B. Dumont, county judge and ex-officio clerk of the county court of Linn County, Iowa, with the seal of the county court of Linn County, Iowa, and the stamp attached.

(Contestant objects to the evidence as incompetent, and not the best evidence.)

Ques. 5. These are the original naturalization papers that you have?—Ans. Yes, sir. Are they not sufficient?

(Brown, contestee, claims that these papers are not good for anything, and that such witnesses cannot vote legally.

Contestee says that I want it noted in the evidence that the words of the contestant's attorney, Mr. Brown, be put in evidence in full.)

Ques. 6. I believe you stated that you voted at the November election?—Ans. Yes, sir; certainly.

Ques. 7. Now, for whom did you vote for the office of Congressman?—Ans. I always vote the Democratic ticket.

Ques. 8. I know; that is the way to talk it.—Ans. No, sir; there is no use lying about it.

Ques. 9. You need not be ashamed of it.—Ans. Yes, sir; I always did.

Cross-examination:

Ques. 19. You don't know whose names were on the tickets for Congressman?—Ans. I paid no attention to it at all.

Ques. 20. There were a good many split tickets?—Ans. Yes, sir, there were. I never pay any attention to the names at all.

Redirect:

Ques. 21. Did you see Mr. Wilson's name on any Democratic tickets that day?—Ans. I paid no attention to it.

Ques. 22. Then you didn't say any such thing, did you?—Ans. I can't tell; I supposed he wouldn't be there, would he?

Ques. 23. No, sir.

JAMES HEDGE.

(Paid as fee by contestee, $2.00.)

STATE OF IOWA,
Linn County, ss:

D. ANSSIEKER, being produced and sworn before M. P. Mills, notary public for Linn County, on this 26th day of April, 1883, testifies as follows (T. Brown appearing on the part of contestant and M. P. Mills appearing on the part of contestee):

(Contestant objects to this evidence as incompetent, and not the best evidence.)

Ques. 1. Where did you reside in November, 1882?—Ans. In the city of Cedar Rapids.

Ques. 2. Did you vote at the general election, 1882?—Ans. Yes, sir.

Ques. 3. Have you ever been naturalized as a citizen of the United States, and, if so, have you your papers with you?—Ans. Yes, sir.

Ques. 4. Please produce them, Mr. Anssieker.

(Papers produced in court. Copy introduced in evidence by contestee. Papers show the witness to be late of Germany; naturalized by the county court, 6th of February, 1867. Signed by Johnson Elliot, county judge, and ex-officio clerk of the county court, Linn County, Iowa, with the seal of the county court, Iowa, and stamp attached.

Contestant objects to the evidence of the papers just introduced for the reason that it is incompetent, not the best evidence.)

Ques. 5. You stated you voted in the November election, 1882?—Ans. Yes, sir.

Ques. 6. For whom did you vote for member of Congress?

(Objection, incompetent, irrelevant, immaterial.)

Ans. For Frederick.

Cross-examination:

Ques. 7. How long have you been a voter?—Ans. Since 1867.

Ques. 8. Did you know you voted for Frederick for Congressman?—Ans. Yes, sir.

Ques. 9. Have you been in the habit of voting since 1867?—Ans. Yes, sir.

Ques. 10. Did you ever have your papers questioned before?—Ans. No, sir.

Ques. 11. You supposed you had a right to vote, didn't you?—Ans. Yes, sir, I thought so.

Ques. 12. Did you read the ticket you voted?—Ans. Yes, sir.

Ques. 13. Was the court before whom these papers were issued in session at the time you got them?—Ans. Well, it is so long ago I hardly recollect, but I think that it was.

Ques. 14. You had witnesses there?—Ans. Yes, sir.

Redirect:

Ques. 15. It was the county judge, was it not?—Ans. It was the county judge, I believe. It says so on the paper. It is so long ago I hardly recollect.

D. ANSSIEKER.

(Paid as fee by contestee. $.85.)

STATE OF IOWA,
Linn County, ss:

WILLIAM HANSER, being produced and sworn before M. P. Mills, notary public for Linn County, on this 26th day of April, 1883, testifies as follows (T. Brown appearing on the part of contestant, and M. P. Mills appearing on the part of the contestee):

(Contestant objects to this evidence as incompetent and not the best evidence.)

Ques. 1. What township do you live in?—Ans. Otter Creek Township.

Ques. 2. Where did you live in November, 1882?—Ans. Otter Creek.

Ques. 3. Did you vote at the general electien held in that township in November, 1882?—Ans. Yes, sir.

Ques. 4. Are you a citizen of the United States; and, if so, have you naturalization papers, and if you have, please produce them?

(Contestant objects, incompetent, immaterial.)

(Witness produces papers, naturalization of witness, which are produced; says that he is late of the Grand Duchy of Baden, and were issued on the 8th of October, 1867, by Johnson Elliot, county judge and ex-officio clerk, county court of Linn County, Iowa, with the seal of the county court of Linn County, and stamp attached.

(Contestant objects to the same as incompetent and not the best evidence—hearsay.)

Ques. 5. These are the original papers you have had before?—Ans. Yes, sir.

Ques. 6. For whom did you vote for Representative in Congress?—Ans. That is something I can not swear to. I sometimes look for the State officers. I voted the Democratic ticket last fall, but whether Mr. Wilson or the other one was on I cannot tell; I cannot swear to it.

Ques. 7. You intended to vote for Frederick, Democratic nominee?—Ans. Well, I don't know; my mind was not made up at all about it. Well, really, I didn't care about the State officers; I just looked for such men as I knew in the county and township offices.

Ques. 8. You voted the Democratic ticket?—Ans. Yes, sir.

Ques. 9. You didn't make any erasures on it or anything of that kind?—Ans. No, sir.

Ques. 10. You voted a straight Democratic ticket?—Ans. Yes, sir.

Ques. 11. The straight Democratic ticket in your township had Frederick's name on for Congress?—Ans. I could not tell.

Ques. 12. You don't know that?—Ans. No, sir; I don't know that.

Ques. 13. Were there any Democratic tickets in your township with either one of the other candidates on for Congress?—Ans. I don't know for sure.

Cross-examination:

Ques. 14. How long have you been in the United States?—Ans. I came over in 1856.

Ques. 15. How old were you then?—Ans. Sixteen years old.

Ques. 16. Did your parents come with you?—Ans. Yes, sir.

Ques. 17. Was your father naturalized and a voter in this State?—Ans. Not to my knowledge.

Ques. 18. You don't know as to that? Did you live with your father after he came here?—Ans. Yes, sir.

Ques. 19. You don't know whether he was naturalized or not?—Ans. I cannot tell, because he was not very long in this country before he died.

Ques. 20. How long was he here?—Ans. About 3 years.

Ques. 21. Do you know whether he made application to become a citizen before he died?—Ans. That is more than I can tell.

Ques. 22. You do not know whether he filed his declaration asking to be a citizen or not?—Ans. No, sir.

Ques. 23. Where did he live then?—Ans. In the State of Pennsylvania.

Ques. 24. What county?—Ans. Erie.

Ques. 25. How long have you voted?—Ans. Since 1867.

Ques. 26. Any Republican's name on that ticket for township officers you know of?—Ans. There were township officers.

Ques. 27. Republican township officers?—Ans. Yes, sir.

Ques. 28. You do not know who were there with other Republican officers on the State ticket?—Ans. I could not tell

Ques. 29. You cannot say who were on for Congress?—Ans. I cannot swear to that.

WILLIAM HANSER.

$2.25 paid as fee by contestee.

STATE OF IOWA,
Linn County, ss :

JACKSON GILLMORE being produced and sworn before M. P. Mills, notary public for Linn County, on this 26th day of April, 1883, testifies as follows (T. Brown appearing on the part of contestant, and M. P. Mills appearing on the part of contestee) :

(Contestant objects to the question, incompetent, not the best evidence.)

Ques. 1. Where do you live?—Ans. Marion Township.
Ques. 2. Did you reside in Marion Township in November last, 1882?—Ans. Yes, sir.
Ques. 3. Did you vote at the general election?—Ans. Yes, sir.
Ques. 4. Have you any naturalization papers, or have you been naturalized as a citizen of the United States; and, if so, have you them with you?—Ans. Yes, sir.
Ques. 5. Please produce them to the commissioner.—Ans. No, sir; not if I don't have to, I won't.
Ques. 6. It is necessary, whether you refuse to do so or not.—Ans. Yes, sir, I do; and I have been here ever since I was 4 years old.
Ques. 7. Do you refuse to produce your papers?—Ans. I won't do it unless he obliges me to.
Ques. 8. By whom were you naturalized?—Ans. By Judge Elliot.
Ques. 9. Was he judge of the probate court at the time?—Ans. Yes, sir.
Ques. 10. Johnson Elliot?—Ans. Yes, sir.
Ques. 11. He was county judge of the probate court of Linn County at the time?—Ans. Yes, sir.
Ques. 12. Have you any naturalization papers admitting you to full citizenship in the United States except these?—Ans. No, sir.
Ques. 13. These are the only ones you have?—Ans. Yes, sir.
Ques. 14. Did you vote at the general election last November?—Ans. Yes, sir.
Ques. 15. Did you vote for the office of Congressman?—Ans. Yes, sir.
Ques. 16. For whom did you vote?
(Contestant objects, incompetent, immaterial; witness is not obliged to tell.)
Ans. It is none of your business.
Ques. 17. Then you refuse to answer for whom you voted?—Ans. Yes, sir.
Ques. 18. Did you vote the Democratic ticket?—Ans. No, sir.
Ques. 19. Did you vote for no Democrats?—Ans. Yes, sir.
Ques. 20. Was Mr. Frederick one of them?—Ans. Did I tell you that I would not tell you that?
Ques. 21. Did you vote for David Platner, Greenback Member of Congress?—Ans. No, sir.
Ques. 22. Did you vote for Mr. Wilson?—Ans. No, sir; I don't think I did.

Cross-examination.

Ques. 23. You may state if your father came over with you to the United States.—Ans. Yes, sir.
Ques. 24. Was he a citizen?—Ans. Yes, sir.
Ques. 25. Was he naturalized?—Ans. Yes, sir.
Ques. 26. You were only a child—you were not of age?—Ans. I was 4 years old when we came.
Ques. 27. Was your father a citizen before you became of age?—Ans. He was naturalized 10 or 12 years before I was of age.
(Contestant objects to all the evidence of this witness concerning his naturalization papers, or, rather, the records of them are the best evidence, and they are not produced or offered to be produced here.)
Ques. 28. You have not got your father's papers here?—Ans. No, sir.
Ques. 29. Where does your father reside?—Ans. In Marion Township, when he died.
Ques. 30. How long had he resided here when he died?—Ans. Fifteen years.
Ques. 31. Where did he reside when he got his papers?—Ans. In Essex County, New York.
Ques. 32. Did you know where he got his first papers?—Ans. Essex County, New York.
Ques. 33. Where did he get his second papers?—Ans. In Marion.
Ques. 34. Was that before you were of age?—Ans. Yes, sir; a long time.

his
JACKSON + GILLMORE.
mark

$1.60 paid as fee by contestee.

STATE OF IOWA,
Linn County, ss:

JOSEPH COENEN, being produced and sworn before M. P. Mills, notary public for Linn Co., on this 26th day of April, 1883, and examined before me, testified as follows (T. Brown appearing on the part of contestant and M. P. Mills on the part of contestee):

(Same objection as before.)

Ques. 1. Where do you reside?—Ans. In Marion Township.
Ques. 2. Did you reside there November, 1882?—Ans. Yes, sir.
Ques. 3. Did you vote at the general election held '82 in Marion Township?—Ans. Yes, sir.
Ques. 4. Now, have you papers of naturalization?—Ans. I got them; yes, sir. I haven't got them here.
Ques. 5. You didn't bring them, then?—Ans. No, sir.
Ques. 6. You may state by whom you were naturalized.
(Contestant objects; incompetent, immaterial, and not the best evidence.)
Ans. That is more than I can tell you. I got my last papers in Marion.
Ques. 7. Wasn't it before Judge Elliott?
(Objection; incompetent, immaterial, and not the best evidence.)
Ans. No, sir; it wasn't before him. I don't know who it was before.
Ques. 8. Wasn't it before Judge Lothan?
(Objection; incompetent, immaterial, and not best evidence.)
Ans. I havn't seen them for a good while.
Ques. 9. Why didn't you bring them?—A. I forgot them. I came off in a hurry; my barkeeper left, and I had to shut up business.
Ques. 10. Well, if you can't remember by whom you were naturalized we will have to have your papers; you will have to bring them in, then.

Cross-examination:

Ques. 11. Did you have any subpœna to bring your papers?—Ans. Yes, sir; I got a copy of subpœna here.
(Witness produces papers.)
Q. 12. Were you in the army of the United States?—A. Yes. sir.
Q. 13. How long did you serve?—A. Two years.
Q. 14. Your notice does not require you to bring your papers, so you need not bring them.

JOSEPH COENEN.

$1.55 paid as fee by contestee.

Contestant introduces in evidence copy of subpœna and same mark by commissioner Exhibit A of the testimony of Joseph Coenen.

EXHIBIT A.—W. V. F.

UNITED STATES OF AMERICA,
State of Iowa, County, ss:

To JOSEPH COENEN:

In the name of the United States of America you are hereby commanded to be and appear before me, the undersigned, a commissioner appointed for Linn County, State of Iowa, at City Hall, in Cedar Rapids, in said county, on the 26th day of April, A. D. 1883, at 8 o'clock a. m., to give evidence in a proceeding now pending before the House of Representatives of America, in a contested election for the office of Representative in Congress, in which proceeding Benjamin T. Frederick is contestant and James Wilson is contestee, on behalf of the contestee, and hereof fail not at your peril.
Witness my hand and notarial seal this 24th day of April, A. D. 1883.
ELDON MORAM, *Commissioner.*

Re-called:

Q 15. Did you have an honorable discharge from the army?—A. Yes, sir.
Q. 16. You got papers at that time?—A. Yes, sir.
(Excused.)

STATE of IOWA,
Linn County, ss:

FREDERICK PETER being produced and sworn before M. P. Mills, notary public for Linn Co. on this 26th day of April, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and M. P. Mills on the part of contestee):

(Contestant objects that the testimony is not the best evidence.)

Ques. 1. Where did you reside in Nov., '82?—Ans. In Otter Creek Township.

Ques. 2. Did you vote there at the general election?—Ans. Yes, sir.

Ques. 3. Are you a naturalized citizen of the U. S., and if so, have you your papers with you?—Ans. Yes, sir.

Ques. 4. Please produce them.

(Contestant objects; incompetent, immaterial.)

Witness not obliged to produce papers.

Witness produces his papers.

A copy introduced in evidence by contestee showing that the witness was late of Baden, and that the papers were issued by Johnson Elliott, county judge, and ex officio clerk of State court with seal attached.

(Contestant objects that the same is incompetent and not best evidence; also that the paper on its face does not purport to be issued by the county court; but that it purports to be issued by county court having common law jurisdiction.)

Ques. 5. Did you vote at the Nov. election?—Ans. Yes, sir.

Ques. 6. For whom did you vote, Frederick or Wilson?—Ans. I voted the straigh' Democraticticket.

Ques. 7. Including Frederick for Congress?—Ans. Yes, sir.

Cross-examination:

Ques. 8. Did you know what names were on your ticket?—Ans. Yes, sir.

Ques. 9. How long have you been a voter?—Ans. Since '66.

Ques. 10. How long have you been in this country?—Ans. Ever since '52.

Ques. 11. Did you have witnesses before the county court at the time you were naturalized?—Ans. Yes, sir.

Ques. 12. Who were the witnesses?—Ans. I cannot tell.

Ques. 13. You had witnesses?—Ans. Yes, sir.

Ques. 14. You got the papers in open court?—Ans. Yes, sir.

Ques. 15. You were sworn, renouncing allegiances to your former sovereign?—Ans. Yes, sir.

Ques. 16. Did your father come over with you?—Ans. No, sir.

FREDERICK PETER.

$2.05 paid by contestee.

STATE OF IOWA,
Linn, County, ss:

WILLIAM WEHREND, being produced and sworn before M. P. Mills, a notary public for Linn County, Iowa, on this 26th day of April, and examined before me (T. Brown appearing on part of contestant, and M. P. Mills on the part of contestee), testifies as follows:

Q. 1. Where do you reside?—A. Ottar Creek.

Q. 2. Did you live there in Nov., 1882?—A. Yes, sir.

Q. 3. Did you vote at the Nov. election?—A. Yes, sir.

Q. 4. Have you any papers of naturalization showing that you are a citizen of the United States?—A. Yes, sir.

Q. 5. Please produce them.

(Witness produces the papers. Naturalization papers show that witness is a late resident of Holstein, Denmark, issued to witness on the 9th day of Oct., 1865, by Johnson Elliott, county judge, and clerk of the county court of the said county of Linn.)

Given with the seal of the county court of Linn County attached, and a 5-cent stamp atttached.

(Contestant objects to the same, because the statement made was made by the counsel and the paper not copied by a notary, and the record in the case not the best evidence, and that the counsel only read it.)

Q. 6. Who did you vote for for Representative in Congress?—A. Straight Democratic ticket.

Q. 7. Including Frederick, for Congress?—A. Yes, sir.

Cross-examination:

Q. 8. Did your papers purport to be issued by a court of common-law jurisdiction?—A. Yes, sir.

Q. 9. Will you show your papers?—(Same produced.)
Q. 10. Can you read English?—(Paper on its face purports to be issued by a court of common-law jurisdiction.)
Q. 11. How long have you voted?—A. Since '65, when I got the papers.
Q. 12. Has your vote ever been challenged?—A. Yes, sir; some years it has been; some years I vote the Republican ticket.
Q. 13. And has nobody questioned your right to vote; has nobody said you were not a proper citizen of the U. S. since you got these papers?—A. Yes, sir.
Q. 14. Did you say you could not read English?—A. No, sir; not much.
Q. 15. How do you know Frederick's name was on your ticket?—A. I could read that much.
Q. 16. Did you read it?—A. Yes, sir.

Redirect:

Commissioner will please make note of evidence that the witness produced his naturalization papers to the commissioner, which are copied in evidence by the commissioner.

STATE OF IOWA,
Linn County, ss:

Be it remembered that on the 9th day of Oct., in the year of our Lord 1865, J. H. Wehrend, late of Holstein, Denmark, now of Linn County, in the State of Iowa, appeared in the county court of Iowa, within and for the county of Linn, being a court of record, having common-law jurisdiction, and a seal and clerk, and applied to the said court to be admitted to become a citizen of the U. S. of America, according to law, and the J. H. Wahrend, having thereupon produced to the court such evidence and taken such oath, and made such declarations and renunciations as are required by law, thereupon it was ordered by the said court that the said J. H. Wehrend be admitted, and he was accordingly admitted, by the said court to become a citizen of the U. S. of America.

In testimony whereof the seal of said court is hereunto affixed this 9th day of Oct., A. D. 1865.

[Seal of the county court of Linn County, Iowa.] JOHNSTON ELLIOT,
County Judge, and Clerk of the County Court of the said County of Linn.

Recross-examination:

Q. 17. Can you tell for whom you voted for judge of the supreme court?—A. No, sir; I cannot tell.
Q. 18. Can you tell the names of any at all?—A. I did not pay attention how that was. I took a Democratic ticket.
Q. 19. You did not know the names of the men on the ticket, did you?—A. No, sir; I could not swear to that.
Q. 20. You cannot swear to any of the names on the State ticket?—A. I know that Frederick's name was on it.
Q. 21. Do you know whether he was on there for Congressman, or simply the State ticket?—A. No, sir; I could not say.
Q. 22. You would not say if he was on?—A. No, sir.
($2.05.)

JAMES WAHREND.

STATE OF IOWA,
Linn County, ss:

MARION MARTIN, being produced and sworn before me, M. P. Mills, notary public for Linn Co., on this 26th day of April, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and M. P. Mills on the part of contestee):

(Contestant objects to the testimony of the witness; not best evidence.)

Q. 1. Where do you live?—A. Washington Township.
Q. 2. Linn Co.?—A. Yes, sir.
Q. 3. Were you present at the general election held last Nov.?—A. Yes, sir.
Q. 4. In what capacity were you acting?—A. Judge, I believe, of the election.
Q. 5. Do you know George Pool?—A. Yes, sir; I know him.
Q. 6. Did he vote at the election?—A. Yes, sir; he did.
Q. 7. How long had he been in the State of Iowa prior to that election, November the 7th?—A. I can't say positively, but I think in the neighborhood of 6 weeks or 2 months.
Q. 8. Where did you first know George Pool?—A. In Centre Point, Washington Township, Iowa.
Q. 9. Were you home when he came to Iowa?—A. Yes, sir.

Q. 10. How did you know he had been in Iowa 2 years?—A. Well, I don't know anything about it any more than he has been gone.

Q. 11. You don't know where he had been gone to; you don't know but that he has been in Iowa all the time so far as you know?—A. So far as my knowledge is concerned I don't know, but persons told me.

Q. 13. Not what persons told you, but do you know of your own knowledge that that man hadn't been in Iowa the last 6 months regularly?—A. I can't say that.

Redirect:

Q. 14. Did George tell you when he came back, or about that time, where he had been?

(Objection, not the best evidence.)

A. Yes, sir; he did.

Q. 15. You fixed the time from what he told you?—A. Yes, sir.

Recross-examination:

Q. 16. Did George Pool have a family?—A. Yes, sir.

Q. 17. He has a family; where is his family?—A. Living in Centre Point.

Q. 18. How long did he live there at that time?—A. He lived there, I think—well, he hadn't gone to housekeeping yet.

Q. 19. How long did he live there?—A. He had lived there in the neighborhood of 6 weeks or 2 months.

Q. 20. Where had the family been about that time, so far as you know?—A. Lima City, Wyoming Ter.

Q. 21. Did you know what his business was there, to your own knowledge?—A. No, sir; not of my own knowledge, more than the business he followed when here; I understood he followed the same business out there.

Q. 22. What business?—A. Blacksmithing.

Q. 23. You never saw him out of the State of Iowa?—A. No, sir.

Q. 24. You don't know anything what his business was to your own knowledge?—A. No, sir.

Q. 25. You have no knowledge of his being out of the State 6 months prior to this election?—A. No, sir.

Q. 27. You were one of the judges of the election?—A. Yes, sir.

Q. 28. Did you accept this man's vote?—A. Yes, sir; after he swore it in.

Q. 29. Did he swear he had been in the State of Iowa for the last 6 months?—A. Yes, sir.

Q. 30. He took the proper oath before the board that he was a resident of the State for 6 months?—A. Yes, sir.

Q. 31. And of the county for 60 days?—A. Yes, sir; he took the required oath.

Redirect:

Q. 32. You challenged him, didn't you?—A. Yes, sir; I believe I did.

Q. 33. Then, when he took the oath, you took his vote, of course, didn't you?—A. Yes, sir; we did.

Recross-examination:

Q. 34. Are you a Republican or Democrat?—A. I am a Democrat.

($2.55 paid as fee by contestee.)

MARION MARTIN.

STATE OF IOWA,
Linn County, ss:

WENTZEL TOMAK, being produced and sworn before M. P. Mills, notary public for Linn Co., on this 26th day of April, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and M. P. Mills on the part of contestee):

(Contestant objects to the testimony; not the best evidence.)

Q. 1. Where did you live in Nov., 1882?—A. Here, in this township.

Q. 2. Did you vote at the election held Nov. for the office of Congressman?—A. Yes, sir.

Q. 3. Have you papers in your possession showing you to be a naturalized citizen?—A. Yes, sir.

Q. 4. Please show them to the commissioner?

(Witness produces papers in court.)

Q. 5. I will ask you if you had your papers when you came into this room?—A. Yes, sir.

Q. 6. You have mislaid them if you can't find them now?—A. Yes, sir; I just showed them to you; I can't find them.

Q. 7. I will ask you if your naturalization papers were signed by Judge Johnson Elliot, county judge of Linn Co.?

(Contestant objects. Incompetent, irrelevent, immaterial, and not the best evidence.)

Q. 8. Is that the only paper of naturalization you had?—A. Yes, sir.

Q. 9. Is that the one that J. Elliot, county judge of Linn Co., issued you then?—A. In '66 I got second paper; then I voted.

Q. 10. That was your last paper?—A. Yes, sir.

Q. 11. You know Judge Elliot, of probate court?—A. Well, I don't know; I can't think of it now; I know the judge was an old man; maybe he is dead now.

Q. 12. He is the same judge that naturalized these other witnesses that have been in here?

(Objection; incompetent, immaterial and not the best evidence.)

A. Oh, yes, sir; it was the same man.

Q. 14. In the same court, was it?—A. Yes, sir; at the same time I got my papers.

Q. 15. Did you vote at the general election held last Nov. for Congressman?—A. Yes, sir.

Q. 16. For whom did you vote for Congressman?—A. I voted a Democratic ticket.

Q. 17. Including Frederick for Congress?—A. Yes, sir.

Cross-examination:

Q. 18. Did you read the ticket you voted?—A. Of course.

Q. 19. Well, sir, who was on for sec. of state?—A. Well, I can't tell you the whole of it.

Q. 20. Can you tell any of it?—A. I came down here, I saw it was for Frederick.

Q. 21. Did you have your papers when you came here 5 minutes ago?—A. I got second papers in '66.

Q. 22. Did you have your papers in your hands 10 minutes ago?—A. Yes, sir.

Q. 23. Did you give it to Mills?—A. Yes, sir.

Q. 24. After that you couldn't find it, could you?—A. Maybe I can find them; that is not a fair question. I can get another in Marion.

Q. 25. Did you know you didn't get your papers in the district court?—A. Yes, sir.

Q. 26. Did you know you didn't get them in the district court?—A. I got it in the regular court.

Q. 27. What court?—A. In Marion.

Q. 28. What court was it, district?—A. I don't know anything about that.

Q. 29. Was it district, circuit, or court of record?—A. All I know it was a court; it doesn't matter.

Q. 30. Was there a judge and clerk?—A. Yes, sir; and a good many others.

Q. 31. Did you have witnesses?—A. Of course.

Q. 32. Did you take the oath of allegiance?—A. Yes, sir.

Redirect:

Q. 33. I handed you back your paper, didn't I?—A. Yes, sir; of course, but I can't find my papers.

Q. 34. Are you not under the impresion that Frederick had it?—A. I just stuck it some place.

Q. 35. When you find it you will bring it back here?—A. Yes, sir; of course I will.

($0.85 paid as fee by contestee.)

WENTZEL TOMOCK.

WEUTZEL TOMASEK recalled:

Ques. 1. Have you found the papers you lost while in the city before?—A. Yes, sir; in my pocket.

Ques. 2. You may present it to the commissioner for the purpose of having the copy read.

(Paper produced, but the commissioner cannot in substance state that Weutzel Tomasek, late of Bohemia, in the Linn County court, a court of common-law jurisdiction, having a seal and clerk.)

Johnston Elliott, judge, ex-officio, clerk of the said court. Seal of county court attached.

(Excused.)

STATE OF IOWA,
Linn County, ss:

MICHAEL MENZ, being produced and sworn before M. P. Mills, notary public for Linn County, on this 27 day of April, A. D. '83, testifies as follows (T. Brown appearing on the part of contestant, and M. P. Mills on the part of contestee):

(Objection; testimony of the witness not best evidence.)

Ques. 1. Where did you live Nov. last; Cedar Rapids Township; did you vote at the last general election held in Nov.; are you a naturalized citizen of the United States, and if so, have you your papers with you?—Ans. Yes, sir.

Ques. 2. Present your papers to the commissioner.

(Witness produces papers. Papers presented to the commissioner showing that they were issued to Michael Menz Feb. 26, '68, of the county court of Iowa for Linn County, being a court having a common law and seal and clerk. Signed: A. B. Dumont, county judge, and ex-officio clerk of said court. Seal of county court attached.)

Ques. 3. For whom did you vote for Congressman?—Ans. I voted for Mr. Frederick.

Cross-examination:

Ques. 4. Did you read your ticket?—Ans. Yes, sir.

Ques. 5. Have you had your vote questioned before?—Ans. No, sir.

Ques. 6. You supposed you were a legal voter?—Ans. Yes, sir.

Ques. 7. Did you know that this proceeding to disfranchise you means that your papers are not to be good; do you know that the court could not naturalize a man; do you know that your papers are not good?—Ans. I think that the seal of the county is on the papers.

Ques. 8. You supposed it was good?—Ans. Yes, sir; I paid a price for it, too.

Ques. 9. Have you ever voted the Republican ticket?—Ans. No, sir; not straight.

Ques. 10. You have voted for some Republicans, have not you?—Ans. Yes, sir.

Ques. 11. Who was with you; who told you your paper was good?—Ans. Nobody told me; I was never asked for it.

Ques. 12. Did Willials ever tell you it was a good paper?—Ans. He did not say whether it was good or whether it was not good.

Ques. 13. What did he say; has he talked with you before you went on the stand?—Ans. Yes, sir.

Ques. 14. Asked you to show papers?—Ans. Yes, sir.

Ques. 15. Asked how you voted?—Ans. No, sir; he didn't ask me that.

Ques. 16. What did he tell you about the paper being good?—Ans. I don't recollect whether he said the papers were good or not good.

Ques. 17. Were you asked to show papers before you were subpœnaed?—Ans. No, sir.

Ques. 18. Did the officer that subpœnaed you call for your papers?—Ans. No, sir; he asked me to bring them.

Ques. 19. Is it on your subpœna to bring papers?—Ans. No, sir; he just told me that.

Ques. 20. Did they have a court there where you were naturalized?—Ans. No, sir.

Ques. 21. Was there a judge?—Ans. I don't know that there was; it was so long ago I have forgotten.

Ques. 22. Any clerk?—Ans. I guess so.

Ques. 23. You don't know whether judge or clerk?—Ans. No, sir.

Ques. 24. Who swore you and swore your witness?—Ans. I guess Mr. Dumont did.

Ques. 25. Who told you to go before him and get your papers?—Ans. That is the only place to go at that time; that is all I know about it.

Ques. 26. Who told you to go there?—Ans. Nobody told me; that is the only place for a man to go when he wants papers, in the court-room of the clerk.

Ques. 27. Did not anybody advise you that the county had power to issue these papers?—Ans. No, sir; nobody gave me any advice.

Ques. 28. Nobody told you that the county judge had right to issue them?—Ans. I don't know anything about that.

Ques. 29. Were you sworn the oath of allegiance?—Ans. Yes, sir.

Ques. 30. How old were you when you came to America?—Ans. 28.

Ques. 31. You have been here ever since?—Ans. Yes, sir.

Ques. 32. How old are you now?—Ans. 50.

MICHAEL MENZ.

$0.85 paid as fee by contestee.

STATE OF IOWA,
Linn County, ss:

GOTTLEIB WEIS, being produced and sworn before M. P. Mills, notary public for Linn County, on this 27 day of April, 1883, testifies as follows (T. Brown appearing on the part of contestant, and M. P. Mills appearing on the part of contestee):

(Objection to the testimony of the witness; not the best evidence.)

Ques. 1. Where do you live?—Ans. In Rapids Township, this county.

Ques. 2. Did you vote at the last election?—Ans. Yes, sir.

Ques. 3. In this township?—Ans. Yes, sir.

Ques. 4. Are you a naturalized citizen of the United States; and, if so, have you got your papers?—Ans. Yes, sir.

Ques. 5. Please produce them?

(Witness presents papers to commissioner.)

(Gottleib Weis, on the 10th of March, 1868; was naturalized by the county court of Linn County, being a court of common law jurisdiction, having a clerk and seal;

signed by A. D. Dumont, county judge, and ex-officio clerk of said court. Seal of the county court attached.)

Ques. 6. Now, for whom did you vote for Congress last fall?—Ans. I voted a Democratic ticket.

Ques. 7. Including Mr. Frederick?—Ans. Yes, sir.

(Objected to the last question as leading, incompetent.)

Cross-examination:

Ques. 8. Do you know for whom you voted for for State officers?—Ans. Frederick.

Ques. 9. What name of State officers who was on for supreme judge?—Ans. I don't understand that.

Ques. 10. Do you know any name you voted for; any State officer besides Frederick?—Ans. Yes, sir.

Ques. 11. Whom did you vote for?—Ans. That is on the ticket.

Ques. 12. What names were on the ticket; who did you vote for?—Ans. For Frederick.

Ques. 13. Did you vote for Frederick for supreme judge; who told you you voted for Frederick?—Ans. I got tickets here.

Ques. 14. Did you know his name was on the ticket?—Ans. Yes, sir.

Ques. 15. How do you know it; was there writing or printing on your ticket; tell us what was on the ticket?—Ans. I cannot understand it.

Ques. 16. Did you read your ticket?—Ans. Yes, sir; read it.

Ques. 17. Who was there for supreme judge?—Ans. I don't know what name was on.

Ques. 18. Can you tell any name on your ticket other than Mr. Frederick, that Mills told you it was?—Ans. I voted a Democratic ticket.

Ques. 19. Now, sir; do you remember to-day what name was on that ticket; what is Frederick's name?—Ans. I forgot it; I do not know.

Ques. 20. Do you know Frederick's first name?—Ans. No, sir; I forgot it.

Ques. 21. Do you know that you voted for Frederick for Congress, from your recollection of that ticket?—Ans. No, sir; I forgot it; I don't know.

Ques. 22. Do you know the name of any man on your ticket, so you can swear to-day that that was there; any single man from your recollection now? You only know you voted Democratic ticket; that is what you now state?—Ans. Yes, sir.

Ques. 23. You know you voted Democratic ticket?—Ans. Yes, sir.

Ques. 24. You don't know the names of the men you voted for, do you?—Ans. Well, I can't tell the name; I don't know that.

Redirect:

Ques. 25. You must not be afraid. These folks won't hurt you. Tell me if you voted the straight Democratic ticket, the same as you always vote.—Ans. Yes, sir.

Ques. 26. You voted for Frederick and the balance of Democratic men on that ticket?—Ans. Yes, sir.

Recross-examination:

Ques. 27. What is Frederick's name?—Ans. I forget it; I don't know, but it is on the ticket.

Ques. 28. What office did you vote for Frederick for?—Ans. I voted here.

Ques. 29. What office did you vote for him for; what office was written over his name?—Ans. I don't know that.

Ques. 30. Do you remember any words written over the name of the men you voted for? Was he running for State office or not?—Ans. I don't know that.

Ques. 31. Do you know whether he ran for State office or not?—Ans. I cannot tell that.

Ques. 32. Can you read English?—Ans. A little; not much.

Redirect:

Ques. 33. You could read the names on the ticket?—Ans. Yes, sir.

GOTLIEB WEIS.

85c. paid as fee by contestee.

STATE OF IOWA,
Linn Co., ss:

THOS. ALBENES, being produced and sworn before M. P. Mills, a notary public for Linn County, Iowa, on this —— day ———, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and M. P. Mills on the part of contestee):

(Same objection as before by contestant.)

Q. 1. Where do you live?—A. Washington Township.

Q. 2. Where did you live Nov., '82?—A. Washington Township, Linn County.

Q. 3. Did you vote at the last Nov. election, held on the 7th of Nov. ?—A. Yes, sir.
Q. 4. Are you a naturalized citizen of the U. S.; and, if so, have you got your papers with you ?—A. Yes, sir.
Q. 5. Please produce them before the commissioner.
(Witness produces papers before the commissioner.)
(Contestant objects to the papers being produced as being incompetent, immaterial, and irrelevant to the issue.)
(Papers are pronounced to be good.)
(Witness excused.)
($2.75 paid as fee.)

STATE OF IOWA,
Linn County, ss:

JOHN DAHMES, being produced and sworn before M. P. Mills, a notary public for Linn County, Iowa, on this 27 day of Apr., 1883, and examined before me, testifies as follows (T. Brown, appearing on the part of contestant, and M. P. Mills, on the part of contestee):

(Same objection as before.)
Q. 1. Where do you live ?—A. Marion Township.
Q. 2. Where did you live Nov. '82 ?—A. Marion.
Q. 3. Did you vote in Nov. at the general election ?—A. Yes, sir.
Q. 4. Have you any naturalization papers ?—A. Yes, sir.
Q. 5. Have you them in your pocket ?—A. Yes, sir.
(Witness produces papers.)
(Papers show that John Dahmes, on the 28th of Oct., '67, was naturalized by the county court of Linn County, Iowa, in a court having common-law jurisdiction, with the seal of the clerk, and signed by Johnston Elliott, county judge, ex-officio clerk of Linn County, Iowa, with the seal of the county court attached.)
Q. 6. What ticket did you vote last fall; Democrat or Republican ?
(Objection; leading.)
A. Democrat.
Q. 7. State what ticket you voted.—A. I voted the Democrat ticket.
Q. 8. Did you vote for Mr. Frederick, Democrat nominee for Congress ?
(Objection; leading, incompetent and immaterial.)
Q. 9. You voted a whole Democrat ticket ?—A. Yes, sir.

Recross-examination:

Q. 10. When did you come to America ?—A. In 1867.
Q. 11. You came to this country in '67 ?—A. Yes, sir.
Q. 12. From what country did you come ?—A. I came here from Scott County; it was in '67 I came to Linn County.
Q. 13. How long did you live in Scott County ?—A. 12 years.
Q. 14. When did you come to this county ?—A. In '67.
(Witness is deaf.)
Q. 15. For whom did you vote as sec'y of state; what names were on your ticket ?—A. Democrat.
Q. 16. What names were they; did you read your ticket ?—A. Frederick was on.
Q. 17. Well did you read the ticket; did you read the ticket you voted ?
(No answer, witness being deaf.)
Q. 18. Can you read English ?—A. Sir ?
Q. 19. Can you read English ?—A. ———.
Q. 20. Can you read English ?—A. No.
Q. 21. Did you read your ticket before you voted it ?—A. I suppose I voted the Democrat ticket.
Q. 22. How do you know you voted the Democrat ticket; who gave it to you ?—A. (No answer.)
Q. 23. How do you know it was a Democrat ticket ?—A. ———.
Q. 24. How do you know that it was a Republican ticket; can you hear; how do you know that your ticket was a Republican ticket ?—A. I do not know (shaking head).
Q. 25. Did you read your ticket; did you read the names that were on it; who gave you your ticket ?
MILLS. Mr. Brown wanted to know what ticket you voted last fall; whether you voted for Frederick ?
A. Yes, sir; for Frederick.
Q. 26. (Brown.) How do you know that you voted for Frederick; did you read the ticket ?—A. Cannot hear it.
Q. 27. (Mills.) He wants to know whether you read your ticket. Did you read it ? (*very loud.*)

Q. 28. (Frederick.) Did you read your ticket last fall before election?—A. Yes, sir.
Q. 29. Did you read the names that were on your ticket?—A. Yes, sir.
Q. 30. You read the names?—A. Yes, sir.
Q. 31. Can you read English?—A. No, sir.
Q. 32. Was your ticket printed in German?—A. Yes, sir.
Q. 33. Did you vote for James Wilson for Congressman?
(Frederick objects.)
Q. 34. Did you vote for James Wilson?—(No answer.)
Q. 35. Was James Wilson's name on that ticket?—(No answer.)
Q. 36. Was James Wilson's name on the ticket you voted last fall?—A. No, sir; it was not.
Q. 37. Whose name was on there for sec'y of State?—(No answer.)
Q. 38. Did you read your ticket before you voted it?—A. Yes, sir.
Q. 39. Can you read the English language in print?—A. No, sir.
Q. 40. Can you read English?—A. No, sir.
Q. 41. Then you did not read your ticket; was your ticket printed in English?—A. I did not have any ticket.
Q. 42. Did you read the one you voted?
Q. 43. At the last election, did you?—A. Yes, sir.
Q. 44. What, did you have a ticket?—A. Ask that man there; I do not understand you.
Q. 45. You say you read your ticket; did you?
(Mr. Frederick here demands that an interpreter be sworn for the purpose of obtaining the testimony of this witness.)

Cross-examination (continued):

(E. H. Meyers sworn by Mills as interpreter.)
Q. 46. Can you read the English language?—A. No, sir; I cannot.
Q. 47. Did you read the ticket you voted last fall?—A. He did.
Q. 48. Was it printed in English or German?—A. It was printed in English.
Q. 49. What name did he read on it for the office of sec'y of State?—A. He says that he has forgotten it, but if the name should be mentioned he would know it.
Q. 50. Who was on for the office of judge of the supreme court?—A. He says that he has forgotten the name, but that it was for a Democratic candidate; he says, the same as before, that if the name were mentioned he could tell.
Q. 51. What was written on the head of the ticket?—A. He says it was a Democratic ticket.
Q. 52. Was John Hull on for sec'y of state?—A. He says that he did not examine the ticket close enough so as to be able to tell now.
Q. 53. Whose name was on there for dist. clerk?—A. He says that it was Johnsen, but the first name he has forgotten.
Q. 54. Who was there for judge of dist. court? Was Judge Griffin's name on for judge?—A. He says that he cannot remember distinctly.
Q. 55. Who was on there for clerk of the supreme court?—A. He said that the notice served on him was for him to appear, and he requested that it should be given back to him.
Q. 56. Who was the other for clerk of the supreme court? Was the name of Mr. Pray there?—A. He says that he can not remember.
Q. 57. Who was the other for Republican?—A. He says this—that he voted the Democratic ticket.
(Objection to the interpreter.)
Q. 58. You must answer the question.—A. He said that he would need the ticket to remind him of the names.
Q. 59. Who did he vote for for office of Representative in Congress in this dist.?—A. He says he could point out the name if that paper were handed to him.
(Contestant objects to the paper being handed to the witness.)
Q. 60. Ask the witness whether he voted for David Platner for Representative in Congress.
(Mills presents witness with the paper contrary to the objections of the contestant.)
(Paper withdrawn from witness.)
Q. 61. Ask the witness if he voted for David Platner.—A. Is that the Democratic candidate?
MILLS. No, sir; it is not.
(Contestant objects to the same having been said by Mills.)
Q. 62. For whom did the witness vote for member of Congress in this dist.?
(Witness requests to see the paper.)
MILLS. Tell the witness I will show it to him after a while.
Q. 63. Ask him who the candidate for Congress was for the 5th dist.? Ask him if he remembers who the Republican candidate was?—A. He says he did not have any Republican ticket, and did not know.

Q. 65. Who did you get your ticket of?—A. He says he does not know the name of the man.

Q. 66. Ask him if he read his ticket, or what part of it did he read.—A. He says he did not read the whole ticket.

Q. 67. Did he read any of it?—A. He says that the ticket was handed to him; he put it into the ballot-box, and that finished it.

Q. 68. Ask him if he read one single name on the ticket he voted?—A. He says that he did not read any of the names.

Q. 69. Ask him if he read any part of it, or knows any words that were on it.

INTERPRETER. I did ask him that.

Q. 70. Now ask him how he knew what ticket he voted, how does he know what ticket he voted?—A. He says that he read at the head of the ticket, Democratic ticket, and that that is the ticket he voted.

Q. 71. 14 that all he knows of the ticket?—A. He says that he took a Democratic ticket and voted it, and did not pay any further attention to matters.

Ques. 72. Who did you vote for, for township and county officers?—A. He says that he cannot read English, scarcely any; that he did not pay much attention to the county ticket, and voted the ticket without paying any particular attention to it, as to the names set forth.

Redirect:

(Mills presents witness with a paper which is a copy of subpœna.)

Q. 73. Ask the witness now to point to the name of the man for whom he voted.

(Contestee objects, for the reason that Mr. Mills hands witness a paper on which the names of Wilson and Frederick are both printed, and asks the question pointing to the name of Frederick.)

MILLS. I want the record to show that I did not point to any such name at all.

FREDERICK. You say you did not put your pencil right on my name?

MILLS. Yes, sir; of course I did; and on Wilson's name also.

Q. 74. Now tell the witness to look at that paper and point out the name, if he can, of the man for whom he voted as Representative in Congress.

(Witness examines the paper.)

Question propounded to the witness.

A. He says that he cannot see that.

Q. 75. Ask him if he ever saw the name of Frederick before. [Pointing to the name of Frederick.]—A. He says that I took that kind of a ticket; Democratic ticket.

Q. 76. Ask the witness if he did not know that Frederick's name was on the Democratic ticket for Congress.

(Objection—leading.)

A. He says that he don't know.

Q. 77. Ask him if he scratched anything off of the ticket, or if he voted the whole ticket.—A. He says that he did not strike out anything, nothing except supervisor.

($1.95 paid as fee.)

JOHN DAHMES.

STATE OF IOWA,
Linn County, ss:

FRANK SMERCHEK, being produced and sworn before M. P. Mills, a notary public for Linn County, on this 26th day of April, 1883, and examined before me (T. Brown appearing on the part of contestant, M. P. Mills on the part of contestee):

(Same objection to the witness as before stated.)

Q. 1. In what township do you live?—A. Putnam Township.

Q. 2. Where did you live in Nov., '82?—A. I lived at home in Putnam Township.

(Joseph Waitstick, interpreter.)

Q. 3. Ask him if he voted at the general election.

(Objection—incompetent, irrelevant, and immaterial.)

A. He did.

Q. 4. Now ask him if he is a naturalized citizen of the U. S., and if so, whether he has his papers.—A. He says that he has his papers.

Q. 5. Tell the witness to produce his papers to the commissioner.—A. He says that he has not got his papers; did not bring them with him.

Q. 6. Ask him what ticket he voted, Democratic or Republican.

(Contestant objects; incompetent, irrelevant, and immaterial.)

A. He says that he cannot remember exactly; sometimes he voted for a Republican and sometimes for a Democrat.

Q. 7. Ask him whether he voted Barr.

(Contestant objects on the ground that the question is incompetent, immaterial, and not at issue at the election.)

A. He says that he voted for Barr.

Q. 8. Ask him if in voting for Barr he did not vote the Democratic ticket.—A. He says that he cannot remember.

Q. 9. Ask him how long he has lived in Putnam Township.—A. 15 or 16 years.

Q. 10. Ask him if he ever voted the Greenback ticket.—A. He says that he did.

Q. 11. Ask him if he ever voted the Temperance Republican ticket.—A. He says he never voted the Temperance ticket, but has voted the Republican ticket many times.

Q. 12. Ask him if he voted the Temperance Republican ticket last fall.

(Contestant objects; incompetent, irrelevant, and immaterial.)

A. He says that he voted for Barr, and the reason that he remembers it is that he took a glass of beer sometimes.

Q. 13. Ask him if he took a glass of beer the 7th of Nov., the time of the election.

(Contestant objects; incompetent, irrelvant, immaterial, and leading.)

A. He says no.

Q. 14. Who gave him his ticket on the 7th of Nov., '82, when he voted?—A. He says that he took it himself.

Q. 15. Ask him if he took it off from a pile of Democratic tickets.—A. He says that he cannot tell that.

Q. 16. Ask him if he means to be understood that he went to the voting place and took a ticket without looking at it, and voted.

(Contestant objects to the question as leading, irrelevant, and immaterial.)

A. He says that he did look at the ticket, but he cannot tell what the ticket was any more.

Q. 17. Ask him if he did not vote for Hamilton Preston, Democratic candidate for dist. att'y.

(Contestant objects; irrelevant and immaterial, also leading.)

A. He says that he don't know.

Q. 18. Ask him if he voted for township officers.—A. He says that he thinks he did.

Q. 19. Ask him for whom he voted as township officers.—A. He remembers of voting for assessor and clerk.

Q. 20. Who were they?—A. He remembers for assessor and for clerk.

Q. Ask him if they were candidates on the Democratic ticket.—A. He says he thinks they were, but he could not say for certain.

Q. 22. He voted the whole ticket that their name was on?—A. He says that he did.

Q. 23. Now ask him if he does not remember that that ticket was headed Democratic.—A. He says that he cannot say for certain.

Q. 24. Could he tell the ticket that was headed Democratic ticket?—A. He says that he can.

Q. 25. Ask him again if that ticket that he voted for his friends, the township officers, was a Democratic ticket.

(Contestant objects for the reason that it is incompetent, immaterial, and has already been answered.)

A. He says that he cannot tell for certain.

Q. 26. Tell him to give his best recollection.—A. He says he cannot tell whether it was a straight Democratic ticket or not.

Q. 27. Ask him if he intended when he voted to vote the Democratic ticket, when he voted for his friends for assessor and township clerk?

(Contestant objects—immaterial, irrelevant, and incompetent).

A. He says that he did.

Q. 28. Ask him if he voted as he intended.—A. He says that he voted as he intended.

Cross-examination:

Q. 29. Ask him if he knows whether his ticket was a straight ticket or not.—A. He says that he cannot tell that.

Q. 30. Ask him if he knows whether or not it was a Democratic ticket or not?—A. He says he cannot tell that.

Q. 31. How long has he lived in Putnam Township?—A. 15 or 16 years.

Q. 32. How long has he been a voter?—A. 26 years since he began to vote.

Q. 33. Where did he first vote?—A. In Wisconsin.

Q. 34. Did he get his papers in Wisconsin?—A. Yes, sir; he did.

Q. 35. In what court did he get them?—A. He don't remember in what court.

Q. 36. Was there a judge, clerk, or jury there when he got his papers?—A. It has been 26 years, and he cannot remember.

Q. 37. Did his papers have on the seal of the court?—A. They did.

Redirect:

Q. 38. How many papers did he get at that time?—A. He got one.

Q. 39. Did he get his second papers in Marion, in this county, in the year 1868?—A. He cannot remember; but thinks he did.

Q. 40. Did he get his second papers in this county?—A. He did.

Q. 41. Now ask him if there is any other Frank in this township?
(Witness named.)
A. He says that there is not.

Recross-examination:

Q. 42. How long has he been in the U. S.?—A. 26 years.
Q. 43. How old was he when he came to Wisconsin?—A. He don't remember.
Q. 44. Was it before he was 21?—A. He was past 21.
Q. 45. Where did he live before he went to Wisconsin?—A. He came from the old country to Wisconsin.
Q. 46. How many times did he vote in Wisconsin?—A. He does not remember.
Q. 47. Did he take his oath and have witnesses in Wisconsin?—A. He did.
Q. 48. Did he have witnesses before the court when he took his oath?—A. He don't remember exactly the court, but he says that he had a witness.
Q. 49. Was he sworn as a citizen of the U. S. by the judge or the clerk?—A. He was.
Q. 50. Did he have his papers in Wisconsin when he voted there?—A. Only one.
Q. 51. What is his occupation?—A. Farmer.
Q. 52. How long since he first voted?—A. He cast his first vote in '57.
Q. 53. Did you sometimes vote the Republican ticket?—A. He says that at first he would not put a vote in for many years; of late years he some time votes the Republican ticket and some times the Democratic ticket.
Q. 54. Were these men for whom he voted for assessor and township clerk—were they on both tickets in his township?—A. He says that he does not remember.
Q. 55. Who else was running for assessor and township clerk except those for whom he voted?—A. He don't know that they are.
Ask him if he don't know that they were the only men that were running for these offices in his township?—A. He don't know that they are.

Redirect:

Q. 56. Tell him to name the Republicans that he ever voted for.—A. He don't remember.
($1.40 paid as fee by contestee.)

FRANK SMERCHEK.

STATE OF IOWA,
Linn County, ss:

JOHN MEEHAN, being produced and sworn before M. P. Mills, notary public of Linn County, on this 26th day of Apr., 1883 (M. P. Mills appearing on the part of the contestee and T. Brown on the part of the contestant), testifies as follows:

(Contestant objects to the testimony of this witness, for the reason that it is not shown that proper notice has been given of the residence of the witness.)

Ques. 1. Where do you live?—Ans. Rapids Township.
Ques. 2. Did you vote at the election held Nov. 7th, 1882?—Ans. Yes, sir.
Ques. 3. Now, what country are you a native of?—Ans. Of Ireland.
Ques. 4. You may state to the commissioner whether or not you were naturalized; and, if so, where?—Ans. I got my second papers in Linn County.
Ques. 5. Have you got them with you?—Ans. No, sir.
Ques. 6. Where are they?—Ans. I don't know whether I can find them or not.
Ques. 7. Don't you know who it was before; whether it was Judge Dumont, Judge Eliot, or Judge L———?—A. Well, I can't tell.
Ques. 8. Have you any recollection on that point?—Ans. Well, I don't know; I think that it was Dumont.
Ques. 9. Wasn't it Judge Eliot or Daniel L———?—A. It may have been L———; I don't know.
Ques. 10. Did you have witnesses there?—Ans. Yes, sir.
Ques. 11. You took the oath of allegiance?—Ans. Yes, sir.
Ques. 12. Since that time you have voted?—Ans. Yes, sir.
Ques. 13. You have voted in good faith, relying on the validity of your papers?—Ans. Yes, sir.
Ques. 14. Did the papers purport to be issued from the court of record?—Ans. Yes, sir,
Ques. 15. Are they formal?—Ans. Yes, sir; I suppose so.
Ques. 16. Where are they now?—A. As to that, I can't answer that question; I may have them with the rest of my papers; perhaps it would take a good while to find them.
Ques. 17. How many years ago was it that you got your papers; that is, last papers?—Ans. I think that it was in '66 or '68; I can't tell positive.
Ques. 18. Where did you get first papers?—Ans. In Minn.

Ques. 19. Did you have witnesses there?—Ans. I don't remember whether or not.

Ques. 20. You didn't need second papers if you came here when you were 12 years old, do you?—Ans. Well, I got my first papers in Minn., about 30 years ago, at St. Paul.

Ques. 21. Was that before a court?—Ans. Yes, sir; and I have mislaid them by some way or other. I didn't like to be challenged at the polls, so I have got some of my Cedar Rapids friends to go there and get them a second time.

Ques. 22. Now, didn't you vote under your first papers?—Ans. No, sir; I didn't.

Ques. 23. Was it because you mislaid them?—Ans. I didn't think that I was entitled to.

Ques. 24. Didn't you tell the court that you came into the U. S. when you were only 12 years old?—Ans. Yes, sir.

Ques. 25. You had witnesses there proving how long you had been in the U. S.?—Ans. Yes, sir.

Ques. 26. In Minnesota?—Ans. No, sir; I didn't suppose it was required to have witnesses for first papers.

Ques. 27. You didn't need to. But state if you had anybody to prove how long you had been in the U. S. when you got those papers.—Ans. I was a young boy at that time. It wasn't supposed that I should have first papers out.

Ques. 28. Was that before the court up there in Minnesota?—Ans. It was before the court or the clerk of the court, I can't say now. I was a young man, perhaps under age. I can't say whether I was 21 or not.

Ques. 29. Did you take the oath at that time?—Ans. Yes, sir.

Ques. 30. You renounced all allegiance to any other prince, potentate, State or sovereignty?—Ans. Yes, sir.

Ques. 31. In due form?—Ans. Yes, sir.

Ques. 32. Parties were in with you to get papers, and you know that you were in the U. S. some time?—Ans. Yes, sir; some parties were with me.

Ques. 33. They were naturalized at the same time?—Ans. I suppose so.

Ques. 34. You were these parties when the judge asked you how long you had been in America?—Ans. Yes, sir.

Ques. 35. And you took out your papers?—Ans. Yes, sir.

Redirect:

Ques. 36. How old are you now?—Ans. 49, the 29th of next June.

($0.85 paid as fee by contestee.)

JOHN MEEHAN.

STATE OF IOWA,
Linn County, ss:

FREDERICK RAY, being produced and sworn before M. P. Mills, notary public of Linn County, on this 26th day of Apr., '83 (M. P. Mills appearing on the part of the contestee, and T. Brown on the part of the contestant, testifies as follows):

(Contestant objects to the testimony of this witness for the reason that proper notice of the residence of the witness is not given.)

Ques. 1. Where do you live?—Ans. In Marion Township, this county.

Ques. 2 Did you reside in Marion Township, this county, on the 7th of Nov., '82?—Ans. Yes, sir.

Ques. 3. Did you vote at the general election held on that day?—Ans. Yes, sir.

Ques. 4. In what country were you born?—Ans. Eastern part of France.

Ques. 5. Have you naturalization papers? and if so, present them to the commissioner of inspection.

(Witness produces papers. Papers show that Frederick Ray, Dec. 31st, 1867, by the Linn County court having common law and jurisdiction, with the seal, signed by Johnson Eliot, sole judge and ex-officio clerk. Seal of county attached.)

(Objection to the paper. Not best evidence; immaterial. No notice of his production having been given.)

Ques. 6. What ticket did you vote last fall, Democratic or Republican?—Ans. I vote the Democratic ticket all the time.

Ques. 7. Including Frederick for Congress?—Ans. I took straight Democratic ticket. I am a Democrat. I will die a Democrat. A person has a right to vote for what ever party he pleases, and it isn't anybody's business.

Ques. 8. Where did you first reside in the U. S.?—Ans. In Ohio.

Ques. 9. How long did you live there?—Ans. 2 years.

Ques. 10. Where did you emigrate next?—Ans. To Dubuque.

Ques. 11. How long did you live in Dubuque?—Ans. 9 years.

Ques. 12. How long since you left Dubuque?—Ans. 18 years ago in this month.

Ques. 13. How long since you first voted?—Ans. I got my paper in 1867; I didn't vote here that year; I voted in '68 for the first time.

Ques. 14. Do you know who you voted for for sec. of state last fall?—Ans. I want you to understand that I vote Democratic ticket. I can't remember every name on my ticket.

Ques. 15. Did you read your ticket?—Ans. Of course.

Ques. 16. You read it? How much of it did you read?—Ans. I read it maybe 2 or 3 times; but from that time it is too long; I am too old to remember; I can't tell now which names I voted.

Ques. 17. Ever served on juries in this county?—Ans. No, sir.

Ques. 18. Ever been elected or put in office?—Ans. No, sir; I don't want any office.

Ques. 19. You say that you live in Marion Township?—Ans. Yes, sir.

Ques. 20. How long have you lived there?—Ans. Since 18 years ago.

Ques. 21. What business do you follow?—Ans. Farming all the time. Doing nothing now.

Ques. 22. Who was with you when you went to get your papers?—Ans. Mr. Eliot.

Ques. 23. Where did you first apply for papers?—Ans. First, from Mr. Eliot; also, second, from Mr. Eliot.

Ques. 24. Who is Mr. Eliot?—Ans. He was judge at that time.

Ques. 25. How old were you when you came to the U. S.?—Ans. 35 years old.

Ques. 26. How old are you now?—Ans. 63.

Ques. 27. You can't mention any names on the ticket you voted, can you?—Ans. Well, I looked first time for Democrats, and looked all through.

Ques. 28. Do you know whether you voted for William H———?—Ans. Well, I don't know; I guess I voted for Frederick.

Ques. 29. Do you know who you voted for for sec. of state? Did you vote for John A. Hull?—Ans. I don't know that now; I knew the men, but I voted the Democratic ticket; I put on some Republican men, but the others, I don't know them.

Ques. 30. You don't know any of the State or Congressional officers?—Ans. No, sir.

Ques. 31. You didn't examine the tickets except as to township officers?—Ans. I look among the township officers, and looked for a good man. I didn't care whether it was Democrat or Republican.

Ques. 32. You didn't read your ticket except as to township officers?—Ans. Yes, sir; that is it.

Ques. 33. Can you swear to any of the names on the State ticket?—Ans. No, sir; I can't swear that.

Ques. 34. You can't swear to any ticket except as to township officers?—Ans. That is all; yes, sir.

Redirect:

Ques. 35. You simply know that you vote the Democratic ticket, and when you go the polls to vote you get a straight Democratic ticket and vote it?

(Objection as leading.)

Ans. Yes, sir; except in township offices.

Ques. 36. Your brothers are Democrats?—Ans. Yes, sir.

Cross-examination:

Ques. 37. Did you ever vote for a Republican—any township Republican?—Ans. Yes, sir; I have.

Ques. 38. Did you vote for a Republican last fall?—Yes, sir; I did.

Ques. 34. How many Republican names were on that ticket that you know of?—Ans. 2 that I know of; for justice of the peace, one.

Ques. 35. There might have been more Republicans that you didn't know of?—Ans. No, sir.

Ques. 36. How do you know that that was a straight Democratic ticket, if there were Republicans on it?—Ans. I put 2 Republicans on myself.

Ques. 37. Who else did you put on besides these two?—Ans. Because I knew two men that suited me.

Ques. 38. You didn't put any names on for State officers?—Ans. No, sir.

Ques. 39. You didn't pay any attention to State ticket?—Ans. No, sir; except these two township officers.

Ques. 40. You didn't read that part of the ticket at all?—Ans. No, sir; I don't remember the names on it.

Ques. 41. Now, is not the reason that it is straight Democratic ticket, because it read Democratic ticket on top?—Ans. Yes, sir; that is the reason. I saw Democratic ticket on top.

Ques. 42. (Redirect.) You never knew the Democratic ticket to lie? If it says Democratic ticket on top, it is generally Democratic ticket?—Ans. If I wanted Democratic ticket I could get it.

FREDERICK RAY.

$1.75 paid as fee by contestee.

STATE OF IOWA,
Linn County, ss:

E. LEFBURE, being produced and sworn before M. P. Mills, notary public for Linn Co., on this 26th day of April, 1883, testifies as follows (M. P. Mills appearing on the part of contestee, and T. Brown on the part of contestant):

(Objection to the testimony for the reason that no notice has been given of the residence of the witness.)

Ques. 1. State in what township you resided in last Nov.—Ans. In Fairfax.
Ques. 2. Were you one of the judges of the election held Nov. 7th, '82?—Ans. No, sir.
Ques. 3. Were you one of the township trustees?—Ans. No, sir.
Ques, 4. Were you one of the clerks?—Ans. No, sir.
Ques. 5. Were you present at the election?—Ans. Yes, sir.
Ques. 6. What were you doing there?—Ans. I was there like anybody else.
Ques. 7. Peddling tickets?—Ans. I had the tickets; yes, sir.
Ques. 8. What kind of tickets?—Ans. Both kinds, Democratic and Republican.
Ques. 9. Did you know Joseph Lawrence?—Ans. Yes, sir.
Ques. 10. Did he vote there that day?—Ans. I don't know.
Ques. 11. Did you give him a ticket?—A. I don't know.
Ques. 12. Was he at the polls?—Ans. I don't know.
Ques. 13. Now, to refresh your recollection, let me ask you if you did set on the board that day?—Ans. No, sir; I didn't.
Ques. 14. Were you there working in the interest of anybody?—Ans. Yes, sir.
Ques. 15. What were you runniug for?—Ans. Road supervisor.
Ques. 16. On the Democratic?—Ans. No, sir; on any ticket.
Ques. 17. Were you on the Democratic ticket?—Ans. I was on all tickets; there is no such ticket as road supervisor Democratic ticket.
Ques. 18. Was your on any Democratic ticket?—A. No, sir; on no ticket, only when I put it on.
Ques. 19. Were you peddling Democratic tickets that day?—Ans. I peddled all kinds; that is the only Democrat ticket I gave them.
Ques. 20. Did you give Mr. Lawrence any ticket?—Ans. I don't know.
Ques. 21. You say you don't know the man; you say he was not there at the election?—Ans. I don't know.
Ques. 22. Did you see him there?—Ans. I don't know.
Ques. 23. Did he vote for you?—Ans. No, sir; he don't live in my district.
Ques. 24. Where were the polls held?—Ans. In Fairfax.
Ques. 25. Did he take a ticket out of your hands?—Ans. I don't know.
Ques. 26. Did you see him have a ticket in his hand?—Ans. I don't know.
Ques. 27. You don't know?—Ans. I don't know whether he was there.
Ques. 28. Did you ever say in any conversation that you gave him a ticket?—Ans. No; I never said I gave him a ticket.
Ques. 30. Who was there peddling tickets that day?—Ans. Mr. Rowe gave out tickets.
Ques. 31. Did John Garry peddle tickets?—Ans. I expect so.
Ques. 32. Did Mr. Rowe give him a ticket?—Ans. I don't know; what is the name?
Ques. 33. Joseph Lawrence.—Ans. I don't know a man by that name; I was thinking of another man.
Ques. 34. This man Joseph Lawrence was a little, short man that worked for T—— on his farm; do you know who I mean?—Ans. Yes, sir; I know who you mean.
Ques. 35. Did you see him at the election?—Ans. I saw a man who was said to be working there.
Ques. 36. Did you understand his name to be Joseph Lawrence?—Ans. No, sir.
Ques. 37. What did you understand his name to be?—Ans. I don't know.
Ques. 38. Well, did you give that little fellow a ticket that day?—Ans. Yes, sir; I gave him one.
Ques. 39. What kind did you give him?—Ans. I don't know; but I am sure I had both kinds.
Ques. 40. What kind do you think?—Ans. Democratic ticket.
Ques. 41. Are you Democratic?—Ans. Yes, sir.
Ques. 42. If he were willing to vote the Democratic, you gave him that?—Ans. He was outside.
Ques. 43. You remember having part of the State ticket?—Ans. Yes, sir; I remember that little short man that was there; I don't want to say that man was Joseph Lawrence.
Ques. 44. You gave him a Democratic ticket?—Ans. I suppose that it was a Democratic ticket.
Ques. 45. That was at the polls?—Ans. No, sir; on the street.

Ques. 46. He was going towards the polls?—Ans. He was going that way.
Ques. 47. He took the ticket you gave him, did he?—Ans. Yes, sir; he took it.

Cross-examination:

Ques. 49. You don't know whether that man voted or not, do you?—Ans. No, sir.
Ques. 49. You don't know his name?—Ans. No, sir.
Ques. 50. You don't know whether it was Joseph Lawrence or not?—Ans. No, sir.
Ques. 51. You don't know positive whether you gave him a Democratic ticket or not?—Ans. Well, it was likely it was a Democratic ticket.
Ques. 52 Do you know that other people did not give him tickets?—Ans. No, sir; I don't know.
Ques. 53. There were others to give him tickets?—Ans. Plenty there to give him tickets.
($1.75 paid as fee by contestee.)

E. LEFBURE.

STATE OF IOWA,
Linn County, ss:

WILLIAM URE, being produced and sworn before M. P. Mills, notary public for Linn Co., on this 26th day of April, 1883, testifies as follows (M. P. Mills appearing on the part of contestee and T. Brown on the part of contestant):

Ques. 1. Where did you reside Nov., '82?—Ans. In Fairfax Township.
Ques. 2. Are you acquainted with Henry F——?—Ans. Yes, sir.
Ques. 3. Do Joseph Lawrence?—Ans. Yes, sir.
Ques. 4. Is he the man working for Henry F—— Nov. last?—Ans. Yes, sir.
Ques. 5. Did you see at the polls?—Ans. Yes, sir.
Ques. 6. I will ask you if you know what time this man came into Linn Co.?
(Objection: Incompetent, irrelevant.)
Ans. He said to me——
(Objection: Hearsay.)
Ans. Well, he said to me that he came from Solon to Fairfax Township, Linn Co., 26th last Oct.
Ques. 7. Now, I believe you said there that Solon is in Johnson Co.?—Ans. Yes, sir.
Ques. 8. You may state whether or not you ever heard Mr. Lawrence or any other person say how he voted.
(Objection by contestant as hearsay and immaterial, incompetent.)
Ans. No, sir.
Ques. 9. Now, you may state whether you heard Mr. Lawrence or any other person say how he voted?—Ans. No, sir; I never Lawrence say, but I have heard others say.
Ques. 10. State who and what they said?—Ans. Henry F—— said——
(Objection: Hearsay.)
said to me that Lawrence told him that he voted the straight Democratic ticket.

Cross-examination:

Ques. 11. You had a conversation with Henry F——; when was it?—Ans. I think on or about the 14th of Feb.
Ques. 12. How long was that after the election?—Ans. Some considerable time; election was in Nov.
Ques. 13. How long did Mr. Lawrence say that he had lived in Solon?—Ans. Well, he didn't state to me how long he had lived in Solon.
Ques. 14. You don't know but what he had lived for some time in Linn Co., and lived a short time in Johnson Co.?—Ans. The question was asked in my presence only. He came to Linn Co., and the reply was made that he came from Solon in Oct.
Ques. 15. Was the question asked when he came to Linn Co., Fairfax Township?—Ans. No, sir; they say there that he was asked the question, "When did you come here?" He said, "The 26th of October."
Ques. 16. What business did this man follow?—Ans. He was employed on a farm.
Ques. 17. Do you know where his parents resided?—Ans. No, sir; I don't know that he had any.
Ques. 18. You don't know that he ever had any?—Ans. I suppose he had.
Ques. 19. Where is that man now?—A. I don't know; he has left the country as far as I know.
Ques. 20. Do you know where he worked last summer?—Ans. Only what he said himself.
Ques. 21. You don't know how long he had been in Solon?—Ans. No, sir; only so far as reported as by himself.
Ques. 22. Did you challenge his vote at the election?—Ans. It was challenged, but I didn't challenge it.

Ques. 23. Did he swear it in?—Ans. He didn't.
Ques. 24. Was it received?—Ans. Yes, sir; the question came up that he had not been here long enough.
Ques. 25. You don't know that he did vote at the Nov. election?—Ans. The records would show whether or not he did.
Ques. 26. You have no knowledge of your own as to what his politics are?—Ans. I know that he was working for the Democratic and I was working for the Republicans. The Democrats said that he had just been naturalized, no matter where he had resided; the judges were persuaded that that was correct law and good law. When I came the question was asked of me, and I said that he wasn't, but he had voted.
Ques. 27. How do you know that he had voted?—Ans. From the fact that there was a good deal of talk about it.
Ques. 28. You don't know whether he swore in his vote or not?—Ans. I know by repetition that he didn't.
Ques. 29. You were not present?—Ans. No, sir; not then.
Ques. 30. You didn't see him swear his vote in?—Ans. No, sir; if I had been present he would not have voted.
Ques. 31. You were judge of the election?—Ans. No. sir.
Ques. 32. Ho long were you acquainted with the man?—Ans. Only a casual acquaintance.
Ques. 33. How could you have kept him from voting?—Ans. By challenging his vote.
Ques. 34. Suppose he would have sworn it in?—Ans. I don't think he would have sworn in what was false.
Ques. 35. Do you think that he would have voted illegally; do you think that he was not a straight man?—Ans. Yes, sir; as others are.
Ques. 36. Is it not usual for a man not a voter to offer to vote?—Ans. Very often people vote ignorantly, not knowing that they are legal voters.
Ques. 37. You don't know whether this man ever resided out of Linn Co.?—Ans. Only from what he iuformed me.
Ques. 38. He didn't inform you except when he came to Fairfax?—Ans. That is all.
Ques. 39. He didn't inform you where he was born; where he had lived, and where he had spent his life?—Ans. He didn't inform me.
Ques. 40. Did you know that he was born in Bohemia?—Ans. No, sir; only from his language.
Ques. 41. Now, are there a great many born in this country who have the dialect of the Bohemians?—Ans. Yes, sir.
Ques. 42. Are there a great many Bohemians in this country?—Ans. Yes, sir.
Ques. 43. Do their children have the same dialect?—Ans. To some extent, I suppose.
Ques. 44. You were born in this country?—Ans. No, sir.
Ques. 45. Where you born?—Ans. In Scotland.
Ques. 46. How long have you been in the United States?—Ans. About 45 years.
Ques. 47. Before what court was you naturalized?—Ans. Before no court.
Ques. 48. Never naturalized?—Ans. No, sir; not personally.
Ques. 49. Now I will ask you if you voted at the Nov. election, 1882?—Ans. Yes, sir.
Ques. 50. Who did you vote for?—Ans. For the Republican candidates.
Ques. 51. Did you vote for James Wilson for Representative?—Ans. Yes, sir.
($1.65 paid as fee by contestee.)

WILLIAM URE.

STATE OF IOWA,
Linn County, ss:

W. B. MCELROY, being produced and sworn before M. P. Mills, notary public for Linn Co., on this 26th day of April, 1883, testifies as follows (M. P. Mills appearing on the part of the contestee, and T. Brown on the part of contestant):

(Objection; contestant objects to the testimony of the witness, for the reason that proper notice was not given of his residence.)

Ques. 1. Where do you live?—Ans. In Fairfax.
Ques. 2. Do you know Joseph Lawrence?—Ans. Yes, sir.
Ques. 3. Is he the same party that worked for Henry F——?—Ans. Yes, sir.
Ques. 4. Did you ever have any conversation with this Lawrence about the time he came to live in Linn Co.? If so, state it.—Ans. I have known the man ever since the 14th or 16th of Feb., but I had no conversation with him at all.
Ques. 5. Tell it in your own language.
(Contestant objects; hearsay.)
Ans. I saw him at Henry F——'s sale; I went to him for the purpose of finding out

how long he had been in this county. It had been reported that he had been here but a short time. I said to him, "How long have you been in this county?" He said that he came the 26th day of Oct. I said "Not that long;" I struck up an argument. He said that he was never in Linn Co. until the 26th of Oct. He came from Solon to Linn Co.

Ques. 6. Did you know from him or from any person what ticket he voted on election-day?

(Contestant objects; hearsay, irrelevant, and immaterial.)

Ans. I couldn't say what ticket he voted.

Ques. 7. Did you hear it from him or from some one else?—Ans. Henry F—— came to me and said that he told him that he voted the straight Democratic ticket.

Ques. 8. At Fairfax, in this county?—Ans. Yes, sir.

Ques. 9. Where is this man Lawrence?—Ans. I understood by the constable that he had left the country, and could not be found.

Ques. 10. Where is Henry F——?—Ans. In Philadelphia.

Ques. 11. What are Henry F——'s politics?—Ans. Republican.

Ques. 12. And you are Republican?—Ans. Of course I am, sir.

Ques. 13. All you know about this man voting is what Henry F—— told you?—Ans. Yes, sir.

Ques. 14. Did Henry F—— say he saw him vote?—Ans. No, sir.

Ques. 15. You don't know that Henry F—— saw you vote?—Ans. I think not.

Ques. 16. All you know about it is what Henry F—— told you?—Ans. That is all.

Ques. 17. You don't know but what Henry F—— made that objection to get a vote for Wilson?—Ans. No, sir.

Ques. 18. You don't know anything about this man except what you have heard?—Ans. Except what he stated to me.

Ques. 19. You only heard what he said, long after the election?—Ans. Yes, sir; it was in Feb.

Ques. 20. He told you then when he came to Linn Co.; where did he say he had been residing?—Ans. He said that he came to Solon; that he had never been to Linn County until the 26th of Oct.

Ques. 21. Did you ask him that question for the purpose of drawing how he had voted?—Ans. No, sir; we were not trying to find out how long he had been here.

Ques. 22. Did you attend the election?—Ans. Yes, sir.

Ques. 23. Did you see that man there? Did you know all the hands in Henry F.'s employ?—Ans. I know some of them; this is the only hand he had then.

Ques. 24. Did you know that he hired men?—Ans. Not from that time.

Ques. 25. How often had you been at his place to see how many men he had?—Ans. I could not tell that. I go to Fairfax 2 or 3 times a week; sometimes not for a week or two.

Ques. 26. Had you been on F.'s place before that time to know how many men he had employed?—Ans. No, sir.

Ques. 27. Did you know how many men he had employed before that time?—Ans. No, sir.

Ques. 28. You don't know but what he had 3 or 4 men?—Ans. No, sir; that is the only man that I saw there.

Ques. 29. Did you see all the men that he had employed?—Ans. Yes, sir.

Ques. 30. What business does he follow?—Ans. Farm.

Ques. 31. Did you go over his farm?—Ans. I had to go around part of it to get to Fairfax.

Ques. 32. Were you ever there during the fall of '82 at the time that he was taking dinner?

Ques. 33. You don't know what men he employed before election?—Ans. No, sir.

Ques. 34. He may have had 3 or 4 men before election?—Ans. Yes, sir.

($1.85 paid as fee by contestee.)

W. B. McELROY.

STATE OF IOWA,
Linn County, ss:

JOSEPH LASPISHIL, being produced and sworn before M. P. Mills, a notary public for Cedar Rapids, on this 26th day of April, A. D. 1883, testifies as follows (M. P. Mills appearing on the part of contestee, and T. Brown appearing on the part of contestant)

(Contestant objects to the testimony of the witness, for the reason that proper notice was not given of his residence.)

Q. 1. Where did you live in Nov., '82?—A. In West Cedar Rapids, Linn County.

Q. 2. Did you vote at the general election held on Nov. 7th, '82?—A. Yes, sir.

Q. 3. Now of what country are you a native of?—A. Of Bohemia.

Q. 4. Have you been naturalized; and if so, have you your papers with you?—A. Yes, sir.

Q. 5. Present them to the commissioner for his inspection, please.
(Contestant objects. Incompetent, irrelevant, immaterial; also not the best evidence.)
(Papers presented show witness to the naturalization Dec. 7, '67, in the Linn County court, having common law jurisdiction, and a clerk and seal. Johnston Elliot, County judge and ex-officio clerk of State court, with the seal of the county court attached.)
Q. 6. What ticket did you vote last fall, Democratic or Republican?
(Contestant objects; improper.)
A. Democratic ticket.
Q. 7. Including Frederick, Democratic nominee for Congress?—A. That is something I never took notice of; I cannot tell.
Q. 8. Did you vote Democratic ticket, or deposit at the polls?—A. I cannot tell about that now.
Q. 9. It was Democratic ticket, was it, you voted?—A. Yes, sir.
Q. 10. Did you alter it in any way?—A. No sir.
Q. 11. You voted a State Democratic ticket yourself?—A. I do not recollect.
Q. 12. You voted a straight Democratic, didn't you?—A. I cannot tell.
Q. 13. What is your best opinion?—A. Well, that is pretty hard to tell.
Q. 14. Was the name of a Republican on that ticket to your knowledge?—A. I guess not.
Q. 15. Then you voted the straight Democratic ticket, didn't you?—A. I am not sure; I do not know.
Q. 16. You didn't put any Republican names on the ticket, did you?—A. No. sir.
(Objection; leading.)
Q. 17. You intended to vote the Democratic ticket, did you?—A. I guess I did.

Cross-examination:

Q. 18. How long have you been in the U. S.?—A. 26 years.
Q. 19. Where have you lived during that time?—A. Since I came here I have lived in Linn Co
Q. 20. How long have you lived in Linn Co.?—A. About 26 years.
Q. 21. Are you a farmer?—A. I was.
Q. 22. Have you ever sworn on juries in this county?—A. No, sir.
Q. 23. You say you do not know what names were on the ticket?—A. I am not sure.
Q. 24. Did you know any of the names on that ticket being Democratic candidates, only that the heading said "Democratic ticket"?—A. I do not understand that question.
Q. 25. Did you know the men's names printed on the ticket you voted were Democrats, except you saw it was marked Democratic ticket?—A. I guess it was Democratic ticket.
Q. 26. Did you read the ticket?—A. Yes, sir.
Q. 27. Did you read all the names?—A. I suppose so, but I cannot recollect what the name was.
Q. 28. Can you tell whether you remember Mr. John A. Hull's name on the other for sec'y of state?—A. No, sir, I cannot tell; I do not recollect.
Q. 28. Did you know whether the name of Wilson was on the other or not?—A. I do not know.
Q. 29. Do you know whether Southern's name was on there for judge of the circuit court?—A. I do not remember.
Q. 30. Do you know who was there for clerk of the circuit court?—No, sir.
Q. 31. Do you know who was on there for Representative?—A. No, sir; I cannot tell.
Q. 32. Can you now remember the name of any person printed on that ticket, positive, but those who were on for township officers?—A. I think probably it was John W. Henderson that was the last spring election you refer to. Well, then, I am mistaken; I guess I do not know which ticket.
Q. 33. You have been talking about last spring election, haven't you?—A. Maybe I am mixed about that.
Q. 34. Yo say you voted for Henderson?—A. Yes, sir.
Q. 35. Do you know who you received your ticket from?—A. I do not remember that.
Q. 36. You did not recollect, or didn't sufficiently notice them to recollect or remember who you voted for other than you supposed you voted the Democratic ticket?—A. That is all I can remember.

Redirect:

Q. 37. At the time you voted you know who the Democratic nominees were?—A. Yes, sir; at that time I did, but I cannot remember now.

Q. 38. You knew at that time who the Democratic nominees were?—A. Yes, sir.
Q. 39. And you voted for these nominees?—A. Yes, sir.

Cross-examination:

Q. 40. Were there not a great many split or scratched tickets there, and some had only on candidate and some on another?—A. Well, I did not see many.
Q. 41. You recollect seeing any ticket with Wilson on that was Democratic ticket?—A. I did not take notice at that time.
Q. 42. For all you know Wilson's name might have been printed on that ticket, might it not?
($ 85. paid as fee by contestee.)

JOSEPH POSPISHIL.

STATE OF IOWA,
Linn County, ss:

W. COENEN, being produced and sworn before M. P. Mills, notary public of Linn County, on this 26th day of April, 1883 (M. P. Mills appearing on the part of the contestee and T. Brown on the part of the contestant), testifies as follows:

(Objection to this witness, for the reason that proper notice has not been given of his residence.)

Ques. 1. Where did you live last Nov.?—Ans. Cedar Rapids.
Ques. 2. Did you vote at the Nov. election?—Ans. Yes, sir.
Ques. 3. Where were you born?—Ans. In Prussia.
Ques. 4. For whom did you vote for for the office of Congressman?
BROWN. You need not tell unless you wish.
Ans. I refuse to tell.
Ques. 5. You say that you refuse to tell?—Ans. Yes, sir.
Ques. 6. What ticket did you vote, Democratic or Republican?
(Objection; not proper unless witness sees fit to tell.)
Ques. 7. What ticket did you vote?—Ans. I don't remember; I vote split ticket.
Ques. 8. Were you ever naturalized in this country?—Ans. No, sir.
Ques. 9. Is there any other W. Coenen in this county?—Ans. No, sir.
Ques. 10. How long have you lived in this county?—Ans. I guess since 1858, off and on; 3 years and 10 months a soldier.
Ques. 11. Now, I will ask you if you didn't, on the 27th of Oct., 1868, get your papers at Marion?—Ans. No, sir; I didn't.
Ques. 12. I will ask you now if you didn't make application to the county judge during the year '68? Did you make application to Johnson Elliott, judge of the probate court, for your second papers?—Ans. No, sir.
Ques. 13. Did you get them?—Ans. No, sir.
Ques. 14. Did you make application to either of the judges of Linn County, or county judge of Marion, for your second papers?—Ans. No, sir.
Ques. 15. Did you get them?—Ans. No, sir.
Ques. 16. Were there any papers issued to you?—Ans. No, sir.
Ques. 17. Who was Joseph Coenen?—Ans. A brother of mine.
Ques. 18. The same person on the witness stand here this morning?—Ans. Yes, sir.
Ques. 19. Now, I will ask you what ticket you generally vote, Democrat or Republican?—Ans. I never vote only Democratic or Republican.
Ques. 20. Now, what ticket did you vote last fall?—Ans. Split ticket.
Ques. 21. Did you vote for David Plater, Greenback candidate for Congress?—Ans. No, sir.
Ques. 22. Did you vote for James Wilson, Republican candidate for Congress?
(Objection.)
Ans. I don't remember.
Ques. 23. What is your best recollection?—Ans. I don't know; I couldn't tell you.
Ques. 24. Give your best recollection?—Ans. I can't tell you.
Ques. 25 What is your business?—Ans. Saloon keeper.
Ques. 26. Were you keeping saloon the 7th of Nov., 1882?—Ans. Yes, sir.
Ques. 27. Are you now?—Ans. Yes, sir; but not at the same place.
Ques. 28. You went to the polls that day?—Ans. Yes, sir.
Ques. 29. Where did you go?—Ans. Right down to that door there.
Ques. 30. Now, how long were you at the polls?—Ans. Didn't stay 5 minutes.
Ques. 31. Who voted at the same time you did?—Ans. I don't think hardly anybody.
Ques. 32. From whom did you get your ticket?—Ans. I have forgotten; some fellow threw them on the counter at the saloon.
Ques. 33. Some man peddling Democratic tickets?—Ans. Both kinds.
Ques. 34. What kind did you pick up?—Ans. I picked a ticket, marked it, and split it myself.

Ques. 35. Did you write Mr. Wilson's name upon it?—Ans. I don't think so.
Ques. 36. Did you write David Platner's name on it?—Ans. I don't know; I couldn't tell it was so long ago.
Ques. 37. What is your best recollection? Was it Greenback candidate?—Ans. Well, I didn't write it on.
Ques. 38. The ticket you picked up was headed Democratic ticket?—Ans. Yes, sir.
Ques. 39. That is the ticket you voted?—Ans. Yes, sir; part of it.
Ques. 40. Was Wilson's name written on it?—Ans. I can't say.
Ques. 41. Was it printed on?—Ans. I can't tell.
Ques. 42. Did you intend that you went to the polls to vote for James Wilson, Republican candidate for Congress?—Ans. I don't remember; it is too long.
Ques. 43. What is your best recollection?—Ans. Can't remember it.
Ques. 44. Didn't you come to the polls as a matter of fact to vote the State Congressional ticket as a Democratic ticket?
(Objection; leading, incompetent, and immaterial.)
Ans. I can't tell.
Ques. 45. Did you know Frederick?—Ans. I never knew Frederick or Wilson in the world.
Ques. 46. Is Frederick here in the room?—Ans. I don't know that, but I guess he is the gentleman over there.
Ques. 47. As a matter of fact didn't Frederick come to talk to you about the election?—Ans. No, sir.
Ques. 48. Didn't you have any talk with him?—Ans. No, sir.
Ques. 49. Were you not in the crowd where he was?—Ans. No, sir.
Ques. 50. Did anybody electioneer you for Frederick?—Ans. No, sir.
Ques. 51. No good to electioneer you?—Ans. No, sir; I always go——
Ques. 52. It is generally known that you vote the Democratic ticket?—Ans. Yes, sir; but sometimes I vote the Republican ticket. There is a Republican man that I always vote for.
Ques. 53. Now, are the Republican candidates for office that you voted for men who live here in this township, that you are acquainted with?—Ans. Yes, sir.
Ques. 54. The balance, but you don't know them, are Democratic nominees?—Ans. Yes, sir.
Ques. 55. Is it always so?—Ans. No, sir.
Ques. 56. Was it so last fall?—Ans. I can't tell you.
Ques. 57. What is your best recollection?—Ans. I don't know.

Cross-examination:

Ques. 58. Wasn't Mr. Wilson around to your saloon to get voters?—Ans. No, sir; I guess not.
Ques. 59. Did any of the candidates call in there?—Ans. No, sir.
Ques. 60. Did you see Mr. Wilson in any crowd?—Ans. If this is Mr. Wilson, I have never seen the man.
Ques. 61. How old were you when you came to the United States?—Ans. I guess 12 or 13 years.
Ques. 62. Did your father come with you?—Ans. Yes, sir.
Ques. 63. Was he a citizen?—Ans. I don't know.
Ques. 64. Where does your father live?—Ans. At Marion. He lived in Chicago, and from there he came here, that is to Marion.
Ques. 65. Do you know whether your father was a voter?—Ans. I don't know.
Ques. 66. You have been in the Army?—Ans. Yes, sir.
Ques. 67. How long did you serve in the Army?—Ans. 3 years and 10 months, and over.
Ques. 68. You were regularly discharged?—Ans. Yes, sir.
Ques. 69. You served in the United States Army?—Ans. Yes, sir.
Ques. 70. Did you ever take the oath before the court in relation to your services to the Army?—Ans. No, sir.

Redirect:

Ques. 71. How could you remember these things so fresh, and you can't tell how you voted last fall?—Ans. Lots of things, you know, that a fellow forgets.
Ques. 72. It is pretty handy to forget things sometimes?—Ans. I don't know.
($.85 paid as fee by contestee.)

W. COENEN.

STATE OF IOWA,
Cedar Rapids, ss:

JOSEPH RUBECK, being produced and sworn before M. P. Mills, a notary public for Cedar Rapids, on this 26th day of April, A. D. 1883, testifies as follows (M. P. Mills appearing on the part of contestee, and T. Brown on the part of contestant):

(Contestant objects to the testimony of the witness for the reason that a proper notice was not given of the residence.)

Q. 1. Where do you live?—Ans. In town here.
Ques. 2. Where did you live last Nov.?—Ans. Here.
Q. 3. Where were you born?—Ans. I do not understand that.
Q. 3. Where were you born?—Ans. I do not understand that.
Q. 4. What country did you come from?—Ans. I do not understand it.
(Same man sworn as interpreter who was called as a Bohemian before.)
Q. 6. Where were you born?—Ans. In Bohemia.
Q. 6. Now ask the witness if he is a naturalized citizen of the U. S.?—Ans. He says that he was, but that he lost his paper while moving.
Q. 8. Ask him if he was naturalized up here at Marion?—Ans. He says he was naturalized in Marion, but he cannot tell the time.
Q. 9. About when was it?—Ans. He cannot remember the time.
Q. 10. Well, about how many years ago?—Ans. He says he cannot remember whether it was 5 years or more.
Q. 11. Ask him if he voted at the general election held in Nov., '82?—Ans. He says that he voted.
Q. 12. Ask him what ticket he voted—Democratic or Republican?—Ans. He says that he cannot remember; he says that he cannot read very well.
Q. 13. Who gave him the ticket?—Ans. He says that he cannot tell exactly; he says that there were a great many tickets given him, but he threw a great many away; he got one from Joseph H. ———.
Q. 14. Was that a Democratic ticket?—Ans. He says that he don't know.
Q. 15. Ask him if he voted the Greenback ticket?—Ans. He says that he did at the present election, and that he was told it was a Republican ticket, and that that is all that he knows about it.
Q. 16. Ask him if he voted the Republican ticket since the present election?—Ans. He says that he don't know.
Q. 17. Do you know Mr. Frederick?—Ans. He says that he don't.
Q. 18. Ask him if he ever heard of him?—Ans. No, sir.
Q. 19. Ask him if ever heard of James A. Garfield?—Ans. He says that he had.
Q. 20. Ask him when he heard of him?—Ans. He says at the time he was slain; he bought his picture.
Q. 21. Ask him if he remembers of Garfield being gov. of the State of Iowa?—Ans. No, sir; he says that he never heard of it.
Q. 22. Ask him if he ever heard of a man by the name of Ben. Frederick running for Congress?—Ans. He says that he didn't hear that there was.
Q. 23. Ask him if he voted for Congressman last Nov.?—Ans. He says that he did not know that either.
Q. 24. Ask him if he can tell by the head of the ticket whether it said Democratic ticket or not?—Ans. He says that he cannot read well enough.
Q. 25. Ask him if he knows where he lives?—Ans. Yes, sir.
($0.85 paid as fee by contestee.)

JOSEPH RUBECK.

STATE OF IOWA,
Cedar Rapids, ss:

JOSEPH SMERCHECK, being produced and sworn before M. P. Mills, a notary public for Cedar Rapids, on this 26th day of Apr., A. D. 1883, testifies as follows (M. P. Mills, attorney for contestee, and T. Brown appearing on the part of contestant):

Ques. 1. Where do you live?—Ans. In Putnam Township.
Ques. 2. Where did you live last Nov.?—Ans. In the same township.
Ques. 3. Did you vote at the general election held on the 7th of Nov., '82?—Ans. Yes, sir.
Ques. 4. Where were you born?—Ans. In Moravia.
Ques. 5. Are you a naturalized citizen of the U. S., and if so, where did you get your papers?—Ans. I have not got any papers.
Ques. 6. You have never been naturalized?—Ans. No, sir.
Ques. 7. When did you come to this country?—Ans. About 26 years ago.
Ques. 8. Did you know any other Joseph Schmercheck in this county?—Ans. No, sir.
Ques. 9. Did you vote at the general election held on Nov. 7th, 1882?—Ans. Yes, sir.

Ques. 10. What ticket did you vote, Democratic or Republican?—Ans. No, sir; I did not have those tickets.
Ques. 11. What ticket did you have?—Ans. Greenback.
Ques. 12. Was Ben. T. Frederick's name on that ticket?—Ans. No, sir; his name was on the Democratic ticket.
Ques. 13. You voted for David Platner, the Greenback nominee?—Ans. I don't know who was on the Greenback ticket.
Ques. 14. Do you know as a matter of fact that Frederick's name was not on the ticket you voted?—Ans. I guess it was not.
Ques. 15. Do you know as a matter of fact that it was not?—Ans. Of course I don't.
Ques. 16. Did you say that it was not?—Ans. No, sir; I didn't.
Ques. 18. Did you write his name on that ticket?—Ans. No, sir.
Ques. 19. Have you not voted the straight Democratic ticket?—Ans. Yes, sir; except the township officers.

Cross-examination:

Ques. 20. Was Wilson's name on that ticket?—Ans. No, sir.
($1.65 paid as fee by contestee.)

JOSEPH SMERCHECK.

STATE OF IOWA,
Linn County, ss:

A. M. RENNELS, being produced and sworn before M. P. Mills, notary public for Linn Co., on this 26th day of April, A. D., testifies as follows (T. Brown appearing on the part of contestant, and M. P. Mills on the part of contestee):

Ques. 1. What township do you live in?—Ans. Washington Township.
Ques. 2. Do you know George Pool?—Ans. Yes, sir.
Ques. 3. Do you know where he is now?—Ans. Yes, sir; in Laramie City.
Ques. 4. When did he go there?—Ans. He started about the first of April; about the first or second day of April.
Ques. 5. I understood you to say he went the second day of April?—Ans. Yes, sir.
Ques. 6. Do you know when he came into Harlan County, just prior to his leaving?—Ans. Yes, sir; he came here about the middle of October.
Ques. 7. How did you know that?—Ans. I was in Wyoming when he went there, and he went from there to Indiana, and I came here, and he was here when I came.
Ques. 8. And he came about the middle of October?—Ans. Yes, sir.
Ques. 9. How long had you been here then?—Ans. Probably 2 weeks; not more, maybe not so long.
Ques. 10. Then you came the first of October?—Ans. About 10th of October.
Ques. 11. Did you see him there at Wyoming?—Ans. Yes, sir.
Ques. 12. What was you doing there?—Ans. Working for a newspaper company.
Ques. 13. Did you move there?—Ans. Yes, sir; under certain conditions.
Ques. 14. When did you go there?—Ans. 1st day of April, of 1882.
Ques. 15. Take your family?—Ans. Yes, sir.
Ques. 16. And all your effects?—Ans. Well, most of it; I left a few things.
Ques. 17. This Mr. Pool came back about the middle of October?—Ans. Yes, sir; about that time.
Ques. 18. When you went to Wyoming, did you go there with the intention of staying?—Ans. Well, if it agreed with my wife's health.
Ques. 19. Did you take land there?—Ans. No, sir.
Ques. 20. Did you vote at the general election last fall?—Ans. Yes, sir.
Ques. 21. In what township?—Ans. Monroe Township.
Ques. 22. What ticket did you vote?—Ans. A mixed ticket.
Ques. 23. What was the heading of the ticket?—Ans. Democratic.
Ques. 24. You are a Democrat in politics?—Ans. I am supposed to be.
Ques. 25. Was it for township offices?—Ans. Yes, sir.
Ques 26. The officers of such was Democratic?—Ans. Yes, sir.
Ques. 27. You voted for Frederick for Congress?—Ans. Yes, sir.
Ques. 28. Where did you live when you went to Wyoming?—Ans. In Washington Township.
Ques. 29. How long did you live there?—Ans. 29 years.
Ques. 30. You don't know whether you were living in Wyoming or not?—Ans. ——
Ques. 31. Was there a consideration in your going?—Ans. Yes, sir.
Ques. 32. Do you consider yourself a citizen of Iowa?—Ans. Yes, sir.
Ques. 33. You hadn't made up your mind to make Wyoming your home?—Ans. No, sir; unless it agreed with my wife's health.
Ques. 34. You went out to see if it agreed with your wife?—Ans. Yes, sir.
Ques. 35. And you came directly back?—Ans. Yes, sir.
Ques. 36. And you live here now?—Ans. Yes, sir.
Ques. 37. And you voted for Mr. Frederick?—Ans. Yes, sir.

Ques. 38. When you went to Wyoming what did you do there?—Ans. I worked for a newspaper company part of the time in a book-store.

Ques. 39. How long after you got there did you make up your mind to come back?—Ans. Along about the last of Aug. or 1st of Sept.

Ques. 40. What time did you go there?—Ans. 4th day of April.

Ques. 41. You made up your mind to come back; you have never changed your belief of Iowa being your home?—Ans. No, sir.

Ques. 42. You read your ticket that you voted of course?—Ans. Yes, sir.

Ques. 43. This Mr. Pool; did you know him before you saw him in Wyoming?—Ans. Yes, sir.

Ques. 44. Where?—Ans. In Centrepoint.

Ques. 45. Did he have a family?—Ans. A wife and one child.

Ques. 46. Did he go with the intention of staying or coming back?—Ans. I don't know what his intention was.

Ques. 47. When did he go there?—Ans. 7 years ago.

Ques. 48. Where does his family live?—Ans. He has only been married about 3 years.

Ques. 49. Did he take his wife out with him?—Ans. Yes, sir.

Ques. 50. And you know about how long he stayed the last time?—Ans. About a year.

Ques. 51. You don't know whether he intended to make Wyoming his home?—Ans. I think he does.

Ques. 52. You say Pool went back to Indiana, his family is there?—Ans. His relations are.

Ques. 53. What business did he follow?—Ans. Blacksmith.

Ques. 54. What property did he have there?—Ans. He has a lot.

Ques. 55. He has property here?—Ans. Yes, sir; in Centrepoint.

Ques. 56. And you don't know whether he considers this his home?—Ans. No, sir.

Redirect:

Ques. 57. When you got there did you go to housekeeping?—Ans. Yes, sir.

Ques. 58. When you left Iowa did you intend to stay if it agreed with your wife's health?—Ans. Yes, sir.

Ques. 59, And at that time you didn't intend to come back if it agreed with your health?—Ans. No sir.

A. M. REYNOLDS.

STATE OF IOWA,
Linn County, ss:

FRAK KOPETZY, being produced and sworn before M. P. Mills on this 27th day of Apr., 1883 (M. P. Mills appearing on the part of the contestee, and T. Brown on the part of the contestant), testifies as follows:

(Objection to the testimony of this witness, for the reason that no notice is given of the residence of the witness.)

Ques. 1. In what township do you live?—Ans. Rapids Township; I live at Linn Junction.

Ques. 2. Where did you live last Nov.?—Ans. There at the junction.

Ques. 3. Did you vote at the general election held on the 7th of Nov.?—Ans. I didn't vote at all; I was sick.

Ques. 4. You didn't go to the polls at all?—Ans. No, sir.

Ques. 5. You were not out of the house that day?—Ans. No, sir; I was in the house.

($0.85 paid as fee, by contestee.)

FRANK KOPETZEY.

STATE OF IOWA,
Linn County, ss:

WEUTZEL KOGLAN, being produced and sworn on this 27th day of Apr., 1883, before M. P. Mills, notary public, of Linn County (M. P. Mills appearing on the part of the contestee, and T. Brown on the part of the contestant), testifies as follows:

(Contestant objects to the testimony of this witness for the reason that no notice was given of the residence of the witness.)

Ques. 1. Where do you live?—Ans. At Linn Junction.

Ques. 2. Where did you vote?—Ans. At Stone Point, at the school-house.

Ques. 3. Where were you born?—Ans. In Bohemia.

Ques. 4. Have you your naturalization papers? Have you citizen papers?—Ans. Yes, sir; I have got them 15 years ago.

(Same as presented by commissioner.)

(Paper shows that the witness, Mr. Koglan, was naturalized Feb. 12th, 1868, by the

Linn County court, having common law and jurisdiction, with the seal of the clerk, signed by A. B. Dumont, county judge and *ex officio* clerk, with the seal of the county court attached.)

Ques. 5. You say that you voted last fall?—Ans. Yes, sir.

Ques. 6. You voted Democratic ticket?—Ans. Yes, sir.

Ques. 7. Including Mr. Frederick for Congress?—Ans. Yes, sir; I voted Democratic ticket.

Ques. 8. Did you vote for Mr. Frederick, Democratic candidate for Congress?—Ans. I voted the Democratic ticket.

Ques. 9. You voted whole Democratic ticket straight?—Ans. Yes, sir.

Ques. 10. You didn't scratch it at all?—Ans. No, sir.

Ques. 11. You didn't vote for any Republican?—Ans. No, sir; not all the time that I have been here.

Cross-examination:

Ques. 12. What names were on the ticket?—Ans. I don't know the names.

Ques. 13. Did you read your ticket?—Ans. I read part of it a little.

Ques. 14. You read township ticket?—Ans. I read on the top Democratic ticket; that is all.

Ques. 15. You don't know who was on there for Representative, do you?—Ans. No, sir.

Ques. 16. Do you know who was on for supreme judge?—Ans. No; I don't know anything about that.

Ques. 17. Do you know who was on for sec. of state?—Ans. No, sir.

Ques. 18. You don't know whether Wilson's name was on there or not?—Ans. No, sir; only I put Democratic ticket in the box; that is all.

Ques. 19. Wilson's name might have been there and you not have known it?—Ans. No, sir; I only know that a man gave me a ticket and that I put it in the box.

Ques. 20. When you voted you knew who all the Democratic men were that you voted for at that time? You couldn't remember the name, but you know who the Democratic men were you voted for?—Ans. Yes, sir; two men had Republican tickets and one had Democratic tickets. The one that had Democratic tickets handed me one and asked me what kind I liked; that was all.

Recross-examination:

Ques. 21. Did you know the name of the man that you voted for?—Ans. No, sir.

Ques. 22. At that time you didn't know the names of the State nor township officers?—Ans. I don't know anything at all, only that I put in the Democratic ticket; that is all.

Ques. 23. The only reason you know that you voted the Democratic ticket was because the head was marked (Democratic ticket)?—Ans. I don't know, only that I voted Democratic ticket; that is all.

WEUTZEL KOGLAN.

STATE OF IOWA,
Linn County, ss:

FRANK PEREMSKY, being produced and sworn before M. P. Mills, notary public for Linn Co., on this 26th day of April, '83, testifies as follows (M. P. Mills appearing on the part of contestee, and T. Brown on the part of contestant):

(Contestant objects to the testimony of the witness as not being the best evidence.)

Ques. 1. Where do you live?—Ans. R—— Township, Linn Co., Iowa.

Ques. 2. Did you vote at the Nov. election last Nov.?—Ans. I never lost a vote yet.

Ques. 3. Where were you born?—Ans. In Austria.

Ques. 4. Have you got your naturalization papers with you?—Ans. Yes, sir, I have.

Ques. 5. Please present them to the commissioner.

(Papers show that the witness was naturalized by the county court, on the 23rd of Oct., '68, and county court of Linn County, Iowa, being a common court of common law jurisdiction, having a seal of the county court attached.)

Ques. 6. What ticket did you vote last fall?—Ans. I always vote the straight Democratic ticket.

Ques. 7. Including Frederick for Congress?—Ans. Yes, sir.

Cross-examination:

Ques. 8. You have a discharge from the Army, have you?—Ans. Yes, sir.

Ques. 9. Please present it to the commissioner that he may take it down?—Ans. I did show it to him once.

Ques. 10. Produce it again.

(An honorable discharge from the U. S. Volunteer service in regular form, showing that he served 3 years, discharge dated 17 of Oct, '65.)

FRANK PEREMSKY.

STATE OF IOWA,
Linn County, ss:

L. TURNER, being produced and sworn before M. P. Mills, notary public for Linn County, on this 27th day of April, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant and M. P. Mills on the part of contestee):

(Contestant objects to the testimony of this witness for the reason that proper notice of his residence was not given.)

Q. 1. You have been engaged in serving subpœnas in this county, have you?—A. Yes, sir.

(Also further objection that there is no pretension of this kind at all. Attorney for contestant refuses to appear in the taking of the testimony of the witness.)

Q. 2. Did you serve a subpœna on Joseph Conenen, of Marion, to appear here?—A. Yes, sir.

Q. 3. In that subpœna did you read to him to bring his naturalization papers?—A. Yes, sir.

Q. 4. He was present when that was done?—A. I don't recollect; there were several there when I served the notice on him.

Q. 5. Where was it?—A. In his saloon.

Q. 6. What, if anything, did he do or say?—A. He wanted to know what it was for, &c.; also what they wanted him to bring naturalization papers for. I told him I didn't know, but that they did anyway; there would have been a local question about it. That, I said, that is all right; he went to the drawer and got them; he said that they had taken him through to the old country, and he knew they were right; in a few minutes afterwards Little and others came in, and Little tried to explain it to me that the papers were taken out before some court; that it was legal, because it was a court of record. They staid a few minutes after this talk, when the attorney left. He says: "We are left, these papers don't amount to anything; all I wish to know for whom he voted for Congress." Then Dahmes came along; they brought him in to act as interpreter. He was a little deaf, and he says: "Did you vote for Frederick?" "I did," says he, "and I am not afraid to have folks know it." Says he: "Mr. Dahmes is a straight Democrat, and he voted for Frederick."

Q. 7. Now I will ask you if you went after him again on Saturday?—A. Yes, sir; I did.

Q. 8. Did you get him?—A. No, sir.

Q. 9. What did he do?—A. I could not subpœna him on the run.

Q. 10. He started to run away from you?—A. Yes, sir.

Q. 11. You could not catch him?—A. Yes, sir; I could call him back.

Q. 12. You went to get him?—A. Yes, sir.

(Contestant didn't appear in the taking of the testimony of this witness for the reason that no notice has been given.)

($0.85 paid as fee by contestee.)

L. TURNER.

STATE OF IOWA,
Linn County, ss:

C. S. GREEN, being produced and sworn before M. P. Mills, on this 27th day of Apr., 1883 (M. P. Mills appearing on the part of the contestee, and T. Brown on the part of the contestant), testifies as follows:

Ques. 1. Were you a resident and were you present at the Nov. election in Washington Township, held on the 7th Nov., 1883?—Ans. Yes, sir.

Ques. 2. Do you know George Pool?—Ans. Yes, sir.

Ques. 3. Did he vote at the State election?—Ans. Yes, sir.

Ques. 4. State, if you know, how he voted; whether from your personal knowledge or whether he told you how he voted, if he told you.

(Objection; incompetent, irrelevant, and hearsay.)

Ans. He told me that he voted for Mr. Frederick.

Ques. 5. Where was that?—Ans. At Center Point.

Ques. 6. Washington Township, this county.—Ans. Yes, sir.

Cross-examination:

Ques. 7. Who is this George Pool?—Ans. He is out west now.

Ques. 7. You don't know anything more of him? He is not here?—Ans. No, sir.

Ques. 8. Do you know how many George Pool's there are in this county?—Ans. I don't know of any other one.

Ques. 9. You don't know but there is a dozen?—Ans. I don't know but there is.

Ques. 10. You didn't see his ticket?—Ans. No, sir; not until it was folded up.

Ques. 11. You don't know what names were on the ticket?—Ans. No, sir.

Ques. 12. You don't know what he testified to from what he told you?—Ans. It looks as if ———.

Ques. 13. Well, I ask you if you know any other way from what he told you?—Ans. I thought I knew how he voted.

Ques. 14. Do you know anything of it except what he told you?—Ans. No, sir; only what he told me.

Ques. 15. That is just exactly what I want to get.

C. S. GREEN.

$2.75 paid as fee by contestee.

STATE OF IOWA,
Linn County, ss:

H. A. SUTHERLAND, being produced and sworn before M. P. Mills, notary public for Linn County, on this 27th day of April, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and M. P. Mills on the part of contestee):

(Contestant objects to the testimony of this witness for the reason that proper notice of his residence was not given.)

Q. 1. Where did you reside in Nov. 7th, 1882?—A. At Marion.

Q. 2. Did you hold any office at that time; and if so, what?—A. I was township clerk in Marion Township.

Q. 3. I will ask you if you were present at the general election held on that day?—A. Yes, sir; I was.

Q. 4. Now you may state to the commissioner whether or not there was any considerable number of Republican ballots cast at that election with the name of B. T. Frederick on for Cougress?—A. If I can recollect right there were 4 tickets, as near as I can recollect, and straight Republican, Greenback ticket, and split tickets; Republican, except the name of B. T. Frederick was on for Congress.

Q. 5. Can you form any estimate with Frederick's name on for Congress?

(Contestant objects, not being the best evidence; tickets and the returns being the best evidence, which are required by law to be preserved.)

A. I should think, though of course I have no means of knowing except from the average majority of the township; I think that the average Republican majority of Marion Township was about 250, and Wilson had a majority of 33 in the township.

Q. 6. Then, according to that Mr. Frederick has some where in the neighborhood of 200 tickets?

(Objection; improper, suggestive.)

A. I cannot say whether they were smuggled, or how they were got in, but I know they were there; I know that.

Q. 7. About how many?—A. Probably 150, or 175 straight Republican tickets with Frederick's name on?—A. Yes, sir.

Cross-examination:

Q. 8. You have a pretty intelligen people up there, haven't you?—A. Yes, sir; they were considered so.

Q. 9. Over half of them could read and write?—A. I should think there is a very small number there in that township who are not able to read their ballot.

Q. 10. You don't think that a majority of your voters don't know who were on for Congress on the Republican ticket, do you?—A. Well, I hardly presume.

Q. 11. You think nearly all of them could tell; don't you think that Mr. Wilson's were extremely unpopular that threw him back so much?—A. I don't know that.

Q. 12. The returns of the election seem to indicate that, don't they?—A. They didn't to my mind indicate any unpopularity at all.

Q. 13. What was it the likely question?—A. I think that it had something to do with it.

Q. 14. You think that the question of prohibition had something to do with it?—A. Yes, sir, I think so.

Q. 15. You think that these men on account of that question, on account of that political issue, did not care to support Mr. Wilson?—A. I don't know whether it was Mr. Wilson, or whether they were sour over the result of the June election.

Q. 16. Was it because they desired to vote for a man that was opposed to prohibition?—A. Possibly; yes, sir.

Q. 17. And there would be enough of that class of men in the Republican party that would make considerable difference in the majority, if they made a point against a man on that account?—A. Possibly it might have had considerable effect; I have considered the matter; I have not considered the matter in that light very much; I suppose it had its influence.

Q. 18. As a Republican, you charge that change of your majority for Representa-

tive to that influence, don't you?—A. As I stated before, I think that it had some influence; as to how much, I am not prepared to say.

Q. 19. You didn't go around among the voters and discuss that?—A. No, sir.

Q. 20. It is pretty well known there were tickets there with Frederick's name on?—A. Yes, sir.

Q. 21. The morning of the election, it was known then the tickets were properly distributed all day?—A. I suppose so, I was in doors.

Q. 22. They were not distributed by Republicans?—A. I cannot say as to that.

Q. 23. Are you not satisfied that Republicans distributed these tickets?—A. No, to my personal knowledge.

Q. 24. I mean men recognized as leading men in the Republican party were working for Frederick?—A. I hear that made before; whether it was true or false, I don't know.

Q. 25. Don't you know that Carter Thompson, of that township, sympathizes with Frederick?—A. No, sir, I don't know that most likely, if he is to be believed, and I think that he is.

($1.25 paid as fee by contestee.)

H. A. SUTHERLAND.

STATE OF IOWA,
Linn County, ss:

CHRISTIAN MARKERT, being produced and sworn before M. P. Mills, a notary public for Linn Co., on this 27th day of April, 1883, testifies as follows:

(Julius Morlart sworn by Mills as an interpreter.)

(Contestant objects to the testimony of the witness, for the reason that a proper notice was not given of the residence of the witness.)

Ques. 1. Where do you live?—Ans. In Cedar Rapids.

Ques. 2. Where did you vote last November election?—Ans. In this township.

Ques. 3. In what country were you born?—Ans. Old country, in Germany.

Ques. 4. Were you ever naturalized in this country, ever made a citizen with papers? Ask the witness when and where he got his naturalization papers?—Ans. He said that he got his first papers in the city of New York.

[Witness produces another paper in court.]

Ques. 6. You may now present your papers to the commissioner.

[Witness produces papers which show that the witness was naturalized Oct. 28th, 1868, by a county court of Linn Co., a court purporting to have common law jurisdiction and a clerk and seal. Signed by A. B. Dumont, county judge and ex officio, with the seal of the county court attached.]

Ques. 7. You may ask the witness now if he voted at the general election last November?—Ans. He said that he voted.

Ques. 8. Now ask him what ticket he votes, Democratic or Greenback?—Ans. Greenback.

Ques. 9. Ask him where he voted it?—Ans. Here in this hall or building.

Ques. 10. Ask him what ward he lived in?—Ans. On the south side of the corporation.

Ques. 11. Ask him for whom he voted for Congress?—Ans. He cannot tell.

Ques. 12. Ask him if anybody has spoken to him about what he was to testify to when he was subpœnaed here?—Ans. No, sir.

Ques. 13. Ask him if he did not vote a Democratic ticket last fall?—Ans. He says yes.

Ques. 14. Ask him if he voted that Democratic ticket straight, or scratched any names on it.—Ans. He says that he didn't scratch it any.

Ques. 15. Then did he vote the full Democratic ticket?—Ans. He says that he doesn't know.

Ques. 16. Ask him if he didn't generally vote the Democratic ticket?

(Contestant objects, leading and suggestive, also asking an opinion of the witness.)

Ans. He says that as a general thing he votes the Democratic ticket.

Ques. 17. Did he vote the Democratic ticket last fall?—Ans. I guess he doesn't understand the two questions thoroughly. He says that he doesn't know.

Ques. 18. Don't he know what is generally meant by the Democratic ticket, when it is written on top Democratic ticket?—Ans. He says that if he could see the ticket he could tell.

Ques. 19. Ask him if he saw the ticket that he voted last fall.—Ans. He says that he saw the ticket, but couldn't tell whether it was the Democratic ticket.

Ques. 20. Ask him if the words "Democratic ticket" were not on the heading of the ticket that he voted.

(Objection, leading.)

Ans. Yes, sir.

Ques. 21. Ask him if he voted that straight Democratic ticket.—Ans. He says that he doesn't know for certain.

Ques. 22. Ask him this: if he didn't come to the polls and take up a straight Democratic ticket and vote that ticket.

Q. 28. How long have you been in the United States?—A. 18 years.

Redirect:

Q. 29. You didn't get but one paper, did you?—A. No, sir; that is all.

Q. 30. When did you get it; last winter—last Feb.?—A. Yes, sir; I believe so.

Q. 31. You got it about the last January term of court here, didn't you?—A. I believe that was when it was.

Q. 32. It was last winter was it, since last Nov.?—A. I cannot tell now.

Q. 33. Was it January 17th?—A. I believe it was, but I cannot tell.

Q. 34. You never had but one paper?—A. I guess I have had as many as 10 of them.

Q. 35. You got them here in the court-house?—A. Yes, sir.

Recross-examination:

Q. 36. You say you don't know who you voted for?—A. No, sir; I cannot swear who I voted for; I was too old to learn to read when I came to this country.

Q. 37. Can you swear whether your ticket was absolutely Democratic or not?—A. That is the trouble with me, I can hardly read. Somebody gave it to me; everybody knows me in this town.

Redirect:

Q. 38. Who gave it to you?—A. I cannot tell that; everybody knows me; I have been so long here.

Recross-examination:

Q. 39. You can't say whether it was a Democratic or Republican ticket?—A. No, sir; 6 or 7 were there at the court-house.

Redirect:

Q. 40. Did you ever vote Republican ticket?—A. Yes, sir; I believe I did.

Q. 41. When was it?—A. 4 years ago.

Q. 42. You are with the Democrats now; that is your party isn't it?—A. I believe most of them go that way.

Q. 43. You understood that you were voting for Frederick last fall?—A. I went by the court-house; they said you vote that ticket, I said all right, I will do so.

Q. 44. Who said so?—A. 6 or 7 came; one said you vote that ticket; I took one and voted it.

Q. 45. Was it Robinson?—A. I cannot say whether it was him or not.

Q. 46. You know Robinson?—A. Yes, sir; everybody knows me.

Q. 47. Didn't Robinson give you a ticket?—A. I cannot remember it now.

Q. 48. You supposed you were voting Democratic ticket?—A. I don't know who gave it to me.

Q. 49. Didn't you suppose you were voting Democratic ticket?—A. At that time may be I did.

Q. 50. And the man that gave it to you, was he a Democrat?—A. Well, I don't know.

Q. 51. He was peddling tickets, wasn't he?—A. I don't know whether it was Frederick's man or not.

Q. 52. Didn't Frederick speak to you about the election?—A. No, sir.

Q. 53. Didn't you intend to vote for Frederick; didn't you suppose you were voting for him at the time?—A. I cannot say about that.

Q. 54. That was what you intended to do was it?

(Objection, leading.)

(Contestant objects on the ground that the question is leading and suggestive.)

Ans. He said that he didn't know the difference between the two tickets, Democratic and Republican.

Ques. 1. Ask him if he would know the ticket headed Democratic ticket if he should see it.—Ans. He says that he can't tell for certain.

Ques. 2. Can he read?—Ans. He says a little, not very much.

Ques. 3. Could he read the words Democratic ticket if he see it on a ticket?—Ans. He says that he could.

Ques. 4. Were the words "Democratic ticket" on the ticket that he voted?—Ans. He says that he don't know.

Cross-examination:

Ques. 5. Ask the witness if he voted the Greenback ticket.—Ans. He says that he voted Greenback ticket.

CHARLES F. MARKET.

85 cents paid as fee by contestee.

STATE OF IOWA,
Linn County, ss:

JULIUS MARKET, being produced and sworn before M. P. Mills, notary public of Linn County, on this 26th day of Apr., '83 (M. P. Mills appearing on the part of the contestee, and T. Brown on the part of the contestant, testifies as follows):

Ques. 1. Where were you born?—Ans. In Saxony.
Ques. 2. Did you vote at the general election held last Nov.?—Ans. No, sir.
Ques. 3. Where were you?—Ans. I was working.
Ques. 4. Working at what?—Ans. At shoemaking.
Ques. 5. In what ward do you live?—Ans. In the 5th ward.
Ques. 6. You say that you didn't vote at the general election held last Nov.?—Ans. No, sir; I did not.
Ques. 7. That is your recollection?—Ans. That is that I didn't vote.
(Excused. Paid as fee by contestee $.85.)

JULIUS MARKET.

STATE OF IOWA,
Linn County, ss:

HENRY GALLAGER, being produced and sworn before M. P. Mills, notary public for Linn County, on this 27th day of April, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and M. P. Mills on the part of contestee):

Q. 1. Where were you born?—A. In Ireland.
Q. 2. Do you remember the date, or about the time that you got your papers in Linn County?—A. The first I ever got was in Ohio.
Q. 3. Well, I mean those you got here. Do you remember the date of the papers you got in this county?—A. No, sir.
Q. 4. You took out your first papers in this county, didn't you?—A. Yes, sir; when I first came here.
Q. 5. These are the first you have in this county?—A. Yes, sir.
Q. 6. Since you took out these first papers have you ever taken out any other papers?—A. No, sir; not in this county.
Q. 7. Did you vote at the general election held last November?
BROWN. You are not obliged to state how you voted. Contestee must first prove that you are not a naturalized citizen before you are obliged to state.
Q. 8. Well, did you vote at the last election held in Nov. 7th, 1882, in this township?—A. Well, I don't remember that I did.
Q. 9. What ward do you live in?—A. In the 3rd ward.
Q. 10. As a matter of fact, don't you know that the poll-books of the 3rd ward shows you voted at the general election held in Nov., 1882?—A. I don't know whether they do or not.
Q. 11. Do you say now you didn't vote?—A. No, sir; I didn't say that I didn't vote.
Q. 12. Well, did you vote?—A. Well, sir, I didn't say, because I didn't think it was any man's business whether I voted for one man or for another man.
Q. 13. Well, will you answer the question or not?
BROWN. Witness is not obliged to tell.
A. I won't answer it.
Q. 14. Now, I want to ask you whether you voted at the general election held in this township on the 7th of Nov., 1882, whether you voted the Democratic ticket.
(Contestant objects; incompetent, immaterial, it not being particular whether he voted at all.)
A. I won't answer that; a man can vote any ticket he wants to, without telling his neighbors.
Q. 15. Do you refuse now to answer the other questions asked you in this contest?—A. I don't know anything about this contest; it doesn't interest me.
Q. 16. Do you refuse to answer the question?—A. Yes, sir; I do.

Cross-examination:

Q. 17. Did you get your citizens' papers in Iowa?—A. Yes, sir.
Q. 18. Properly naturalized before the court?—A. Yes, sir; in Sandusky, Ohio.
Q. 19. Do you remember whereabouts you got them; in what court?—A. At Sandusky.
Q. 20. Did you get them in court?—A. Well, sir; I think so; I got them during the war.
Q. 21. You got two sets of papers there, did you?—A. Yes, sir.
Q. 22. Did you lose these papers?—A. In Illinois or Michigan.
Q. 23. Did you have; for you got papers?—A. Yes, sir.
Q. 24. You have only refused to answer this question, as to whom you voted for?—A. Yes, sir.

Redirect:

Q. 25. Now, I want to ask you whether Frederick or Davenport have been talking to you about it—about what you are going to testify to to-day on the stand? Do you know Frederick?—A. No, sir.

Q. 26. Well, I refer to that gentleman sitting right there.—A. I don't believe I ever saw him.

Q. 27. Were you talking with them to-day?—A. I don't know that I have to tell you everybody that I talk to during the day.

Q. 28. Do you refuse to answer that question?—A. Yes, sir; I do.

Q. 29. Now, I want to ask you if Frederick or Davenport, his attorney acting in this case, didn't he tell you at the bottom of the stairs that you were not obliged to answer this question?—A. I refuse to answer that question; but I do not take any interest in the case at all.

Q. 30. Didn't Frederick and Davenport also tell you at the foot of the stairs here, that if you refused to answer that question——do you refuse to answer that?—A. Yes, sir; I refuse to answer anything on the case.

Q. 31. Did Frederick pay you any money down in front of the city hall, where you are now sitting, to-day?—A. Well; I wish that he would.

Q. 32. Well; you may answer the question, or refuse to.—A. Well; I know I got no money from any man.

Q. 33. Now, what did he tell you at the foot of the stairs?—A. Well; I told you I refused to answer that question whether I have been talking or not to any man.

Q. 34. Did you say you were not talking to Frederick or Davenport down there?—A. Well; that is just what you have been asking me about.

Q. 35. Did you say you were not talking to them?—A. I refuse to answer that.

Q. 36. Has anybody been to see you about coming here to testify in this contest?—A. I came right here from work.

Q. 37. Do you refuse to answer that?—A. Yes, sir.

Q. 38. You were subpœnaed to come here and testify?—A. Yes, sir.

Q. 39. You came here for the purpose of testifying, did you?—A. Testifying to what?

Q. 40. Whatever you know.—A. I don't know anything.

Q. 41. That is the question.—A. These; I don't know anything regarding this case.

Q. 42. Did you come here in obedience to that subpœna to testify?—A. Well, I am not a politician, anyway.

Q. 43. Well, did you come here in obedience to that subpœna served upon you for the purpose of testifying in this case?—A. Well, I had to come as long as I was subpœnaed to come here.

Q. 44. Well, did you come in obedience to that subpœna for the purpose of testifying in this case?—A. Well, I can't answer that any better than I did; I said I had to come here, as long as I was subpœnaed.

Q. 45. Well, did you come for the purpose of testifying?—A. Testifying to what?

Q. 46. I want an answer.—A. I don't know that I have been guilty of any crime or anything.

Q. 47. I want an answer.—A. I came here in obedience to the subpœna.

Q. 48. For the purpose of testifying?—A. I didn't know for what purpose.

Q. 49. Did you vote the Greenback ticket last fall?—A. That I won't tell you.

Q. 50. You won't answer?—A. No, sir.

($0.85 paid as fee by contestee.)

HENRY GALLAGER.

Joseph Binko (paid as fee by contestee, $0.85), being called in open court, doesn't make his appearance.

James Knopp (paid as fee by contestee, $1.25), being called by the commissioner, fails to make his appearance.

Joseph Coenen (paid as fee by contestee, $1.35), being called by the commissioner, fails to appear.

BROWN. I wish the commissioner to make note that John Binko has just now made his appearance in court.

MILLS. Well, let him come afterwards to be sworn.

W. W. Thomas (paid as fee by contestee, $1.35), being called in open court, fails to make his appearance.

STATE OF IOWA,
Linn County, ss:

JOHN SHAY, being produced and sworn before M. P. Mills, on this 26th day of Apr., '83 (M. P. Mills appearing on the part of the contestee, and T. Brown on the part of the contestant), testifies as follows:

Ques. 1. Where did you live in Nov. last?—Ans. In Putnam Township.

Ques. 2. Did you vote at the election held on 7th of Nov.?—Ans. No, sir.

Ques. 3. I ask you if you voted at the election in Nov. last?—Ans. No, sir; I didn't.
Ques. 4. You know what I mean, do you?—Ans. Yes, sir, I do.
Ques. 5. Where were you?—Ans. Right at home; I didn't go to vote.
Ques. 6. Did you go to Ely that day at all?—Ans. No, sir; I didn't go that day at all.

JOHN SHAY.

Paid as fee by contestee, $0.85.

STATE OF IOWA,
Linn County, ss:

H. A. STEARNS, being produced and sworn before M. P. Mills, notary public for Linn County, on this 27th day of April, A. D. '83 (T. Brown appearing on the part of the contestant and M. P. Mills on the part of contestee), testifies as follows:

Ques. 1. What township do you live in?—Ans. Marion Township.
Ques. 2. Did you hold any office by election, by appointment, or otherwise?—Ans. By appointment.
Ques. 3. What office is that?—Ans. Deputy sheriff.
Ques. 4. Have you in your office the records formerly kept by the judge of Linn County?—Ans. Yes, sir.
Ques. 5. Have you examined these records to-day?—Ans. Yes, sir.
Ques. 6. Have you the memoranda of your examination?—Ans. Yes, sir.
Ques. 7. State to the reporter if John Mehan was naturalized before the county judge of Linn County; and if so, at what date?
(Objected to as not being best evidence; that the records must speak for themselves; that the examination would only be shown by the records, because it does not appear that John Mehan is the same John Mehan that testified; because it is irrelevant and immaterial.)
Ques. 8. Answer the question; have you examined this record to-day?—Ans. Yes, sir; I have examined it.
Ques. 9. State when John Mehan was naturalized.
(Objected to as not being best evidence; that the records must speak for themselves; that the examination is not sufficient, but would only be shown by the records, because it does not appear that John Mehan is the same John Mehan that testified; because it is irrelevant, immaterial).
Ans. John Mehan obtained same papers in '68, November 2, in the county court, as shown by the court records.
Ques. 10. I would ask you have you examined them as to John Coenen?
(Objected to as not being best evidence; that the records must speak for themselves; that the examination is not sufficient, but would only be shown by the records, because it does not appear that John Mehan is the same John Mehan that testified; because it is irrelevant immaterial.)
Ans. Yes, sir; John Coenen obtained his 2d papers October 22, '68.
Ques. 11. Have you made the same examination as to Jackson Gillmore?—Ans. Yes, sir.
(Contestant objects, as not being best evidence; that the records must speak for themselves; that the examination is not sufficient, but would only be shown by the records, because it does not appear that John Mehan is the same John Mehan that testified; because it is irrelevant, immaterial.)
Ques. 12. When was that?—Ans. October 7, '65.
Ques. 13. Did you make the same examination as to Mike Flaherty 2d March, '68, and the papers you have spoken of were all issued by the county court of Linn County?—Ans. Yes, sir; as shown by our records.
Ques. 14. Was this shown by the probate court record kept by him?
(Objected to because the records are the best evidence.)
Ans. Yes, sir.
Ques. 15. You have the care and custody of these records in your office?—Ans. Yes, sir.

Cross-examination:

Ques. 16. Did you know John Mehan?—Ans. Yes, sir.
Ques. 17. Were you present when he was naturalized?—Ans. No, sir.
Ques. 18. Do you know whether John Mehan was the same John Mehan that was naturalized?—Ans, No, sir, I don't.
Ques. 19. By what law do you hold the naturalization papers except by the probate records?—Ans. By the State law, I suppose.
Ques. 20. Do you know of any other law by which you are custodian of any of the court records? Are you bound by any law?
(Mills says you needn't answer that.)
Ques. 21. Do you claim that you can hold any records except the probate records?—

Ans. Why, I suppose I do; under the laws of the State of Iowa that was the extent of all the county records.

Ques. 22. Have you any authority by which you can have any records except the probate records?—Ans. I can't do it.

Ques. 23. Will you take the advice of any counsel, or the counsel of the other side, and let them point it out?—Ans. The counsel on the other side refuses to do so.

Ques. 24. What advice does the counsel give you?—Ans. None.

Ques. 25. What did he say to you?—Ans. He said not to answer any question.

Ques. 26. Do you know of any authority by which you are the custodian of any records except the records of the probate court?—Ans. Personally I don't; no, sir.

Ques. 27. What book do you find the records in?—Ans. In the county court records of Linn County.

Ques. 28. Is there more than one book of naturalization there?—Ans. There is only one in the county court that I can find.

Ques. 29. Have you got your book here?—Ans. No, sir.

Ques. 30. What did it have on the back of it?—Ans. To my best recollection it is "County court record of Linn County."

Ques. 30. Is that signed and certified to by anybody?—Ans. No, sir.

Ques. 31. Have you anything to identify it that it is the county court record?—Ans. Only by the book itself.

Ques. 32. Simply marked what?—Ans. "A county court record."

Ques. 33. Does it not say "The record of the county court of Linn Co.?"—Ans. It says "The county court record," to the best of my recollection.

Ques. 34. Do you know Joseph Coemen?—Ans. Yes, sir.

Ques. 35. Do you know that he is the same person here referred to?—Ans. No, sir; I don't.

Ques. 36. Do you know Jackson Gillman?—Ans. No, sir; I don't.

Ques. 37. You don't know what Jackson Gillman that refers to?—Ans. No, sir; I don't.

Ques. 38. You don't know but what there might be half a dozen names of that name in the county?—Ans. I don't know, though there might be.

Ques. 39. Is there any naturalization papers issued by the circuit or district court?—Ans. No, sir.

Ques. 40. How many of the books have you examined for naturalization papers?—Ans. 7 or 8 books.

Ques. 41. Have you examined the naturalization papers of the district and circuit to-day?—Ans. No, sir.

Ques. 42. Did they contain the naturalization papers of a great many men?—Ans. Yes, sir.

Ques. 43. Can you remember the names of all the men that are on record?—Ans. No, sir.

Ques. 44. Do you know there is no name of Joseph Coeman on that record?—Ans. No, sir.

Ques. 45. Do you know there is no name of Joseph Coeman on these records?—Ans. No, sir.

Ques. 46. Do you know there is no name of John Meeham on these records?—Ans. Yes, sir.

Ques. 47. Is not the name of John Meeham spoken of the same as it reads here?—Ans. I don't know.

Ques. 48. What kind of a name?—Ans. I don't think I saw the name.

Ques. 49. Is not the spelling of English names sometimes different?—Ans. Yes, sir; I think so.

Ques. 50. Are not proper names differently spelled?—Ans. Yes, sir.

Ques. 51. You do not mean that the name of John Meeham is not there?—Ans. I don't find that in the district court.

Ques. 52. Are there a great many naturalization records that are not indexed?—Ans. I don't know.

Ques. 53. John Meeham may be on some of these records?—Ans. He may be; I don't know.

Ques. 54. Ten years prior where did the district court keep their naturalization papers?—Ans. In the district court, I suppose.

Ques. 55. Did you examine the county court record to see whether the district court, ten years prior to '68, kept their naturalization in the book of the records of the county court?—Ans. I examined the district and circuit court records and the county court records.

Ques. 56. Did you examine them ten years prior to '69?—Ans. I don't think I examined anything preceding '69.

Redirect:

Ques. 57. Is the book called the "county court record" kept in your office?—Ans. Yes, sir.

Recross-examination:

Ques. 58. You don't know but there are other books kept in the auditor's office?—Ans. I don't think there are.

Ques. 59. You don't think there are any books in his office?—Ans. I don't think he has any.

Ques. 60. He doesn't have the county office records?—Ans. Yes, sir.

Ques. 61. All of the county offices?—Ans. Yes, sir.

Ques. 62. Does not the law make the auditor custodian of all the books except the county court records?—Ans. I don't know.

($1.85 paid as fee by contestee.)

H. S. STEARNS.

STATE OF IOWA,
Linn County, ss:

I, Eldon Moran, a notary public and commissioner agreed upon to take testimony in this cause, in pursuance of the annexed agreement, attached to the testimony of J. L. Adams, whose testimony was taken Feb. 22nd, 1883, do truly certify that on the 26th and 27th, in pursuance of the notice hereunto annexed, I took the depositions of the following witnesses: W. J. Koslovsky, Philip Seitz, John Drefehl, James Bird, John Flaherty, James McNamara, Michael Flaherty, James Hedge, D. Anssieker, William Hanser, Jackson Gilmore, Joseph Coemen, Frederick Peter, James Wehrent, Marion Martin, Weitzel Tomask, Michael Mentz, Gotleib Weis, Thomas Albenes, John Dahnes, Frank Smerchek, John Meeham, Frederick Roy, E. Lefbure, William Ure, W. B. McElry, Popishil Joseph, William Coemen, Joseph Rubeck, Joseph Smerchek, A. M. Reynolds, Frank Kopetzky, Weitzel Koglain, Frank Peremsky, L. Turner, C. L. Green, H. A. Sutherland, Christian Markert, Julius Markert, Henry Gallager, John Binko, James Kuaph, jr., William W. Thomas, John Shay, H. A. Stearns, whose testimony is set forth in the following manner:

Each witness was by me duly sworn, or caused to be sworn in my presence, as provided by law, and when sworn the questions were propounded to him by the respective parties—Benj. T. Frederick, contestant, and James Wilson, contestee—by their respective att'ys; and the same read to the witness, who answered the same, and his answers by me in the language of the witness taken down under each question propounded, and reduced to writing till the deposition was completed.

I further certify that when the testimony of each witness was taken I carefully read the same over to the witness, who corrected the same, and each correction noted, and said testimony was then signed by the witness and sworn to by him before me.

I further certify that T. Brown & Carney appeared as counsel for the contestant, Benj. T. Frederick, and M. P. Mills appeared as counsel for contestee, James Wilson.

In witness whereof I have set my hand and seal notarially this 26th and 27th of April, 1883.

[SEAL.]

ELDON MORAN,
Notary Public for Johnson County, Iowa, and Commissioner agreed upon to take testimony.

UNITED STATES OF AMERICA,
Linn County, State of Iowa, ss:

TO BENJAMIN T. FREDERICK, or BROWN & CARNEY, his attorneys:

You are hereby notified that at public school-house in Ely, Linn County, Iowa, and before Eldon Moran, a commissioner apointed in the county of Linn, and State of Iowa, on the 7th day of April, A. D. 1883, at 9 o'clock a. m., the contestee, James Wilson, will take the testimony of the following-named witnesses, to wit: Joseph Detrt, Frank Ditrt, John F. Bishup, John Roubrek, Frank Lonar, Frank Wecheskee, Joseph Shinbersky, Joseph Shider, Joseph Krevanek, Joseph Jocobitz, Wesley Vorel, John Vodicka, John Wellosky, Frank Erosek, Frank Swec, Frank Budic, Frank Miska, Joseph Kopecky, Wesley Holec, Peter Sebosek, John Yihuska, John Kolibor, sen., Wesley Splihal, Joseh Netolisky, Joseph Spochek, Wesley Netolisky, Joseph Tiphos, Frank Pirhle, Frank Pechinha, Joseph Shola, all of Jefferson Township, Johnson Co., Iowa; John Wonrochek, Joseph Josephek, John Konesik, Wm. Werba, sen., Geo. Chadema, Peter Betsiska, Anton Chekok, Frank Yornek, John Nomechel, Wesley Cherveney, Louis Wynona, John Cherveney, Joseph Korbueka, Joseph Kismouth, Wet Wortrobeck, John Mekota, John Kroul, Joseph Sedlockek, Anton Zock, Frank Bermish, Wesley Bortosh, John Eyrish, John M. Eyrish, Wesley Eyrish, Joseph Durbishire, Nicholas Durbishire, Joseph Serbosek, Daniel Kulthire, Daniel Kulthire, jr., Mathias Hyah, Anton Chehra, John Woora, Wm. Korob, John Kochina, Victor Rousha, Enos Seebosek, Frank Serbosek, Frank Rosha, Joseph Rosha, Frank Hyock, Wesley Zimonds, Albert Kohmikee, Joseph Pole, John Pole, Martin Bostik, Stephen Dworough, Joseph Luduchek, Wesley Humporek, Wesley Mochka, Wm. Dusil, Frank Sedlochek, Wesley

Dhloe, Albert Mora, Joseph Klisner, Chas. Probst, Frank Mochola, Joseph Dwosroch, John Cotlets, John Rova, all of Monroe Township, Johnson County, Iowa, whose testimony, when so taken at the proper time, will be read in evidence before the House of Representatives of the United States in the contest made by you for the office of Representative in Congress from the fifth Congressional district of Iowa.

Dated at Iowa City this 5th day of April, A. D. 1883.

JAMES WILSON,
by JAMES W. CONE,
His Attorney.

STATE OF IOWA,
Linn County, ss:

Deposition of witnesses produced before me, —— ——, a notary public and commissioner agreed upon to take testimony, and duly sworn before a notary public for Linn County, Iowa, on this 7th day of April, 1883, at Ely, in pursuance of the notice hereunto attached, in a proceeding pending before the House of Representatives of the United States of America, in a contested election for the office of Representative in Congress, in which proceeding Benj. T. Frederick is contestant and James Wilson contestee; Brown & Carney for contestant and M. P. Mills for contestee.

The following testimony was taken before me:

STATE OF IOWA,
Linn County, ss:

FRANK MISHAK, being produced and sworn before —— ——, notary public for Linn County, on this 7th day of April, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and W. H. Cone on the part of contestee):

(By interpreter D——.)

Q. 1. What is your age?—A. 58 years.
Q. 2. Where does he live?—A. In Johnson County, Iowa.
Q. 3. What township?—A. In Monroe Township first; now in Jefferson Township.
Q. 4. What is his business?—A. His business—he just lives at home.
Q. 5. Ask him if he voted at the election in Jefferson Township 7th of Nov., 1882?—A. Yes, sir; he voted, and has voted for 20 years.
Q. 6. What ticket did he vote?
BROWN. He need not tell unless he wants to.
(Contestee objects to the counsel instructing the witness to that effect.)
A. He says that he voted several kinds.
Q. 7. What ticket did you vote in Nov., 1882?
BROWN. You need not answer that unless you wish to.
A. Yes, sir; he says he voted.
Q. 8. What ticket did he vote?—A. He says that he doesn't have to tell.
Q. 9. Tell him he must answer; otherwise he will be subject to penalty.
BROWN. Inform him otherwise.
Q. 10. Ask him where he was born; what place, and in what country.—A. In Bohemia.
Q. 11. When did he come to the United States?—A. In 1856.
Q. 12. Ask him if he has citizen's papers.—A. Yes, sir; he has.
Q. 13. Tell him to show these papers to the commissioner.—A. He says that he wants his pay; he only received 75 cents.
Q. 14. How far do you live from here?—A. 5 miles and a half.
(Witness produces papers.)
Q. 15. Where did you obtain these papers?—A. At the court-house.
Q. 16. Where; what town?—A. Iowa City.
Q. 17. Ask him if this is his naturalization paper?—A. He says it is.
(The same certificate introduced in evidence the same as those introduced in Iowa City, issued on the 12th of October, 1863, by the county court of Johnson County, Iowa, George W. McCleary, Frank Mishak, a native of Bohemia, became a citizen of the United States, by applying to the Johnson County district court to be admitted as a citizen, and took the oath that he had renounced all allegiance to Frances Joseph, Emperor of Austria; that it appeared to this county court Joseph Hedletchker, signed George W. McCleary, county judge, 12th of October, 1863, 5-cent revenue stamp on it, with the seal of Johnson County, Iowa.)
Q. 18. Ask him what ticket he voted at the November election?
(Brown says that he must not answer it.)
(Wilson says that his paper has been proven illegal hence he must answer the question.)

Q. 19. Ask him if he voted Democratic ticket in Nov., 1882, in Jefferson Township?—A. He says that he doesn't have to answer it.

Q. 20. Tell him he must answer the question?

(Commissioner informs the witness that the attorneys claim this paper is not good, and that if he doesn't answer the question he is subject to punishment for contempt.)

A. He said that nobody asked him how he voted; he asked nobody how they voted, and that it will not be necessary to answer it.

Q. 21. Ask him if any one told him not to testify?—A. He says that he will never ask anybody, and he didn't want anybody to ask him.

Q. 22. Ask him whether or not anybody told him not to answer the questions?—A. No, sir; he says no one told him.

Q. 23. Ask him who he talked with since he came to town this morning?—A. Nobody.

Q. 24. Ask him what party he belongs to?—A. He says that he voted Republican ticket; Democrat ticket, and all kinds.

Q. 25. Ask him what ticket he voted last fall?—A. He says that he will not say.

Q. 26. Ask the witness if he refuses to answer the questions because Mr. Brown, counsel on the other side, instructed him not to?

(BROWN. I said that it was a personal privilege of his, and that he can do as he likes about it.)

Q. 27. Ask him if he absolutely refuses to answer how he voted last fall?—A. No, sir; he says that he will not answer.

Q. 28. Why does he refuse to answer?—A. Because he says that he never asks anybody how he voted.

Q. 29. Ask him if he doesn't recognize the right of the court to inquire after the truth?—A. He says that he doesn't do anything against the law.

Q. 30. Ask him if he has been sworn to testify to the truth, the whole truth, and nothing but the truth, before the notary public of Linn County, Iowa?—A. He says that he has answered all the questions that have been propounded to him.

Q. 31. Ask him if he has answered all the questions that have been propounded to him?—A. He says that nobody asked him whether he voted Republican or Democratic ticket.

Q. 32. Did you vote the Democratic or Republican ticket?—A. He says that he will not answer.

Q. 33. Ask him, if when he refuses to answer whether he voted Democratic ticket or not, whether he is testifying to the truth?—A. He says that he don't think you have any right to make him answer that question.

Q. 34. Tell the witness in case he still refuses to answer the question as to whether or not he voted Democratic ticket in Nov. 1882, he must go to Washington City at his own expense.

BROWN. Tell him there is no such law as that at all; that they can't take him to Washington at his own expense, and that Mr. Frederick will see him through with it.

Q. 35. Now, do you still refuse to answer the question?—A. He says that he has not voted the Democratic or Republican ticket, but a mixed ticket.

Q. 36. When did he vote the mixed ticket?—A. He says at last fall election he did.

Q. 37. What ticket did you use, Democratic or Republican?—A. A Democratic ticket, but that Republicans were forcing this on him.

Q. 38. What Republicans?—A. Graham, and some others.

Q. 39. Ask him if he scratched the Congressman off of the Democratic ticket?—A. He says no, that he didn't scratch it off.

Q. 40. Ask him again if he scratched it off, whether he scratched off B. T. Frederick from his ticket?—A. He says that he didn't know, that he can't read English.

Q. 41. Ask him if the name at the head of the ticket was marked off?—A. He says that he doesn't remember.

Q. 42. Ask him if he marked any off?—A. He says that he struck off one.

Q. 43. Ask him what one that was?—A. He says that it was a big man in the city.

Cross-examination.

Q. 44. Did you know that Mr. Wilson's name was on the ticket at all?—A. He says that he doesn't know anything about it.

$1.35 paid as fee by contestee.

FRANK MISHAK.

STATE OF IOWA,
Linn County, ss:

I, Eldon Moran, a notary public and commissioner agreed upon to take testimony in this cause, in pursuance of the annexed agreement, attached to the testimony of J. L. Adams, whose testimony was taken Feb. 22nd, 1883, do truly certify that on the 7th of April, in pursuance of the notice hereunto annexed, I took the deposition of Frank Mishak, whose testimony is set forth in the following manner.

Witness was by me duly sworn, or caused to be sworn in my presence as provided by law, and when sworn the questions were propounded to him by the respective parties,

Benj. T. Frederick, contestant, and James Wilson, contestee, by their respective attorneys, and the same read to the witness, who answered the same, and his answers by me in the language of the witness taken down under each question propounded, and reduced to writing till the deposition was completed.

I further certify that when the testimony of each witness was taken, I carefully read the same over to the witness, who corrected the same, and each correction noted, and said testimony was then signed by the witness, and sworn to by him before me.

I further certify that T. Brown & Carney appeared as counsel for the contestant, Benj. T. Frederick; and M. P. Mills appeared as counsel for contestee, James Wilson.

In witness whereof I have set my hand and seal notarially, this 7th of April, 1883.

[SEAL.]

ELDON MORAN,
Notary Public for Johnson County, Iowa, and
Commissioner agreed upon to take testimony.

No. 7.

JOHNSON COUNTY.

FREDERICK
v.
WILSON.

STATE OF IOWA,
Johnson County, ss:

Deposition of witnesses produced before me, Eldon Moran, a notary public and commissioner ageed upon to take testimony, and duly sworn by Milton Remley, notary public of Johnson County, on this 1st day of May 1883, at Oxford, in pursuance of the notice hereunto attached, in a proceeding pending before the House of Representatives of the United States of America, in a contested election for the office of Representative in Congress, in which proceeding Benj. T. Frederick is contestant and James Wilson contestee (Brown & Carney, att'ys for contestant, and Milton Remley and J. W. Cone, for contestee).

The following testimony was taken before me:

STATE OF IOWA,
Johnson County, ss:

JOHN HOHER, being produced and sworn before Milton Remley, on this 1st day of May, 1883 (Milton Remley, appearing on the part of the contestee, and T. Brown, on the part of contestant) testifies as follows:

Ques. 1. Where do you reside?—Ans. I live here now.
Ques. 2. What is you age?—Ans. Born in 1827.
Ques. 3. Where were you born?—Ans. In the old country.
Ques. 4. What country?—Ans. Berlin, Germany.
Ques. 5. You voted at the last election in Nov. 1882?—Ans. Yes, sir; every time since I got the paper.
Ques. 6. What ticket did you vote last fall?—Ans. I don't know; I vote the Democrat ticket.
Ques. 7. You say that you vote the Democratic ticket; did you vote the straight Democratic ticket?—Ans. I voted a straight Democratic ticket.
Ques. 8. State who you voted for Representative in Congress, Frederick or Wilson?—Ans. I don't know; I voted a Democratic ticket.
Ques. 9. You didn't scratch any?—No, sir.
Ques. 10. Where were you naturalized, if at all? Where did you get your naturalization papers?
(Brown produces a paper and asks if this is the paper he got when naturalized.)
Ans. I was naturalized.)
Ques. 11. Where did you get your naturalization paper?—Ans. In the old court-house, in Iowa city.
Ques. 12. Before what court?—Ans. I don't know.
Ques. 13. Was this the paper that the court gave you?—Ans. Yes, sir.
Ques. 14. Was this the only citizen paper you ever got?—Ans. Yes, sir; the judge gave it to me.
Ques. 15. What judge?—Ans. Judge McCleary.
Ques. 16. Was this the only paper that you got?—Ans. Yes, sir.
Ques. 17. You were never naturalized in any other place?—Ans. No, sir.
(Contestant objects as incompetent and immaterial.)

COPY OF THE NATURALIZATION PAPERS.

U. S. OF AMERICA,
State Iowa, Johnson County, ss :

Certificate of naturalization.

Be it remembered that the term of the county court [contestant objects as not properly certified to], holden in and for the said county and State of Iowa, on the 7th day of Oct., in the year of our Lord, 1861, was before the honorable Judge McCleary, sole presiding judge and ex-officio clerk of said court, one John Hoher, of a native Berlin, at present a resident of this State, brought in open court and makes application to be admitted to become a citizen of the U. S., and it appearing to the satisfaction of the court, that he had declared and agreed before the Johnson County court, a court of record having common law jurisdiction, and issing a seal, two years at least before his admission, that he had declared his intention to become a citizen of the U. S., and to renounce all allegiance to any foreign prince, state, or sovereignty whatsoever, and particularly to Maxmillian, King of Germany, of whom he was heretofore a subject, and said applicant having declared upon oath, before the court, that he will support the Constitution of the U. S., and that he does absolutely abjure all allegiance to any foreign prince, state, or sovereignty, whatsoever, and particularly to Maxmillian, King of Germany, to whom he was a subject. The court being satisfied by the testimony of Mr. Charles Schicher, that said applicant has resided in the U. S. 5 years next Apr. preceding his admission, without being during said 5 years out of the Territory of the U. S., and within this State at least 1 year; and it further appearing to the satisfaction of this court, that during said time he has behaved as a man of good moral character; attached to the principles of the Constitution of the U. S., and well disposed to the good order and happiness of the same: Therefore the court admitted the said applicant to become a citizen of the U. S.

In testimony whereof I, George W. McCleary, county judge and ex-officio clerk of the aforesaid county, have hereto affixed my hand and seal in said county, State of Iowa, on the 7th day of Oct., 1861.

[The seal of Johnson County, Iowa.] GEORGE McCLEARY,
County Judge.

Cross-examination:

Ques. 18. Were you sworn before the court when you got your papers?—Ans. Yes, sir.

Ques. 19. Were you sworn to sustain the Constitution of the U. S.?—Ans. Yes, sir.

Ques. 20. Were you sworn to renounce all allegiance to Maxmillian; you took the oath of allegiance to the U. S., and to become a good citizen of the U. S., did you not?—Ans. Yes, sir.

Ques. 21 That was done in court?—Ans. I got it in the court-house.

Ques. 22. You got it before the judge when he was holding court?—Ans. I said there was no court.

Ques. 23. How did you know there was no court?—Ans. I was in the court-house and that man that made out my papers was in his office.

Ques. 24. You didn't know whether that was the court?—Ans. It was in the court-house.

Ques. 25. Did he naturalize anybody else there?—Ans. There was nobody else there except that other man.

Ques. 26. That other man was sworn, was he not?—Ans. Yes, sir.

Ques. 27. He testified?—Ans. Yes, sir.

Ques. 28. You say that you voted a Democratic ticket?—Ans. Yes, sir.

Ques. 29. You don't know what men you voted for?—Ans. No, sir, I don't know. I don't remember.

Ques. 30. You voted the names that were on the tickets; were they printed or written?—Ans. It wasn't all printed.

Ques. 31. You don't know what names were on the tickets?—Ans. No, sir.

Redirect:

Ques. 32. Do you know who the Democratic candidate for Congress was in this district last fall?—Ans. I vote the Democratic ticket all the time; I don't vote anything else.

Ques. 33. Do you know who the Democratic candidate for Congress was?—Ans. No, sir.

Ques. 34. Would you know if you heard it?—Ans. I went and voted; I don't know what kind of men were on.

Ques. 35. You can read?—Ans. No, sir.

Recross-examination:

Ques. 36. You can write?—Ans. No, sir.

Redirect:

Ques. 37. Can you read German?—Ans. Yes, sir.
Ques. 38. You certain that you voted the straight Democratic ticket?—Ans. Yes, sir.
(Paid $0.85 as fee for contestee.)

JOHN HOHER.

STATE OF IOWA,
Johnson County, ss:

CHRIST LUTHER, being produced and sworn before Milton Remley, notary public for Johnson County, on this 1st day of May, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Milton Remley on the part of contestee):

Q. 1. What is your age?—A. 36 years old.
Q. 2. Where were you born?—A. In Germany.
Q. 3. Did you vote at the November election, '82, at which the Representative for Congress were voted for?—A. Yes, sir.
Q. 4. For whom did you vote for Congress?
(Objection; immaterial and incompetent.)
A. I don't know that I have to tell who I voted for.
Q. 5. Will you tell?—A. No, sir.
Q. 6. Do you refuse to tell?—A. Yes, sir.
Q. 7. Did you vote a Democrat or Republican ticket?—A. That is my business.
Q. 8. Do you refuse to tell for whom you voted?—A. Yes, sir.
Q. 8. Were you ever naturalized at any place except here?—A. No, sir.
($1.75 paid as fee by contestee.)

CHRIST LUTHER.

STATE OF IOWA,
Johnson County, ss:

JOHN MEAD, being produced and sworn before Milton Remley, notary public for Johnson County, on this 1st day of May, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Milton Remley appearing on the part of contestee):

Q. 1. Where do you reside?—A. In Clear Creek Township.
(Objection to the testimony of this witness for the reason that a false place of residence is given.)
Q. 2. Where were you born?—A. In Ireland.
Q. 3. Did you vote at the November election, '82?—A. Yes, sir.
Q. 4. What ticket did you vote?—A. I don't know what ticket I voted.
Q. 5. Who did you vote for Representative in Congress, Wilson, Frederick, or Platner?
BROWN. It is a privilege question.
(Remley objects to the counsel giving instruction to the witness.)
A. I don't think that has anything to do with my voting.
Q. 6. You can answer such questions that are put to you if you don't want to be punished.
(Brown says you don't have to answer.)
Q. 7. For whom did you vote for Representative in Congress, Wilson, Frederick, or Platner?
(Objection; leading and incompetent.)
A. I voted the Democratic ticket, I guess.
Q. 8. Did you vote a straight ticket?—A. Yes, I voted a straight ticket.
Q. 9. Where were you naturalized?—A. In New York City.
Q. 10. Have you your certificate of naturalization?—A. I got it burnt up.
Q. 11. Were you naturalized in Johnson Co., too?—A. I didn't have to get naturalization papers twice.
Q. 12. Do you know any other John Mead?—A. No, sir.
Q. 13. What court were you naturalized before in New York City?—A. In the city hall.
Q. 14. It wasn't in Tammany hall, was it; when were your papers burnt?—A. In '59; the second year I was here.
Q. 15. You remember of getting naturalization papers in Iowa City?—A. No, sir; there are Meads living here, but they are not Irish.
Q. 16. You say you didn't get any papers in Iowa City?—A. No, sir.

Cross-examination:

Q. 17. You were regularly naturalized in New York?—A. Yes, sir.

Q. 18. You took the oath of allegiance?—A. Yes, sir.
Q. 19. You had witnesses?—A. Yes, sir.

Redirect:

Q. 20. Was there a judge and clerk?—A. Yes, sir.
Q. 21. You don't know whether there was a court?—A. I don't know.
Q. 22. Who was present when you were naturalized?—A. My brother.
Q. 23. Who else?—A. That is all.
Q. 24. Your brother, yourself, and the judge?—A. Yes, sir.
Q. 25. Any one else?—A. I don't remember.
Q. 26. Who was sworn with you?—A. My brother got his papers at the same time.
Q. 27. Did you get your papers before he did?—A. I cannot tell; we got our papers the same day.

($1.75 paid as fee by contestee.)

his
JOHN + MEAD.
mark.

STATE OF IOWA,
Johnson County, ss:

GEORGE NORRIS, being produced and sworn before Milton Remley, notary public for Johnson County, on this 1st day of May, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Milton Remley on the part of contestee):

Q. 1. Where do you reside?—A. I reside in Clear Creek Township.
Q. 2. You voted there?—A. Yes, sir.
Q. 3. What is your age?—A. I don't know.
Q. 4. You are over 21?—A. I am over 21.
Q. 5. You say that you voted at the last election?—A. Yes, sir.
Q. 6. What ticket did you vote?—A. The Democratic ticket ever since I have been a citizen.
Q. 7. You voted straight?—A. I didn't read it before I put it in.
Q. 8. Was there any scratching done on your ticket?—A. I don't know.
Q. 9. You intended to vote the straight ticket; you supposed you were voting straight ticket?

(Objection as leading.)

Q. 10. Did you scratch any yourself?—A. I didn't.
Q. 11. Was it scratched any when you got it?—A. It might have been.
Q. 12. Did you intend to vote straight ticket?—A. I believe so.
Q 13. Where were you born?—A. In Ireland.
Q. 14. How long have you been in this country?—A. 28 years in August.
Q. 15. Where did you get your citizen papers?—A. In Iowa City.
Q. 16. Did you bring them with you?—A. No, sir; I lost them in the war.
Q. 17. In what court were you naturalized?—A. I don't remember.
Q. 18. In what year was it?—A. I cannot tell that; the first time I voted was for Lincoln.
Q. 19. Was it in 1860; how long before the election were you naturalized?—A. Not long.
Q. 20. What month was it, as near as you can tell?—A. I cannot tell.
Q. 21. Who was present when you were naturalized?—A. O'Conner.
Q. 22. Was he your witness; who was?—A. John Shaffer.
Q. 23. Was it in the court-room, or in the office?—A. I cannot tell.
Q. 24. Was it up stairs in the court-room, or down in the judge's office?—A. The court was in session; I don't remember now.
Q. 25. You say it was before Judge McCleary?—A. Yes, sir.
Q. 26. What kind of a looking man was he?—A. I don't know; I suppose some of the neighbors here have seen him as much as I have.
Q. 27. What kind of a looking man was he?—A. I forget how he did look.
Q. 28. Was their any clerk there who made the reeord of the proceedings?—A. The county clerk, a fellow by the name of Bacheler.
Q. 29. He was there?—A. Yes, sir.
Q. 30. Do you know he made the record?—A. I don't know; he was there.
Q. 31. Was he in the room at the time?—A. He was.
Q. 32. He signed them papers?—A. I don't know who signed them; John Schaffer.
Q. 33. Was it in the old court-house or in the new one?—A. It was in the new one.
Q. 34. You don't remember whether it was up or down stairs?—A. No, sir.

Cross-examination:

Q. 35. Was court in session?—A. I guess not.
Q. 36. The clerk was there?—A. Yes, sir.

Q. 37. Who swore you; the clerk or the judge?—A. The clerk; a man by the name of Bacheler.
Q. 38. He sat at the desk opposite the judge?—A. Yes, sir.
Q. 39. The judge sat up in the desk?—A. Yes, sir.
Q. 40. Was there any jury there?—A. I don't know.
Q. 41. Afterwards you got your papers from the clerk?—A. Yes, sir; I got them twice.
Q. 42. You took the oath of allegiance?—A. Yes, sir.
Q. 43. Your witness was sworn?—A. Yes, sir.
Q. 44. Do you read English; you don't remember who was on the ticket you voted?—A. No, sir.
Q. 45. You don't read, or write, do you?—A. I used to, but I can't see any more.
($1.50 paid as fee by contestee.)

his
GEORGE + NORRIS.
mark.

STATE OF IOWA,
Johnson County, ss:

PATRICK SULLIVAN, being produced and sworn before Milton Remley, notary public for Johnson County, on this 1st day of May, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Milton Remley on the part of contestee):

Q. 1. Where do you reside?—A. Hardin Township.
Q. 2. What is your age?—A. I don't know exactly; between 50 and 60.
Q. 3. Where were you born?—A. In Ireland.
Q. 4. Did you vote at the Nov. election, 1882?—A. Yes, sir; I did.
Q. 5. What ticket did you vote?—A. I voted the Democratic ticket.
Q. 6. The straight ticket?—A. Yes, sir.
Q. 7. You voted for the Democratic candidate for Congress?—A. Yes, sir.
Q. 8. You voted for the Democratic candidate for Congress?—A. Yes, sir; I voted the straight Democratic ticket.
Q. 9. Where were you naturalized?—A. I got my first papers in Geneseo, New York, and the second I got in Iowa City.
(Witness produces papers, and they are pronounced good. His son has also produced papers, and they are pronounced good. They were naturalized in the United States district court.)
Q. 10. Do you know of any other Pat Sullivan?—A. No, sir.
($1.35 paid as fee by contestee.)

PATRICK SULLIVAN.

STATE OF IOWA,
Johnson County, ss:

JAMES BARRY, being produced and sworn before Milton Remley, notary public for Johnson, on this 1st day of May, '83, testifies as follows (Milton Remley appearing on the part of contestee, and T. Brown on the part of contestant):

Ques. 1. Where do you live?—Ans. In Oxford Township.
Ques. 2. Did you vote in the Nov. election, 82?—Ans. Yes, sir.
Ques. 3. What ticket did you vote?—Ans. Well, I don't know whether that is a fair question to be put to me.
Ques. 4. For whom did you vote for Congress?—Ans. I don't think they have any business to ask me any such question, and I don't think that I shall answer it.
Ques. 5. The law provides a penalty if you refuse to answer it.—Ans. Well, if the law provides a penalty, I will go to jail first.
Ques. 6. Where were you born?—Ans. In Ireland.
Ques. 7. Where were you naturalized?—Ans. I got my first papers in New Haven, and my second in Iowa City.
Ques. 8. In what court?—Ans. Some of these courts, I don't know which.
Ques. 9. Have you your papers with you?—Ans. No, sir; I lost them; I lost them years ago.
Ques. 10. Can you remember in what court you were naturalized in before?—Ans. I don't know, but Farry was a prominent man, everybody knew him, and he staid in the court house while I got my papers.
Ques. 11. Can you tell what court that was?—Ans. I can't tell whether it was Co., circuit, or district court; I can't tell which.
Ques. 12. Now answer my question. Was it the Co. court that you were naturalized in?—Ans. I don't know.
Ques. 13. Before what judge?—Ans. I don't know.
Ques. 14. Did you know Judge McCleary?—Ans. No, sir.
Ques. 15. Where was it you were naturalized?—Ans. I believe in the old court house; probably they were at work on the new court-house.

Ques. 16. Who was present?—Ans. Myself.
Ques. 17. Who else?—Ans. I don't know.
Ques. 18. Where did the judge sit?—Ans. I think the judge sat in a chair, in the upper part of the room.
Ques. 19. By a table?—Ans. Yes, sir; I think it was. I know I got my papers. I brought them up here and presented them to the judges of election, and they said they said they were good, and I have been voting ever since.
Ques. 20. Where did the judge, sit on a raised platform?—Ans. I don't know; it was so long ago.
Ques. 21. Was the sheriff present?—Ans. If he was I didn't know him; he was a stranger.
Ques. 22. You didn't see any jury?—Ans. No, sir; there was no jury there.
Ques. 23. Was it in the county judge's office?—Ans. I can't tell whether it was in the court-room or office; it was in the court-house, though.
Ques. 24. Did you vote the Democratic ticket last fall?—Ans. I told you that wasn't anybody's business. Sometimes I vote the Democratic ticket, and sometimes some other ticket.
Ques. 25. Who did you vote for for Congress?—Ans. I don't think it is anybody's business, as long as I vote.
Ques. 26. Do you refuse to tell who you voted for for Congress last fall?—Ans. Yes, sir.
Ques. 27. Has anyone seen you about refusing to answer?—Ans. No, sir; they have not.
Ques. 28. Did Mr. Frederick see you?—Ans. I don't think that I ever saw him.
Ques. 29. Did Mr. Brown?—Ans. I didn't see him before.
Ques. 30. Did anybody see you, telling you you need not answer?—Ans. No, sir.
Ques. 31. Did anybody see you yesterday?—Ans. No, sir; I didn't know who was to be here.
Ques. 32. Why do you refuse to answer?—Ans. Because I think it is my business to refuse to answer.
Ques. 33. Have you taken any counsel about it?—Ans. I didn't think I would have to.
Ques. 34. No one has told you not to answer?—Ans. Yes, sir.
Ques. 35. Did anyone tell you you didn't have to answer?—Ans. No, sir.
Ques. 36. The law of the U. S. requires that you should tell the truth, the whole truth, and you have taken the oath to do that, and I would rather give you one of my cows rather than to prosecute you; don't you think that you had better tell?—Ans. No, sir; you can keep your cow.
Ques. 37. Don't you think you had better answer?—Ans. I don't think I had.
Ques. 38. Don't you think we are law-abiding citizens?——Ans. Yes, sir; so am I.
Ques. 39. If you voted for Wilson, say it out, and there will be no offense; if you voted for Platner, say it out.—Ans. I had been reading the papers, and I voted for an honest man.
Ques. 40. Who did you think was the honest man; was it Platner, the Greenback candidate?—Ans. That is nobody's business.
Ques. 41. Did you vote for Wilson, the Republican candidate?—Ans. That's nobody's business, either.
Ques. 42. If you voted for Frederick you need not be ashamed to say so.—Ans. That is all right.
Ques. 43. To what party do you belong?—Ans. To the white party, because I don't think I belong to the "nigger party."
Ques. 44. Do you belong to the Democratic party?—Ans. Yes, sir.
Ques. 45. And you voted that ticket?—Ans. That is nobody's business.
($1.05 paid as fee by contestee.)

JAMES BARRY.

STATE OF IOWA,
Johnson County, ss:

JOHN MAHONEY. being produced and sworu before Milton Remley, notary public for Johnson County, on this 1st day of May, 1883, and examined by by me, testifies as follows (T. Brown appearing on the part of contestant and Milton Remley on the part of contestee):

Q. 1. Where do you live?—A. In Oxford.
Q. 2. What is your age?—A. I am about 45 years old.
Q. 3. Did you vote at last election in 1882?—A. Yes, sir.
Q. 4. What candidate for Congress did you vote for?—A. I believe I voted the Democratic ticket.
Ques. 5. Did you vote for Democratic candidate for Congress?—A. Yes, sir.
Q. 6. Where were you born?—A. In Ireland.

Q. 7. Where were you naturalized?—A. In Franklin, New York.
Q. 8. Have you got your papers?—A. Yes, sir.
(Witness produces papers and they are pronounced good.)
($0.85 paid as fee by contestee.)

JOHN MAHONEY.

STATE OF IOWA,
Johnson County, ss:

JOHN SPILLANE, being produced and sworn before Milton Remley, notary public for Johnson Co., on this 1st day of May, '83 (T. Brown appearing on the part of contestant and Milton Remley on the part of contestee), testifies as follows:

Ques. 1. Where do you live?—Ans. At Oxford.
Ques. 2. Where were you born?—Ans. In Ireland.
Ques. 3. Did you vote at the last election?—Ans. I did.
Ques. 4. What candidate did you vote for for Congress?—Ans. Well, I don't know whether I could tell really, for I took it from another man's hands and handed it in.
Ques. 5. From whom?—Ans. I could not tell from whom; I took it off the table at the polls.
Ques. 6. What ticket did you vote?—Ans. The Democratic ticket; but I have some of them that were scratched.
Ques. 7. Scratched for the district and county offices?—Ans. I understood the county officers were there.
Ques. 8. Were any scratched for the State?—Ans. The State and county tickets were scratched.
Ques. 9. Was the name of Benjamin T. Frederick scratched on that ticket?—Ans. I don't know whether it was or not; I simply handed in the ticket.
Ques. 10. Did you intend to vote for Wilson or Frederick?—Ans. I was not in favor of Wilson.
Ques. 11. Did you intend to vote for Wilson or Frederick?—Ans. I had no choice.
Ques. 12. Where was the name of the candidate for Congress; at the top or in the middle of the ticket?—Ans. I didn't look at it; I simply handed it in open.
Ques. 13. Was it scratched near the top part of the ticket?—Ans. I think it was; the two first names.
Ques. 14. Was the first name on the ticket scratched?—Ans. I don't know.
Ques. 15. Did you know who you intended to vote for?—Ans. I didn't decide; because I didn't vote until late in the day.
Ques. 16. Where were you naturalized?—Ans. In New York.
Ques. 17. You have your papers with you?—A. I believe so.
(Witness produces papers in court, which are pronounced good.)
($0.85 paid as fee by contestee.)

JOHN SPILLANE.

STATE OF IOWA,
Johnson County, ss:

JOHN HANNAN, being produced and sworn before Milton Remley, notary public of Johnson County, on this 1st day of May, 1883, and examined before me (T. Brown appearing on the part of the contestant, and Milton Remley on the part of the contestee), testified as follows:

Ques. 1. Where do you reside?—Ans. Here in Oxford.
Ques. 2. Where were you born?—Ans. In Heuzzar, Indiana.
Ques. 3. Where were you naturalized?—Ans. I was not naturalized at all. I ought to have been, but I wasn't.
Ques. 4. Do you know of any other John Hannan?—Ans. Yes, sir; but not around here.
Ques. 5. In this country?—Ans. Not that I know of.
Ques. 6. Your parents were naturalized?—Ans. I don't know anything about that.
(Paid as fee by contestant, $0.85.)

JOHN HANNAN.

STATE OF IOWA,
Johnson County, ss:

PATRICK QUINLAN, being produced and sworn before Milton Remley, notary public for Johnson County, on this 1st day of May, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Milton Remley on the part of contestee):

Q. 1. Where do you reside?—A. In Hardin Township.
Q. 2. What is your age?—A. Over 60; maybe 65.
Q. 3. Where were you born?—A. In Ireland.

Q. 4. Where were you naturalized, if at all?—A. I got my first papers in ——; the second in Iowa City.
Q. 5. Did you vote at the last election?—A. I did.
Q. 6. Who did you vote for?—A. I voted the Democratic ticket.
Q. 7. Straight?—A. Straight.
Q. 8. Any of it scratched?—A. No, sir.
Q. 9. Did you vote for Frederick, the Democratic candidate for Congress?—A. Yes, sir.
Q. 10. Did you bring your naturalization papers with you?—A. Yes, sir.
(Witness produces papers in court.)
(Objected to by Remley, not properly certified.)

UNITED STATES OF AMERICA,
State of Iowa, Johnson County, ss:

To all whom these presents may come greeting: Whereas, at the session of the county court of the State of Iowa, holden in and for the county of Johnson in the court-house at Iowa City, on the 17th day of Sept., 1859, Patrick Quinlan, late of Ireland, appeared at the said court and applied to be admitted to become a citizen of the United States, and it appearing to the satisfaction of the said court that said applicant has complied with the requirements of the said act of Congress, and under said acts made a voter, and has declared on oath to support the Constitution of the United States, and to renounce all allegiance to every foreign prince, potentate, state, or sovereignty whatsoever, and it appearing to the satisfaction of the court that he has resided within the territory of the United States for the prescribed term of years, and that during that time has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to good order and happiness of the same; thereupon these proceedings were ordered to be entered of record by S. Bacheler, clerk of said court, with seal of Johnson County court attached, on the 17th day of Sept., 1859.

S. B. BACHELER,
Clerk of the County Court of Iowa.

Q. 11. These are the only papers you have received?—A. Yes, sir.
Q. 12. You never received last papers?—A. That is all I got.
Q. 13. You never had any but these?—A. No, sir.
($1.45 paid as fee by contestee.)

PATRICK QUINLAN.

STATE OF IOWA,
Johnson County, ss:

C. LUTHER, SR., being produced and sworn before Milton Remley, notary public of Johnson County, on this 1st day of May, 1883 (T. Brown appearing on the part of the contestant and Milton Remley on the part of the contestee), testifies as follows:

Ques. 1. Where do you live?—Ans. Oxford.
Ques. 2. What is your age?—Ans. Over 60.
Ques. 3. Where were you born?—Ans. In the old country, in Germany.
Ques. 4. Did you vote at the last election?—Ans. Yes, sir.
Ques. 5. Did you vote at the Nov. election, '82, at which the Representative for Congress was voted for?—Ans. I did.
Ques. 6. For whom did you vote?—Ans. I can't tell; I voted a ticket, and that is all that I can tell.
Ques. 7. Did you vote the printed ticket?—Ans. Yes, sir.
Ques. 8. What ticket, Democratic or Republican?—Ans. Democratic.
Ques. 9. Did you vote the straight ticket?—Ans. I don't know.
Ques. 10. Was the name of Frederick scratched off?—Ans. I can't tell.
Ques. 11. That is your impression?
(Objection.)
Ans. I don't know.
Ques. 12. Did you scratch it yourself?—Ans. No, sir.
Ques. 13. Did you see any one scratch out the name of Frederick?—Ans. No, sir.
Ques. 14. Do you know who you intended to vote for for Congress?—Ans. I never had a preference.
Ques. 15. You voted the Democratic ticket?—Ans. Yes, sir.
Ques. 16. You say that you didn't see any one scratch the name of Frederick off?—Ans. No, sir.
Ques. 17. Who gave you the ticket?—Ans. I can't tell.
Ques. 18. Do you know what ticket your son voted?—Ans. No, sir.
Ques. 19. Did you offer a ticket to him?—Ans. No, sir; some one gave him a ticket.
Ques. 20. You put it in?—Ans. Yes, sir.

Ques. 21. Did you say that you didn't know the name of Frederick was scratched off?—Ans. I didn't open the ticket.

Ques. 22. Do you know who you got the ticket from?—Ans. I forget all about it. I wouldn't tell anything that wasn't so.

Ques. 23. Did you get it from Mr. Bhens?—Ans. I can't tell.

Ques. 24. Did you get it from your son?—Ans. I can't tell.

Ques. 25. Where were you naturalized?—Ans. In Iowa City.

Ques. 26. Have you your papers with you?—Ans. I lost them.

Ques. 27. Before whom were you naturalized?—Ans. I don't know. The first time that I came to the county I got them in the old court. The second papers I got in Newport.

Ques. 28. Did you get them before Judge McCleary?—Ans. I don't know.

Ques. 29. In what room in the court-house did you get your papers?—Ans. I don't know at all, whether it was up or down stairs. I think that I got the papers at the court-house.

Cross-examination:

Ques. 30. Did you take the oath of allegiance when you became a citizen?—Ans. Yes, sir.

Ques. 31. You took the oath of allegiance that you would be a good citizen?—Ans. Yes, sir.

Ques. 32. You had witnesses?—Ans. No, sir.

Ques. 33. Didn't you have a witness?—Ans. Of course I had, but I forget about it now.

Ques. 34. You took the oath, and it was administered by the court?—Ans. I know the first man that I got my papers of. He is dead now.

Ques. 35. You had to have a witness?—Ans. Of course.

Ques. 36. Was the court in session when you got your papers?—Ans. I can't tell.

Ques. 37. You know that you took the oath of allegiance, and your papers were signed by the clerk and it had a seal?—Ans. I don't know; I forget all about it.

Ques. 38. You didn't read your ticket at all, did you?—Ans. No, sir.

Ques. 39. You don't know whether it was a Democratic or not?—Ans. I believe that it was a Democratic ticket.

Ques. 40. You wouldn't swear?—Ans. No, sir.

Ques. 41. You don't know but what you voted Republican ticket?—Ans. I can't tell, but I believe that it was a Democratic ticket.

Ques. 42. You didn't open it and read it yourself?—Ans. No, sir.

Redirect:

Ques. 43. You understood that it was the Democratic ticket when you voted it?—Ans. Of course a Democrat gave it to me; I don't know whether it was a Democratic ticket or not.

Ques. 44. You don't know of any scratching on your ticket?—Ans. No, sir.

Ques. 45. You didn't intend to do anything else but vote the straight Democratic ticket?—Ans. No, sir.

Ques. 46. It was given to you by a Democrat?—Ans. I would not swear.

Ques. 47. Did you say a minute ago that you got it of a Democrat?—Ans. I think so, but I can't swear to it.

C. LUTHER, SR.

$0.85 paid as fee by contestee.

STATE OF IOWA,
Johnson County, ss:

JOHN SHANNAHAN, being produced and sworn before Milton Remley, notary public for Johnson Co., on this first day of May, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant and Milton Remley appearing on the part of contestee):

Q. 1. Where do you live?—A. In Union Township.
Q. 2. Where were you born?—A. In Wis.
Q. 3. You never got any naturalization papers?—A. No, sir.
Q. 4. Is there any other John Shannahan?—A. I don't know; I think there is.
($1.75 paid as fee by contestee.)

JOHN SHANNAHAN.

STATE OF IOWA,
Johnson County, ss:

PETER ROHRET, being produced and sworn before Milton Remley, notary public for Johnson Co., on this 1st day of May, A. D. 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant and Milton Remley appearing on the part of contestee):

Q. 1. Where do you live?—A. In Union Township.
Q. 2. Where were you born?—A. In Germany.

Q. 3. Have you your naturalization papers with you?—A. I didn't suppose that I would need them.
Q. 4. Have you got them at home?—A. No, sir; my father has them.
Q. 5. What is your father's name?—A. Rohret.
Q. 6. Where was he naturalized?—A. In Iowa City.
Q. 7. Where?—A. In the court-house.
Q. 8. Have you got those papers?—A. They didn't give me time to procure them.
Q. 9. Do you know what court he was naturalized in?—A. District court.
Q. 10. What age were you when you came to this country?—A. 11 years old.
Q. 11. Did you say your father's name was Wolfgang?
Q. 12. You never received any naturalization papers yourself?—A. No, sir; I didn't think I need them under the Constitution of the United States.
Q. 13. What ticket did you vote last fall?—A. Democratic ticket.
Q. 14. Did you vote for the Democratic candidate for Congress?
(Brown says, "You need not state.")
A. Is that sufficient?

Cross-examination:

Q. 15. How long ago did you come to this county?—A. 40 years.
Q. 16. Your father was naturalized right after he came?—A. Yes, sir.
Q. 17. How old were you then?—A. Between 10 and 11.
Q. 18. Do you know your father has been a voter and citizen ever since?—A. Yes, sir.
Q. 19. Do you know he was naturalized in this court in 1841?—A. Yes, sir.

Redirect:

Q. 20. Did you ever see your father's naturalization papers?—A. I did, to the best of my knowledge.
Q. 21. When did your father come here from Germany?—A. In 1840.
Q. 22. He was naturalized in 1841?—A. Yes, sir.
Q. 23. When did he get his second papers?—A. 5 years afterwards.
Q. 24. Do you know that?—A. It is a certain case.
Q. 25. In what year was it?—A. I don't know just the date, but he got his second papers.
Q. 26. Did you ever see his second papers?—A. I think I did.
Q. 27. You don't know in what court he got them from?—A. Not the second ones.
Q. 28. You never took a copy of them?—A. No, sir; I never did.
Q. 29. Do you know where they are now?—A. I think my brother has them in Guthrie Co., but I didn't have time to look them up.
Q. 30. Did you ever take out any papers yourself?—A. No, sir.
Q. 31. Have you a brother named Adam?—A. Yes, sir.
Q. 32. Did he take out papers?—A. No, sir; they were not of age.
Q. 33. Is there another Adam you know of?—A. No, sir; not of the last name.
Q. 34. There is another brother; what is his name?—A. Jacob and George.
Q. 35. Now, were they ever naturalized?—A. Yes, sir: they were naturalized just as I was.
Q. 36. They never went before the county court?—A. No, sir.
($1.75 paid as fee by contestee.)

PETER ROHRET.

STATE OF IOWA,
Johnson County, ss:

ADAM ROHRET, being produced and sworn before Milton Remley, notary public for Johnson Co., on this 1st day of May, 1883, testifies as follows (Milton Remley appearing on the part of contestee, and T. Brown on part of contestant):

Ques. 1. Where do you live?—Ans. Union Township.
Ques. 2. Where you born?—Ans. In Germany.
Ques. 3. Were you ever naturalized?—Ans. No, sir; I don't think I needed it.
Ques. 4. What ticket did you vote last fall?—Ans. Democratic ticket.
Ques. 5. Who did you vote for for Congress?—Ans. I voted the straight Democratic ticket.
Ques. 6. Did you vote for Frederick for Congress?—Ans. Yes, sir.
Ques. 7. Did you ever see your father's naturalization papers?—Ans. Not that I know of.
Ques. 8. You have no personal knowledge that he was naturalized?—Ans. I have often heard that he was.
Ques. 9. Did you see him naturalized or see his papers?—Ans. No, sir.

Cross-examination:

Ques. 10. Was your father a voter?—Ans. He always voted.

Ques. 11. How old were you when you came to the U. S. ?—Ans. About 14 years old, I think.

Ques. 12. What time did you come to Iowa ?—Ans. In 1840.

Ques. 13. You may state at what time your father got his papers, as you know by the family history ?—Ans. I don't know.

Ques. 14. You know you got his papers ?—Ans. I always understood it that way.

Ques. 15. Did he vote before you were of age ?—Ans. Yes, sir, before I was of age.

Ques. 16. You never applied to the Johnson County court for naturalization papers ?—Ans. No, sir.

Ques. 17. Do you know where your father's papers are ?—Ans. No, sir, I don't.

Ques. 18. You are a brother of the last witness ?—Ans. Yes, sir.

Ques. 19. You said they were in Guthrie Co. ?—Ans. I suppose so, because when all my brothers moved out there, the papers were not left in Iowa city. My mother died out there, and I suppose they must be out there.

Ques. 20. I will ask you if you know of any other Adam Rothert ?—Ans. No, sir, I don't.

Ques. 21. You know of any other Peter Rothert ?—Ans. No, sir, I don't.

Ques. 22. Has there been any other family of Rothrets besides your fathers family ?—Ans. Not that I know of.

($1.75 paid as fee by contestee.)

ADAM ROTHRET.

STATE OF IOWA,
Johnson County, ss:

M. LEIBOLD, being produced and sworn before Milton Remley, notary public for Iowa Co., on this 1st day of May, '83, testifies as follows (Milton Remley appearing on the part of contestee, and T. Brown on the part of contestant):

Ques. 1. Where do you live ?—Ans. In Oxford.

Ques. 2. What is your age ?—Ans. 57.

Ques. 3. Where were you born ?—Ans. In Germany.

Ques. 4. Did you vote at Nov. election, '82 ?—Ans. Yes, sir.

Ques. 5. For whom did you vote for Congress ?—Ans. I voted the straight Democratic ticket.

Ques. 6. Were you naturalized ?—Ans. I guess I was.

Ques. 7. Where ?—Ans. In Indiana.

Ques. 8. Have you your naturalization papers ?—Ans. I lost them in Chicago.

Ques. 9. How long have you been in Johnson Co. ?—Ans. For 27 years.

Ques. 10. When did you come from Germany ?—Ans. In 1853.

Ques. 11. To what place did you come from Germany ?—Ans. Indiana.

Ques. 12. How long did you stay there ?—Ans. I was 2 years in Ind. and 2 years in Ohio.

Ques. 13. In what year did you come from Germany ?—Ans. In 1853.

Ques. 14. What year did you come to Johnson Co. ?—Ans. In '57.

Ques. 16. What time of the year did you come from Germany ?—Ans. Sept. 10th I landed in New York.

Ques. 17. In what month did you come to Iowa ?—Ans. On the 15th of June.

Ques. 18. Where did you get your first papers ?—Ans. I got them in Williamsport, Warren Co., Ind.

Ques. 19. Where did you get your second papers ?—Ans. In Iowa City.

Ques. 20. In what court did you get them ?—Ans. I got them in the old court-house. I don't know whether I got them in the district or county court.

Ques. 21. Have you got those papers ?—Ans. No, sir; they were burned at Chicago.

Ques. 22. Were you at Chicago then ?—Ans. Yes, sir.

Ques. 23. Where was it in the court-house ?—Ans. In the old State-house.

Ques. 24. In what year was that ?—Ans. I think it was in '61 or '62, I can't tell now; anyway, it was in the old State-house.

Ques. 25. Who was the judge ?—Ans. I cannot tell.

Ques. 26. Was it Judge McClary ?—Ans. I cannot tell.

Ques. 27. Was there a jury there ?—I can't recollect any more.

Ques. 28. Do you know ?—Ans. I know that lots of them got papers that day.

Ques. 29. You don't know whether there was a jury or not ?—Ans. I cannot tell.

Cross-examination:

Ques. 30. Was it the U. S. district court ?—Ans. I think it was.

Ques. 31. Signed by Mr. Burns, the clerk ?—Ans. I could not tell, but I think so.

Ques. 32. Was there a clerk and judge ?—Ans. Yes, sir.

Ques. 33. Was it in the court-room ?—Ans. Yes, sir.

Ques. 34. And the judge sat on the bench ?—Ans. Why, certainly.

Ques. 35. You think it was the U. S. district court ?—A. I think it was; I cannot tell any more.

Ques. 36. You say there were a regular court and jury?—Ans. As far as I can tell, I think there was.

Redirect:

Ques. 37. Did you ever get more than one naturalization paper?—Ans. I got a first paper, and then I got a second.

Ques. 38. This is all you have?—Ans. Yes, sir.

Ques. 39. In what year did you say that was?—Ans. About '62; I can't tell exactly.

Ques. 40. Did not you know that there was no U. S. court after 1860?—Ans. No, sir; I didn't know.

Ques. 41. You say you did not see any jury?—Ans. No, sir, I didn't; I couldn't tell much about it.

Ques. 42. Where did you say the judge sat?—Ans. I could not say to save my soul.

Ques. 43. Did you say there was a clerk?—Ans. I think I did; he was sitting up there in front.

Ques. 44. And when your papers were made out, did he sign them?—Ans. I couldn't tell any more.

Recross-examination:

Ques. 45. There was a seal on your papers, the clerk's seal?—Ans. Yes, sir.

Ques. 46. Did you have to go into the inside of the bar to be sworn?—Ans. Why, of course; I didn't know. I cannot tell any more.

MATHIAS LEIBOLD.

JOHN MAHONEY recalled.

Ques. 1. Is there any other John Mahoney that you know of?—Ans. Yes, sir.

Ques. 2. You have your papers with you?—Ans. Yes, sir.

(Witness produces papers in court.)

Ques. 3. When did you come to Iowa?—Ans. About 12 years ago.

Ques. 4. Where did you live prior to that time?—Ans. In New York.

Ques. 5. How old were you when you came from Ireland?—Ans. About 14.

Ques. 6. Where did your father live when you first came to Iowa?—Ans. In Vermont.

Ques. 7. When did you come to Iowa?—Ans. 18 or 19 years ago.

Ques. 8. Where did your Uncle John live?—Ans. In Vermont part of the time, and in Canada part of the time.

Ques. 9. Did your father go to Canada, too?—Ans. He was there about a year.

Ques. 10. How old were you when you came from Ireland?—Ans. 14.

Ques. 11. Did you go to Canada with your father?—Ans. I was with my father in Canada about a year.

Ques. 12. How old were you when you lived in Canada?—Ans. I was about 18.

Ques. 13. Do you know where your uncle was naturalized?—Ans. I don't know; I never lived with him; I lived in the State of New York 15 years.

Ques. 14. Did you get first or second papers?—Ans. No, sir; I got all my papers at once.

Ques. 15. Where was your uncle living in 1860?—Ans. I don't know; I can't remember.

Ques. 16. What age were you when you got your papers?—Ans. I could not tell you; I know I was not of age.

Ques. 17. Not of age?—Ans. Yes, sir.

Ques. 18. You say you were not of age?—Ans. I think I was.

Ques. 19. Weren't you 21?—Ans. No, sir; I was not.

Ques. 20. But you are 45 now?—Ans. About 45.

Ques. 21. Did you ever see your uncle's papers?—Ans. No, sir; I never did.

Ques. 22. You say you received your 2nd papers before you were 21?—Ans. No, sir; I never had second papers.

Ques. 23. You received these before you were 21?—Ans. Yes, sir.

(Witness produces papers in court.)

Ques. 24. In what year did your father come to this country?—Ans. I could not tell you.

Recross-examination:

Ques. 25. Are these the papers you received?—Ans. Yes, sir.

(Witness produces the record papers showing that he was naturalized in the city court, Brooklyn, Kings County, New York, New York City, a court of record, and are properly certified by the clerk of the court, 2nd day of Oct., in the 85th year of the Independence of the U. S., C. F. Whitmore, clerk, dated 1860.)

Ques. 26. These papers were issued to you?—Ans. Yes, sir.

Ques. 27. And to anybody else?—Ans. No, sir.

Ques. 28. You don't remember your exact age when you got your papers?—Ans. Not exactly.

Ques. 29. If you got them in 1860 you were over 21 years of age?—Ans. I might make a mistake in my age.

Ques. 30. You don't remember your age when you got your papers?—A. No; not exactly.

Ques. 31. You might have been 21?—Ans. I don't know.

Redirect:

Ques. 32. But you say you were not 21, but you might have been?—Ans. Yes, sir.

JOHN MAHONEY.

$1.85 paid as fee by contestee.

STATE OF IOWA,
Johnson County, ss:

WETZEL HEMMEL, being produced and sworn before Milton Remley, lawyer for contestee, on this 1st day of May, 1883 (Milton Remley appearing on the part of the contestee, and T. Brown on the part of the contestant), testifies as follows:

(Testimony of this witness taken by consent in rebuttal, Brown examining.)

Ques. 1. Are you acquainted with Peter Robek?—Ans. Yes, sir.

Ques. 2. Were you acquainted with his father?—Ans. Yes, sir.

Ques. 3. What was his name?—Ans. Wolfgang Robek.

Ques. 4. How many brothers are there?—Ans. 4.

Ques. 5. Do you know when his father was naturalized?—Ans. I do.

Ques. 6. Where was he naturalized?—Ans. At Iowa City.

Ques. 7. When?—Ans. As near as I can tell he got his first papers in '41; he got his last papers in '45 or '46.

Ques. 8. What court?—Ans. It was at Muscatine, before Judge Williams; I think at the county court.

Ques. 9. You were his witness?—Ans. Yes, sir.

Ques. 10. Did you see him take the oath?—Ans. Yes, sir.

Cross-examination:

Ques. 11. You say it was in '45?—Ans. '45 or '46.

Ques. 12. How long had you know him before that?—Ans. Ever since 1840; in the fall he was living right there with me.

Ques. 13. Did you know any other Robek?—Ans. I didn't.

Ques. 14. Not acquainted with any?—Ans. No, sir.

Ques. 15. Did you get your papers at the same time?—Ans. I got mine before that.

Ques. 16. Of the same man?—Ans. Same man and the same clerk, Steve Gardener.

Ques. 17. Have you got your papers now?—Ans. Yes, sir.

Recross-examination:

Ques. 18. Who was the judge?—Ans. It was the clerk; he was clerk for 15 or 20 years; I grew up with the county; I helped organize our township.

Ques. 19. You live in Union Township?—Ans. Yes, sir; I myself vote the Republican ticket; every man has the right to vote for who he chooses.

(Paid as fee by contestee, $1.75.)

WETZEL HEMMER.

STATE OF IOWA,
Johnson County, ss:

DENNIS KIEF, being produced and sworn on this 1st day of May, 1883, before Milton Remley, attorney for contestee (T. Brown appearing on the part of the contestant), testifies as follows:

Ques. 1. Where do you live?—Ans. Oxford Township.

Ques. 2. How long have you lived there?—Ans. 20 years; 19 years the 10th day of last month; 1 year in Tama County before I came here.

Ques. 3. Where were you born?—Ans. In Ireland.

Ques. 4. When did you come from Ireland?—Ans. 32 years ago.

Ques. 5. Did you vote at the last election in Nov., '82?—Ans. Yes, sir.

Ques. 6. Who did you vote for?—Ans. I keep that to myself.

Ques. 7. What candidate for Congress did you vote for?—Ans. That is no use to explain.

(Brown objects as a needless question.)

(Remley objects to the objection.)

(Brown—Not shown that that man is a voter.)

Ques. 8. What ticket did you vote?—Ans. You asked me that before; that is my own business.

Ques. 9. Do you refuse to state what ticket you voted?—Ans. I keep that to myself.

Ques. 10. Did you vote for Frederick for Congress?

(BROWN. Objected to as a privileged question until it is shown that he has a right to vote.

(Remley objects to the objection, as instructing the witness.)

Ques. 11. Now will you answer the question whether you voted for Frederick or not?—Ans. I don't know.

Ques. 12. Did you vote the Democratic, Republican, or Greenback ticket?

(Objection, as it is a privileged question.)

Ans. I think a man can do as he pleases when he goes to the polls.

Ques. 13. Yes, sir; but he has to tell what he knows on the witness stand?—Ans. I believe there is no need of stating who I voted for.

Ques. 14. You are not showing how you voted?—Ans. Not a bit of it.

Ques. 15. But it doesn't do you any harm?—Ans. No, sir.

Ques. 16. Has anybody talked to you about this matter before?—Ans. No, sir; I go right ahead anyway.

Ques. 17. Has any one been to see you?—Ans. No, sir.

Ques. 18. Can you tell whether Frederick's name was on your ticket or not?—Ans. I don't know whether it was or not; I cannot tell.

Ques. 19. What party do you belong to, Democratic, Republican, or Greenback?

(Objection; it is a privileged question.)

Ques. 20. What party do you belong to?

(Objection; it is a privileged question.)

Ans. Democratic party.

Ques. 21. Did you vote that ticket at the last election?—Ans. I suppose I did.

Ques. 22. Was there any scratching on it that you know of?—Ans. Not that I know of.

Ques. 23. You didn't scratch any?—Ans. No, sir.

Ques. 24. Were you naturalized in any other place except in this county?—Ans. Yes, sir; I got my first papers in Memphis, Tenn.

Ques. 25. And your second papers you got in this county?—Ans. Yes, sir; in Iowa City.

Ques. 26. In what part of Iowa City?—Ans. Court-house.

Ques. 27. What part of the court-house?

(Objection; not best evidence.)

Ans. I can't remember.

Cross-examination:

Ques. 28. Were you sworn?—Ans. Yes, sir.

Ques. 29. Did you take the oath of citizenship?—Ans. Yes, sir.

Ques. 30. Did you read the ticket you voted?—Ans. No, sir; I can't read.

Ques. 31. You don't know whether you voted the Democratic ticket or not, other than what they told you?—Ans. Just the ticket I got.

Ques. 32. Did you read it?—Ans. No, sir.

Ques. 33. You didn't know what ticket it was?

Redirect:

Ans. No, sir.

Ques. 34. You say you didn't read it; who gave it to you?—A. I don't know.

Ques. 35. You believe that it was a Democratic ticket?—Ans. Yes, sir.

Ques. 36. You intended to vote the Democratic ticket?—Ans. Yes, sir.

Recross-examination:

Ques, 37. You didn't read what kind of a ticket it was?—Ans. No, sir.

his
DENNIS + KIEF.
mark.

$1.15 paid as fee by contestee.

STATE OF IOWA,
Johnson County, ss:

JOHN MAHONEY, recalled, being produced and sworn by Milton Remley, on this 1st day of May, 1883 (Milton Remley appearing on the part of the contestee, and T. Brown on the part of the contestant), testifies as follows:

BROWN:

Ques. 1. What is your age?—Ans. When I went home I found that it was 48.

Ques. 2. How old were you when you were naturalized?—Ans. 22 or 23; My papers show everything.

JOHN MAHONEY.

STATE OF IOWA,
Johnson County, ss:

JERRY MAHONEY, being produced and sworn before Milton Remley, on this 1st day of May, 1883 (Milton Remley appearing on the part of the contestee, and T. Brown on the part of the contestant), testifies as follows:

Ques. 1. Where do you live?—Ans. Oxford Township.
Ques. 2. What is your age?—Ans. 72 or 73.
Ques. 3. Where were you born?—Ans. In Ireland.
Ques. 4. Were you at the election last fall?—Ans. Yes, sir.
Ques. 5. Didn't you vote for candidate for Congress?—Ans. I don't know what Congress is at all.
Ques. 6. What ticket did you vote?—I don't know that, but I think it was the Democratic ticket.
Ques. 7. Did you vote the straight Democratic ticket?
(Objection, as leading.)
Ques. 8. Was there any scratch on it?—Ans. I believe not; I don't know whether there was or not.
Ques. 8. You didn't scratch any?—Ans. No, sir.
Ques. 9. Did you see any names scratched?—Ans. No, sir.
Ques. 10. Where were you naturalized?—Ans. In Iowa City.
Ques. 11. When?—Ans. About 20 years ago.
Ques. 12. Have you got your naturalization papers?—Ans. I believe I have.
Ques. 13. Well, you let me look at them?—Ans. I haven't them here.
Ques. 14. Were you told to bring them here?—Ans. No, sir; I was not.
Ques. 15. Didn't the officer tell you to bring them here?—Ans. I didn't see him at all.
Ques. 16. Do you remember the name of the judge that you took your papers out before?—Ans. I think it was Judge McCleary.
Ques. 17. County judge?—Ans. I don't know.

Cross-examination:

Ques. 18. You were sworn, were you; you took the oath of allegiance, or citizenship?—Ans. I did.
Ques. 19. Did you get your second papers?—Ans. I believe that I got them all together.
Ques. 20. You had witnesses there?—Ans. There were so many around.
Ques. 21. Was it in open court?—Ans. There wasn't any court at all.
Ques. 22. How do you know that there wasn't any; wasn't there any clerk or judge?—Ans. Yes, sir.
Ques. 23. Where are your papers?—Ans. At home.
Ques. 24. Do you recollect very clearly what was done there?—Ans. I do not.
Ques. 25. Do you know for certain that it was Judge McCleary?—Ans. Yes, sir; I do.
Ques. 26. Didn't you have a witness there with you?—Ans. I believe I did, but I don't know who it was.
Ques. 27. You had a witness there that you had been in the U. S. 5 years?—Ans. I don't know.
Ques. 28. How long ago was it?—Ans. 20 years ago.
Ques. 29. Over 20 years ago?—Ans. About 20 years; somewhere near there.
Ques. 30. Your memory is not very good?—Ans. No, sir.
Ques. 31. You were not subpœnaed to produce your papers?—Ans. No, sir.
Ques. 32. How old are you?—Ans. 72 or 73 years old.
Ques. 33. Your memory is not very good?—Ans. No, sir.
Ques. 34. You know that you have been a voter for 20 years and over?—Ans. Yes, sir; I believe something about that.
Ques. 35. You have a son George, have you?—Ans. No, sir.
Ques. 36. Nephew?—Ans. Yes, sir.
Ques. 37. What is your brother's name?—Ans. John Mahoney.
($1.05 paid as fees by contestee.)

JERRY MAHONEY.

STATE OF IOWA,
Johnson County, ss:

DENNIS DOWNEY, being produced and sworn before Milton Remley, notary public, on this 1st day of May, 1883 (Milton Remley appearing on the part of the contestee, and T. Brown, on the part of the contestant), testifies as follows:

Ques. 1. Where do you live?—Ans. In Oxford Township, Johnson County, Iowa.
Ques. 2. Where were you born?—Ans. In Ireland.
Ques. 3. When did you come to this country?—Ans. I don't exactly know. I have been here about 31 years. I was 9 years in Vermont.

Ques. 4. Did you vote at the last election?—Ans. I vote every Democratic ticket that ever comes across me.

Ques. 5. Did you vote the straight ticket?—Ans. Yes, sir; the straight ticket.

Ques. 6. Did you vote for Frederick?—Ans. I don't remember; if his name was all there, I did; if not, I didn't.

Ques. 7. Where were you naturalized?—Ans. In Iowa City I got my last papers; I got my first in Rutland, Vt.

Ques. 8. Have you got your papers with you?—Ans. I have.

Ques. 9. Let me see them.

(Witness produces papers.)

Ans. I will.

Ques. 10. These are the only papers that you ever got?—Ans. Yes, sir.

Cross-examination:

Ques. 11. Did you say that you got your first papers in Rutland, Vermont?—Ans. I don't know, but I think that I did; but I haven't got them now. I was thinking all the time that I got them in Rutland, Vermont.

Redirect:

Ques. 12. How old are you?—Ans. 67, I think, in February last.

(Objection as leading; not proper.)

The name and date: it is dated Sept. 29th, 1868; Dennis Downey is the name of the person naturalized. The declaration and intention was made before the Johnson County district court. The former sovereign of whom he was a subject was Victoria, Queen of Great Britain. Honorable George W. McCleary, with the seal of Johnson County, Iowa; upon it a 5-cent internal-revenue stamp.

(Paid as fee by contestee, $1.75.)

DENNIS DOWNEY.

Recross-examination:

Ques. 13. Were you sworn before the court?—Ans. I think that I was.

Ques. 14. Did you have a witness?—Ans. I had no witness.

Ques. 15. Didn't you have anybody there?—Ans. I had no witness.

Ques. 16. You took the oath of allegiance, didn't you?—Ans. Of course I did.

Ques. 17. The fall before you voted?—Ans. I don't know whether I did or not.

Ques. 18. You don't know the names that are on the tickets, do you?—Ans. I can't tell you.

Ques. 19. You don't know really whether you voted the Democratic ticket or not?—Ans. I have no idea.

Ques. 20. Do you know any of the names that were on the tickets that you voted?—Ans. I do not.

Ques. 21. Was there any writing on the ticket, or was it all printed?—Ans. I don't know whether it was or not.

Ques. 22. You don't know whether there was any writing on the ticket or not?—Ans. I don't know whether there was or not.

Ques. 23. You don't know any of the names that were on the ticket, do you?—Ans. I don't know; I don't remember. Only for every man that I asked if he was a good man, and I voted for him

Redirect:

Ques. 24. Did you say that it was a straight Democratic ticket?—Ans. Yes, sir; I always vote the straight Democratic ticket.

Recross-examination:

Ques. 25. You always vote the straight Democratic ticket?—Ans. Yes, sir.

Ques. 26. Did you mean to vote it last fall?—Ans. Yes, sir.

Ques. 27. Somebody might have fooled you, might they not?—Ans. I always look at it with my own eyes.

Ques. 28. But you don't know that there was 5 or 6 in your hand at the same time?—Ans. Yes, sir; I had 5 or 6 tickets in my hands at the same time; I twisted them up and threw them away.

Ques. 29. You don't know any of the names that were on the tickets?—Ans. No, sir; but I wanted a straight ticket.

Redirect:

Ques. 30. But you are satisfied that you got a straight ticket?—Ans. Yes, sir; I am satisfied that I voted that.

All the above is the testimony of—

DENNIS DOWNEY.

STATE OF IOWA,
Johnson County, ss:

PATRICK MAHONEY, being produced and sworn before Milton Remley, notary public, on this 1st day of May, 1883 (Milton Remley appearing on the part of the contestee, and T. Brown on the part of the contestant, testifies as follows):

Ques. 1. Where do you live?—Ans. Oxford Township, Johnson County, Iowa.
Ques. 2. Where were you born?—Ans. In Ireland.
Ques. 3. Did you vote last fall at the election?—Ans. Yes, sir.
Ques. 4. What ticket did you vote?—Ans. I don't know that.
Ques. 5. Did you vote for Congressman?—Ans. I don't know that. I think I voted for. I don't know.
Ques. 6. What ticket did you vote?—Ans. I don't know that either.
Ques. 7. Democratic, Republican, or Greenback?—Ans. Democratic.
Ques. 8. Was it straight?—Ans. I don't know that.
Ques. 9. Was Mr. Frederick's name scratched off, that you know of?—Ans. I don't know anything about it.
Ques. 10. Who gave you the ticket?—Ans. I don't know that; I have forgotten it.
Ques. 11. Did you say that you voted the Democratic ticket?—Ans. Yes, sir; I am sure of that.
Ques. 12. You know whether Frederick's name was scratched off?—Ans. I don't know.
Ques. 13. Did you scratch it off?—Ans. I did not.
Ques. 14. Did you see anybody scratch it off?—Ans. I don't suppose I did.
Ques. 15. Did you intend to vote the straight Democratic ticket?—Ans. I did.
Ques. 16. Have you any reason to believe that you did not?
(Objected to as leading.)
Ans. I don't believe that I have any reason to believe that I did not.
Ques. 17. Where were you naturalized?—Ans. In Iowa City.
Ques. 18. Before what judge?—Ans. Judge S———, I think.
Ques. 19. Have you got your papers here?—Ans. I have not; I haven't had them for 10 years.

Cross-examination:

Ques. 20. Did you have a witness there when you got your papers?—Ans. I had no one but my brother and my son.
Ques. 21. Was there a court there?—Ans. I forget who it was.
Ques. 22. There was a judge there?—Ans. Yes, sir.
Ques. 23. A clerk?—Ans. Yes, sir; I suppose there was.
Ques. 24. It was 19 or 20 years ago?—Ans. 18 or 19 years ago. I got my first papers in Vermont 28 years ago.
Ques. 25. They swore you when you got your papers?—Ans. Yes, sir.
(Paid as fee by contestee, $1.05.)

his
PATRICK × MAHONEY, SR.
mark.

STATE OF IOWA,
Johnson County, ss:

PATRICK MAHONEY, Jr., being produced and sworn before Milton Remley, notary public, of Johnson County, on this first day of May, 1883 (Milton Remley appearing on the part of the contestee, and T. Brown on the part of the contestant), testifies as follows:

Ques. 1. Where were you born?—Ans. In Ireland.
Ques. 2. How long have you been in this country?—Ans. I don't know; anyhow about 30 years.
Ques. 3. Were you ever naturalized?—Ans. No, sir.
Ques. 4. Did you vote at the election last fall?—Ans. Yes, sir.
Ques. 5. What ticket did you vote?—Ans. Democratic ticket.
Ques. 6. Straight?—Ans. Yes, sir.
Ques. 7. Do you remember the man you voted for for Congress?—A. I think it was Frederick.

Cross-examination:

Ques. 8. How old were you when you came to this country?—Ans. One and one-half years, maybe.
Ques. 9. Been here ever since?—Ans. Yes, sir.
Ques. 10. Your father has been a voter how long?—Ans. As long as I have known him.
Ques. 11. You have voted for a number of years?—Ans. Yes, sir.

Redirect:

Ques. 12. You don't know whether he was ever a legal voter?—Ans. Yes, sir; I have seen his papers; I threw his papers away, for they were always in the way.
Ques. 13. You voted because your father was a voter?—Ans. Yes, sir.

Recross-examination:

Ques. 14. Your father had papers?—Ans. Yes, sir.

Redirect:

Ques. 15. Are you the son of the last witness?—Ans. Yes, sir.

PATRICK MAHONEY.

Paid as fee by contestee. $1.05.

STATE OF IOWA,
Johnson County, ss.

THOMAS O'ROUKE, being produced and sworn before Milton Remley, notary public of Johnson County, on this 1st day of May, '83 (Milton Remley appearing on the part of the contestee, and T. Brown on the part of contestant), testifies as follows:

Ques. 1. Where do you live?—Ans. Oxford Township, Johnson County, Iowa.
Ques. 2. Where were you born?—Ans. In Ireland.
Ques. 3. What is your age?—Ans. Going on 60.
Ques. 4. Did you vote at the election, last fall?—Ans. Yes, sir.
Ques. 5. What ticket did you vote?—Ans. Democratic ticket.
Ques. 6. Did you vote straight ticket?—Ans. Yes, sir.
Ques. 7. Who did you vote for for Congressman?—Ans. I voted the Democratic ticket. I don't know what man for Congress. I didn't scratch any names.
Ques. 8. Where were you naturalized?—Ans. First in Albany.
(Witness produces papers in court.)
Ques. 9. Where did you get your second papers?—Ans. In Iowa City.
(Paper read.)
It is the same as Pat. ———.

U. S. OF AMERICA,
State of Iowa, Johnson County, ss:

Certificate of naturalization.

Be it remembered, that at a term of the county court holden in and for said county, on the 22nd day of Oct., 1860, was presentthe honorable G. W. McCleary, sole presiding judge and ex-officio of the said court, Thomas O'Rouke, a native of Ireland, and at present residing in the said State, appeared in open court and made application to become a citizen of the U. S. And it appearing to the satisfaction of the court that he has declared, on oath, before the Albany County court, of N. Y., a court of record, having common law and jurisdiction, and using a seal, two years at least before he declared that it was his *bona fide* intention to become a citizen of the U. S., and to renounce all allegiance to any State whatever, and particularly to the Queen of Great Britain, of whom he was heretofore a subject, the said applicant having declared, upon oath, that he would support the Constitution of the U. S., and renounce all allegiance to every foreign prince, and particularly to the Queen of Great Britain, of whom he was a subject, the court being satisfied by the testimony of Eldon O'Rouke that said applicant had resided for a term of 5 years, and during that time he had not been out of the territory of the U. S., and within this State one year at least. And it having appeared to the satisfaction of this court that during this time he has behaved as a man of good moral character, attached to the principles of the U. S., and well-disposed to the good order and happiness of the same, thereupon the court admitted said applicant to become a citizen of the U. S.

In testimony whereof I, S. Bachelor, have hereunto set my hand, and affixed the seal, in Iowa City, this 27th day of October, 1860.

S. BACHELOR, *Clerk*,
Per HENRY B. BROWN, *Deputy Clerk.*

[Seal of Johnson County, Iowa.]

Eldon O'Rouke was the name of the witness that was given.

Ques. 10. Where was your son born?—Ans. In N. Y. State.
Ques. 11. Is he here?—Ans. Yes, sir.

PATRICK O'ROUKE.

(Paid as fee by contestee, $1.05.)

his
THOMAS + O'ROUKE.
mark.

STATE OF IOWA,
Johnson County, ss:

JOSEPH SCHONBORN, being produced and sworn before Milton Remley, a notary public for Johnson County, on this 1st day of May, 1883, and examined before me, testifies as follows (T. Brown appearing on the part of contestant, and Milton Remley on the part of contestee):

Q. 1. Where do you live; what county, township, and State?—A. Oxford, Johnson County, Iowa.

Q. 2. Where were you born?—A. In Hungaria.

Q. 3. Did you vote at the last election?—A. I have voted for 21 years.

Q. 4. Did you vote at last November election, 1882?—A. Well, I have voted 21 years, every year; that is, at all the fall elections; school elections, besides.

Q. 5. Did you vote for candidate for Congress at last election?

(Objection; privileged question.)

(Objection to the objection.)

A. I voted for all them on the ticket.

Q. 6. What ticket did you vote?

(Objection.)

A. To my best knowledge I could not tell since, I am a Democrat; I generally split the ticket.

Q. 7. Did you vote the Democratic ticket last fall?—A. Part of the way.

Q. 8. What blank did you use; the Democratic blank?—A. I don't recollect which.

Q. 9. I understood you to say you voted the Democratic ticket?—A. Part of it.

Q. 10. Was the name of Frederick on the ticket, or Wilson?—A. On the ticket I voted? I could not tell.

Q. 11. What is your best recollection?—A. I could not tell, whether for Frederick or Wilson.

Q. 12. Have you any recollection on the subject at all?—A. Well, I don't know what you mean.

Q. 13. Have you any impression about it?—A. If I did I would say it.

Q. 14. Do you know who you intended to vote for?—A. It is this way with me; I never climb a hill until I get there; I make my mind when I get there to do as I think best.

Q. 15. Can't you tell us who gave you the ticket, when you got at the polls?—A. I don't recollect; I know both parties gave me tickets, but I don't know which one.

Q. 16. You had both tickets, Democratic and Republican?—A. Yes, sir.

Q. 17. Can you tell what ticket you voted?—A. No, sir; I could not tell.

Q. 18. You are a Democrat, are you?—A. Partly; yes, sir.

Q. 19. Were there any scratches on the ticket you voted; anything written on it, or was it all printed?—A. To my knowledge, it was all printed.

Q. 20. On the ticket you voted, was there any printing scratched off, and anything written in?—A. Yes, sir; there was some scratching, some printing.

Q. 21. Was that on the county ticket or State ticket?—A. I don't recollect on which.

Q. 22. Was the name scratched?—A. That I don't recollect; I think the whole name was scratched, if I am right.

Q. 23. What names were scratched? I mean the name of the first man that was on the ticket?—A. I don't recollect.

Q. 24. Can you say whether it was a Democratic ticket or not? What did you see at the top of the ticket?—A. I could not say; I had both.

Q. 25. Well, the one you cast?—A. I don't recollect.

Q. 26. Don't you recollect what was on the top of the ticket you voted? What ticket had you intended to vote; the one that had Democratic or Republican on the top?—A. I don't make up my mind what I shall vote like some persons; when I get to the voting place I soon have my mind made up.

Q. 27. Can you recollect whether the ticket you voted was Democratic or Republican?—A. I don't recollect; no, sir.

Q. 28. Do you know which one you intended to vote?

(Objection, as having been asked 5 or 6 times.)

A. Well, to tell the truth of that, sometimes I vote the best, and vote for Frederick, and sometimes for Wilson, and sometime before I voted I could not tell.

Q. 29. Do you mean you didn't recollect, or don't want to tell?—A. Did you ever find me out a liar?

Q. 30. No, sir; the question is whether you remember or don't want to tell?—A. I don't remember; you know my business; I may not. Some of them said it was best for some to go, and some for another to go.

Q. 31. Did you deposit the ticket yourself the way you wanted to vote?—A. I generally do my own handwriting.

Q. 32. Did you last fall?—A. I think I did.

Q. 33. Have you said that you did not know who you got your ticket of?—A. No, sir; I don't. I got it of different persons.

Q. 34. Which ticket did you fix?—A. I had both.

Q 35. But you didn't vote both; which one did you fix?—A. I don't know; I dont recollect.

Q. 36. Did any one see your ticket?—A. Not to my knowledge. I think it is a secret, not anybody's business; therefore I didn't show my ticket to everybody.

Q. 37. How long were you at the polls?—A. That I don't know.

Q. 38. What time did you get there?—A. I don't recollect.

Q. 39. Who was with you?—A. 5 or 6.

Q. 40. How long have you been in the United States?—A. 26 years.

Q. 41. How old are you?—A. 57.

Q. 42. Have you got a family?—A. Yes, sir.

Q. 43. What time do you remember it was; afternoon or the evening?—A. Afternoon, I think.

Q. 44. How long were you there? You are a business man, and therefore didn't stay very long?—A. I went alone.

Q. 45. Then you had a Democratic ticket and a Republican ticket?—A. Yes, sir.

Q. 46. And you took one of them and fixed it to suit yourself; and, when you were voting it, you were under the impression that it was a Democratic, or Republican ticket?—A. Well, I didn't know.

Q. 47. What ticket do you usually vote?—A. I voted for Wilson the first time, sure.

Q. 48. 10 years ago?—A. I don't remember how long ago.

Q. 49. Now you are a Democrat, but didn't vote straight?—A. Yes, sir; I am a Democrat; but I didn't have to vote straight ticket. I generally vote the Democratic ticket.

Q. 50. You don't remember personally who was on for supreme judge, or anything of the other gentlemen's names that were on the ticket?—A. I don't know that I do.

Q. 51. Do you know what men you voted for?—A. Just what men I think is best.

Q. 52. Were they men that you know?—A. I don't know Frederick.

Q. 53. Then, when you vote the straight ticket, you first find out who the men are?—A. Just as my knowledge tells me.

Q. 54. At one time you vote the straight Republican ticket, and, when you vote the Democratic ticket, you fix it to suit you? Do you remember of scratching Frederick's name off?—A. I have no recollection of scratching off any name.

Q. 55. Were there printed mixed tickets at your election?—A. I don't remember.

Q. 56. You had to write them, didn't you?—A. If necessary I did; yes, sir.

Q. 57. You say you have no recollection of scratching out Frederick?—A. No, sir.

Q. 58. But you have been supporting the Democratic party and voting their ticket? You put such names on the ticket that you vote?—A. Yes, sir; I put such names as I want on the ticket I vote.

Q. 59. You have given us to understand you are a Democrat?—A. I am more a Democrat than I am a Republican.

Q. 60. But you put on the Republican names that suit you?—A. I may do so.

Q. 61. Did you do that last fall?—A. I suppose so.

Q. 62. When you voted your ticket last fall, you have no recollection of scratching out Frederick's name?—A. I have no recollection about him; I don't know whether I voted for Frederick or Wilson.

Q. 63. If Frederick's name was printed on that ticket, you voted for him?—A. I don't know which ticket I voted.

Q. 64. You know you belong to the Democratic party, and you know you voted; at least you are a Democrat?—A. I didn't say I voted the Democratic ticket; I scratched those names that didn't suit me.

Q. 65. But you have to take some ticket to do that?—A. I had to take one or the other to do that.

Q. 66. Where were you naturalized?—A. In Iowa City.

(Witness produces papers in court.)

Q. 67. You have been talking with Mr. Brown?—A. I am acquainted with Mr. Brown.

(Certificate of naturalization, Iowa City, Joseph Schonborn, by G. W. McCleary, county judge, on the 25th day of Sept., 1863, with the seal of Johnson County, Iowa, stating that he announces all allegiance to Francis Joseph, Emperor of Austria.)

Cross-examination:

Q. 68. You don't remember scratching Mr. Wilson's name off, do you?—A. I have no recollection.

Q. 69. You have voted for one or the other?—A. Yes, sir.

($1.05 paid as fee by contestee.)

JOSEPH SCHONBORN.

STATE OF IOWA,
Johnson County, ss:

JOHN SCANLON, being produced and sworn before Milton Remley, notary public of Johnson County, on this 1st day of May, 1883 (Milton Remley appearing on the part of the contestee and T. Brown on the part of the contestant), testifies as follows:

Ques. 1. You live in Johnson County?—Ans. Yes, sir; at Oxford.
Ques. 2. Where were you born?—Ans. In Ireland.
Ques. 3. Where were you naturalized?—Ans. In the State of New York.
Ques. 4. How long have you been in this country?—Ans. I came in '52.
Ques. 5. When did you come to Iowa?—Ans. I have been here 13 years last spring.
Ques. 6. Have you got your papers with you?—Ans. I haven't got them. I came here and my family was in N. Y. State, and they mislaid them.
Ques. 7. Is there any other John Scanlon?—Ans. No, sir; there is not.
Ques. 8. Do you know of any John Scanlon?—Ans. No, sir.
Ques. 9. How many papers did you get?—Ans. I got two.
Ques. 10. And they were lost in N. Y.?—Ans. Yes, sir.
Ques. 11. Before what court did you get them?—Ans. In the city of Hudson.
Ques. 12. Was it a police court?—A. It was like it is in Iowa City.
Ques. 13. Did they have judge and clerk?—Ans. I had to get my name filed and had to get a lawyer that knew me; his name is Snyder, and he swore that he had known me for years.
Ques. 14. Was there a jury?—Ans. I don't know.
Ques. 15. Did the judge sign the papers himself?—Ans. No, sir; he didn't; every citizen had to go there to the court-house, and he took their names down and swore them. I didn't go before the judge at all, but I had to have a citizen with me that knew me for 5 years.
Ques. 16. That is where you got your last papers?—Ans. Yes, sir.
Ques. 17. Now the last time that you got your papers was in court?—Ans. No, sir.
Ques. 18. Was it before the judge and clerk?—Ans. Just before the clerk.
Ques. 19. You were not sworn before the judge the last time?—Ans. No, sir; he said that I wouldn't need to be sworn but once before him. It was 2 years before I got my second papers.
Ques. 20. Did the clerk give you a certificate?—Ans. Yes, sir.
Ques. 21. The last time you gave up your first papers?—Ans. No, sir; I didn't. Every man should have two papers, and then he can be a citizen.
Ques. 22. Now, then, how old were you when you came here?—Ans. 21 years of age.
Ques. 23. How long had you been here when you got first papers?—Ans. I can't give you the date; but the first fall that I voted was when Lincoln and George B. McClellan were running for Pres. That was the first time that I went to the polls to vote.
Ques. 24. When did you come to this country?—Ans. In '52. I was here a good many years before I applied for my papers.
Ques. 25. Did you vote at the last election?—Ans. Yes, sir; I did.
Ques. 26. What ticket?—Ans. Democratic.
Ques. 27. The straight Democratic ticket?—Ans. The straight Democratic ticket.
Ques. 28. Did you vote for the Democratic nominee for Congress?—Ans. I did.
Ques. 29. Did you receive your papers from the Johnson County court?—Ans. I have not, because I didn't need any.

Cross-examination:

Ques. 30. You went before the court and was sworn?—Ans. Yes, sir.
Ques. 31. The judge told you to come to the court-house and the clerk would give you your papers?—Ans. Yes, sir.
Ques. 32. Was there two years between the papers?—Ans. Yes, sir.
Ques. 33. Didn't you get a lawyer the last time to get your papers?—Ans. No, sir; they said that I would have to have a citizen that would swear that I had been here 5 years.
Ques. 34. He swore that he had known you?—Ans. Yes, sir.
Ques. 35. And you took the oath of allegiance?—Ans. I did.
Ques. 36. Where was that?—Ans. In the court-house in N. Y.

Redirect:

Ques. 37. You say that you got the paper before the judge?—Ans. Yes, sir; excuse me, it was the mayor.
Ques. 38. You got your second papers from the mayor?—Ans. No, sir; I didn't. I had to go before the mayor with man, and the last time I had one of the citizens with me.
Ques. 39. Before whom did you go last time?—Ans. The clerk of the court.
Ques. 40. Was there any judge there?—Ans. No, sir; not that I know of, but I know there was a clerk, and he gave me my papers.

Ques. 41. The clerk was the one that examined you?—Ans. Yes, sir.
Ques. 42. He examined your witnesses?—Ans. Yes, sir; and swore them.

Recross-examination:

Ques. 43. It was in open court?—Ans. Yes, sir; in one of the best court-houses that I ever knew.

Redirect:

Ques. 44. You say that it was in open court and that there was no judge there?—Ans. I don't know; there might have been.
Ques. 45. What do you mean by the open court?—Ans. Where they try cases.
Ques. 46. You mean to say that the court-house was open?—Ans. The doors were open when I went in, and they asked me a dozen questions.
Ques. 47. Did yon say that there was a judge there?—Ans. I said that it was court-house like you have here in Iowa City.
Ques. 48. Were they trying cases when you were there?—Ans. They might have been, for all I know, in a different part of the house.
Ques. 49. You were only in the clerk's office?—Ans. Yes, sir.
Ques. 50. You didn't go into the court-room?—Ans. I don't know, but it was a court-house.

Recross-examination:

Ques. 51. You took a citizen with you and he was sworn?—Ans. Yes, sir.
Ques. 52. Were there any other parties there?—Ans. Yes, sir.
Ques. 53. And you understood that there was a court going on?—Ans. Yes, sir; I know it was a court-house in the city of Hudson.
Ques. 54. Was it where people get naturalized?—Ans. Yes, sir; you can't get naturalized in any other part of the city.
Ques. 55. And you understood that it was at court that they naturalized men, and that there might have been a judge there?—Ans. There might have been.
Ques. 56. Was your papers certified to by the supreme court, or by the county court?—Ans. County court.
Ques. 57. County court in the State of N. Y.?—Ans. Yes, sir.
Ques. 58. Court held at the county seat?—Ans. Yes, sir.
Ques. 59. Did they have a seal on?—Ans. Yes, sir.

Redirect:

Ques. 60. Was it the clerk that asked you questions and examined you men?—Ans. I couldn't tell you if I tried whether it was the clerk or the lawyer, but it was the man that done business there.

JOHN SCANLON, his mark x.

STATE OF IOWA,
Johnson County, ss:

JOHN DELANEY, being produced and sworn before Milton Remley, notary public of Johnson County, on the 1st day of May, '83 (Milton Remley appearing on the part of the contestee, and T. Brown on the part of the contestant), testifies as follows:

Ques. 1. Where do you live?—Ans. In Oxford Township.
Ques. 2. Where were you born?—Ans. In Ireland.
Ques. 3. Where were you naturalized?—Ans. In Joliet.
Ques. 4. Did you get your first and second papers there?—Ans. First.
Ques. 5. Where did you get second papers?—Ans. I never got them. He was willing, and I thought that it was all right, so the judge looked at it and said that it was all right.
Ques. 6. Have you your papers with you?—Ans. No, sir; I lost them 27 or 28 years ago.
Ques. 7. How old are you?—Ans. I can't tell; I must be over 50 years old.
Ques. 8. How long have you been in this country?—Ans. I can't tell you, but I have been here 26 or 27 years.
Ques. 9. How long were you in Ill?—Ans. I must have been in Ill.—well, I can't tell you. Some of my people say that I came from Ireland in '46.
Ques. 10. How old do you say that you are now?—Ans. I can't tell exactly.
Ques. 11. How old were you when you came to this country?—Ans. Not 20.
Ques. 12. You were past 19?—Ans. Yes, sir; I was not quite 20.
Ques. 13. Did you vote at the last election?—Ans. I did.
Ques. 14. In Oxford here?—Ans. Yes, sir.
Ques. 15. What ticket did you vote; Democratic ticket?—Ans. I can't tell.
Ques. 16. You understand that it was a Democratic ticket?—Ans. Well, that is what I thought it was.
Ques. 17. You say that you voted the Democratic ticket?—Ans. That is what I meant to.
Ques. 18. Did you see any marks on it?—Ans. I didn't see any marks on it.

Ques. 19. Do you know who gave it to you?—Ans. I got them of a good many.
Ques. 20. Do you know who gave you the one that you voted?—Ans. Mr. Wolf, I think.
Ques. 21. You voted the ticket he gave you?—Ans. I think I did.
Ques. 22. What are his politics?—Ans. I don't know. How do I know?
Ques. 23. But don't you know what his politics are?—Ans. I don't know.
Ques. 24. Is Wolf on the ticket for legislator?—Ans. I don't know.
Ques. 25. Didn't you know that Wolf was a representative in the legislature?—Ans. I know he is.
Ques. 26. Don't you know that he is a Democrat?—Ans. I always heard that he was, still he might be a Republican. Some claim they are Democrats, and they are Republicans.
Ques. 27. Did you ever get any paper from the Johnson County court?—Ans. No, sir; never.
Ques. 28. You didn't do any scratching on the ticket that Wolf gave you?—Ans. No, sir; I didn't.
Ques. 24. You don't know whether any scratching was done on that ticket?—Ans. No, sir.
Ques. 25. Did your father come to this country?—Ans. Yes, sir.
Ques. 26. He came with you?—Ans. No, sir.
Ques. 27. When did he come?—Ans. That I can't tell you. I was here before he come.

Cross examination:

Ques. 28. Do you remember just how old you were when you came to the U. S., for certain?—Ans. I don't remember, but when I left home they said that I was going on twenty years.
Ques. 29. You were a young man then?—Ans. Yes, sir.
Ques. 30. How old do you say you now are, as near as you can tell?—Ans. I came in the year, 46, I think.
Ques. 31. How old are you now?—Ans. I don't know.
Ques. 32. Not much over 50?—Ans. I don't know.
Ques. 33. Are you over 50, or don't you know your age?—Ans. Well, you can count it just as well as I can.
Ques. 34. How old did you say you are now?—Ans. I suppose I ought to be 50 years old. I think about 50; my hair is getting gray.
(Objection to such examination.)
Ques. 35. Did you have papers? Did they say it was necessary to have more than one paper?
(Objection.)
Ans. I had one paper; they challenged my vote. I had the paper in my pocket. I showed it to them and they said that it was all right.
Ques. 36. Did you have witnesses before the court when you got your papers?—Ans. Yes, sir.
Ques. 37. Had you been in the U. S. 5 years when you got it?—Ans. Yes, sir.
Ques. 38. How long did you live in N. Y. State?—Ans. 5 years in all.
Ques. 39. Where did you live after that?—Ans. Joliet, Ill.
Ques. 40. How long did you live there?—Ans. 5 or 6 years any how.
Ques. 41. And you have lived 28 years in Iowa?—Ans. 25 or 26 in Iowa.
Ques. 42. You may state where you got your papers and from what court?—Ans. I was in Joliet at the time.
Ques. 43. Was there a judge and clerk?—Ans. They were both there, I think; I am not sure.
Ques. 44. You may state whether you had witnesses examined there?—Ans. Yes, sir; because that man that was with me, his name was Marshall, went to N. Y. with me, and he was witness for me and I for him.
Ques. 45. Did he testify that you had come to the U. S. when you was a boy?—Ans. Yes, sir.
Ques. 46. Did the judge admit you on his testimony?—Ans. Yes, sir.
Ques. 47. You got them in that State?—Ans. Yes, sir.
Ques. 48. Did you take the oath of allegiance?—Ans. Yes, sir; I remember that well enough.
Ques. 49. You were sworn to renounce all allegiance to the Queen of England and to become a good citizen?—Ans. Yes, sir.

Redirect:

Ques. 50. You say that it was in the court-house?—Ans. Yes, sir.
Ques. 51. Were there any trials going on at the time you were there?—Ans. I guess there was.
Ques. 52. At the time you were there?—Ans. I guess they were going on at the time.
Ques. 53. Who issued your papers, the judge?—Ans. I don't know.

Ques. 54. How long was that after you came from Ireland that you got your papers?—Ans. 6 or 7 years, maybe; maybe more, I can't tell.

Ques. 55. You never got any other papers except these?—Ans. No, sir.

BROWN. I will ask you about your age; you say that you were not 20 years when you came?—Ans. I am not swearing to that; I just heard it.

Ques. 56. Did you say that you had been in this country since '46?—Ans. Yes, sir; I think so.

Ques. 57. That would make you 56?—Ans. I don't know; I can't make sure.

Ques. 58. What become of your papers?—Ans. I can't tell what become of them after I showed them to the judges.

Recross-examination:

Ques. 59. When you showed them to the judges they said that they were all right?—Ans. Yes, sir.

Ques. 60. Did you say that you read the ticket you got?—Ans. No, sir; I didn't.

Ques. 61. You don't know for certain what ticket you did vote?—Ans. No, sir; I don't know; but I think it was Democrat.

Ques. 62. You don't know for certain that it was?—Ans. I can't see to read without specks.

Redirect:

Ques. 63. Your best impression is that you voted Democratic ticket?—Ans. Yes, sir.

his
JOHN × DELANEY.
mark.

STATE OF IOWA,
Johnson County, ss:

J. S. HARTMAN, being produced and sworn before Milton Remley, notary public for Johnson County, on this 1st day of May, '83, testifies as follows (T. Brown appearing on the part of contestant and Milton Remley on the part of contestee). Agreed that this man's testimony be taken without notice:

Q. 1. How long have you lived in Oxford Township?—A. Ever since '54.

Q. 2. You are acquainted with Mr. Delaney?—A. Yes, sir.

Q. 3. When did you first become acquainted with him?—A. I could not tell you exactly the date.

Q. 4. As near as you can?—A. I think it was in '55 or '56

Q. 5. Were you one of the judges of election at which he presented his papers?—A. I think I was.

Q. 6. Do you remember it?—A. I think I was.

Q. 7. Do you know who were the other judges?—A. I think it was Dotey.

Q. 8. Who else?—A. I cannot tell you.

Q. 9. If the name was mentioned could you recollect it—Cook?—A. Yes, sir; John Cook.

Q. 10. What papers did he present there; first or second papers?

(Objection; not best evidence.)

A. I would not say, because I might change my mind.

Q. 11. Do you know whether it was the first papers; was it his declaration to become a citizen?—A. I could not tell you, it was so long ago; we always did this; we had papers so that there would not be any dispute whatever.

Q. 12. At the time they presented papers, did you examine them?—A. Yes, sir.

Q. 13. Do you know whether or not the judges supposed that the first papers entitled a man to vote?

(Objection.)

Q. 14. If they had filed their intention to become a citizen?—A. Yes, sir.

Recross-examination:

Q. 15. You let this man vote?—A. Yes, sir; we let them vote.

Q. 16. And you supposed these papers to be sufficient?—A. Yes, sir.

Q. 17. You kept a list of it?—A. Yes, sir.

($ .75 paid as fee by contestee.)

J. S. HARTMAN.

STATE OF IOWA,
Johnson County, ss:

HENRY HEDLISKA, being produced and sworn before Milton Remley, a notary public for Johnson County, on this 1st day of May, A. D. 1883, testifies as follows (T. Brown appearing on the part of contestant and Milton Remley on the part of contestee):

Q. 1. Where were you born?—Ans. In the old country.

Q. 2. In Bohemia?—Ans. Yes, sir.

Q. 3. Where do you live now?—Ans. Oxford Township.

Q. 4. What was your father's name?—Ans. Joseph.
Q. 5. Did you vote at the last November election?—Ans. Yes, sir; I did.
Q. 6. What ticket did you vote?—Ans. I always voted the Democratic ticket and I intended to then, but I cannot say that I did.
Q. 7. Who did you get your ticket from?—Ans. I cannot tell.
Q. 8. Can you read English?—Ans. Yes, sir.
Q. 9. Did you say it was a Democratic ticket?—A. Yes, sir.
Q. 10. Did you vote it straight?—Ans. I believe I did.
Q. 11. Did you see any scratching yourself?—Ans. No, sir.

Cross-examination:

Q. 12. Were you ever naturalized?—Ans. Yes, sir.
Q. 13. Was your father a voter?—Ans. Yes, sir.
Q. 14. Where was he naturalized?—Ans. A good many years ago.
Q. 15. How old were you when you came to the United States?—Ans. Two years old.
Q. 16. How old were you, if you remember, when your father voted first?—Ans. I do not believe I can remember; he got his papers as soon as his time came in 5 years.
Q. 17. He was a voter for a great many years?—Ans. Yes, sir.

Redirect:

Q. 18. How old are you now?—Ans. 29.
Q. 19. You say your father's name is Joseph.—Ans. Yes, sir.
Q. 20. Do you know what court he got his papers in; was it before Judge McCleary?—Ans. I do not know.
Q. 21. Did you say his name was Joseph?—Ans. Yes, sir.

Recross-examination:

Q. 22. He was here?—Ans. Yes, sir.
($1.25 paid as fee by contestee.)

HENRY HEDLISKA.

STATE OF IOWA,
Johnson County, ss:

CHAS. GRABIN, being produced and sworn before Milton Remley, a notary public for Johnson County, on this 1st day of May, A. D., 1883, testifies as follows (T. Brown appearing on the part of contestant, and Milton Remley on the part of contestee):

Q. 1. Where do you live?—Ans. Oxford Township.
Q. 2. Where were you born?—Ans. In Hanover.
Q. 3. How long have you been in this country?—A. 27 years.
Q. 4. How old were you when you came?—A. Nine years old; I came over in '55.
Q. 5. Where were you naturalized?—Ans. In Iowa City.
Q. 6. Did you vote last Nov. election?—Ans. Yes, sir.
Q. 7. What ticket?—Ans. Democratic ticket.
Q. 8. Straight?—Ans. Yes, sir.
Q. 9. Vote for Frederick?—Ans. Yes, sir; straight Democratic ticket.
Q. 10. Did you bring your papers with you?—Ans. Yes, sir.
Q. 11. Let me look at them.
(Witness produces paper in court.)
(Certificate of naturalization. Objects as not being proper, irrelevant, immaterial.) Not the same form as the first one produced to-day. Was excused by ———. It is not seen by anybody. It was issued by the county court, James Cavanaugh, which has the seal of Johnson Co. upon it, dated Sept. 26th, 1868, and shows that the applicant has resided there 5 years previous to his naturalization, and has renounced all allegiance to King William of Prussia.

Cross-examination:

Q. 12. Did your father come with you?—Ans. Yes, sir.
Q. 13. Did he become a citizen of the U. S.?—Ans. No, sir.
Q. 14. Did he ever declare his intention?—Ans. No, sir; not that I know of.
Q. 15. Do you know whether he ever made application for citizenship?—Ans. No sir.
Q. 16. You didn't know whose name was on the ticket for Congress?—Ans. No, sir; I didn't at that time.

Redirect:

Q. 17. Where is your brother?—Ans. Southwest of Des Moines about 5 miles.
Q. 18. Our understanding is that you voted the Democratic ticket?—Ans. Yes, sir.
($1.50 paid as fee by contestee.)

CHAS. GRABIN.

STATE OF IOWA,
Johnson County, ss:

JOE TOMASH, being produced and sworn before Milton Remley, notary public for Johnson Co., on this 1st day of May, 1883, testifies as follows (T. Brown appearing on the part of contestant, and Milton Remley on the part of contestee):

Ques. 1. Where do you live?—Ans. Oxford Township, Johnson Co., Iowa.
Ques. 2. Where were you born?—Ans. In the old country.
Ques. 3. Where were you naturalized; where did you get your citizen papers?—Ans. I didn't get them; my father got them.
Ques. 4. How old were you when you came to this country?—Ans. 2 years old.
Ques. 5. What is your father's name?—Ans. Charles Tomash.
Ques. 6. Where does he live?—Ans. 3½ miles of here.
Ques. 7. Has your father naturalization papers?—Ans. Yes, sir.
Ques. 8. Did you vote at the last election?—Ans. Yes, sir.
Ques. 9. What ticket did you vote?—Ans. I voted a Democratic ticket.
Ques. 10. Was it a straight Democratic ticket?—Ans. I cannot tell you.
Ques. 11. Did you intend to vote straight?—Ans. I did.
Ques. 12. Did you make any scratches on it yourself?—Ans. No, sir.
Ques. 13. For whom did you vote for Congress?—Ans. I can't tell you.
Ques. 14. Did you scratch his name?—Ans. I didn't scratch anybody's name.
Ques. 15. Who gave you the ticket?—Ans. I think it was Capt. Wolf.
Ques. 16. Louis R. Wolf?—Ans. Yes, sir.
Ques. 17. He is representative in the legislature?—Ans. Yes, sir.
Ques. 17. What was his politics?—Ans. That is more than I can tell you.
Ques. 18. Do you think he is a Democrat?—Ans. I think he is; I don't know.
Ques. 19. You didn't see any scratches on your ticket, did you?—Ans. I hardly remember; I think there was some scratching, but I don't know who they were.
Ques. 20. Was it a county or district ticket?—Ans. State ticket, and on the district some.
Ques. 21. Was the candidate for Congress scratched?—Ans. I cannot tell you.
Ques. 22. Did you vote the ticket he gave you?—Ans. I think I did.
Ques. 23. I believe you said you thought you were voting the straight Democratic ticket?—Ans. I think I did; the way I remember it, I put it in; if any was scratched I don't know.
Ques. 24. Do you know what ticket the Capt. was working for that day?—Ans. I don't know; I just came there pretty late.
Ques. 25. You understood the Capt. was giving you a straight ticket?—Ans. I don't know; I understood that it was; that is my idea of it; that is all I know about it.
Ques. 26. You did not understand that it was scratched?—Ans. No, sir.
Ques. 27. You did not see any marks upon it?—Ans. No, sir; I did not look.
Ques. 27. Is Capt. Wolf one of the leading Democrats in this town?—Ans. That is more than I really know.
Ques. 28. Was he elected to the legislature by the Democratic party?—Ans. I think he was; but I don't know.

Cross-examination:

Ques. 29. When did your father first vote; how old were you when you first knew him to vote?—Ans. That was quite a while ago; I think it was in '55 he came to this country; he got his papers right away as soon as he came.
Ques. 30. After 5 years?—Ans. Yes, sir; second papers.
Ques. 31. Where did he get them, in Wisconsin or here?—Ans. I think he got his first papers in Wis., and second papers here; he staid there only a short time.
Ques. 32. What was your father's name?—Chas. Tomash.
Ques. 33. He lived in this township?—Ans. Yes, sir.
Ques. 34. Did he vote ever since he lived here?—Ans. Yes, sir.
Ques. 35. Where were you born?—Ans. In Bohemia.
Ques. 36. How old is your brother Chas.?

JOE TOMASH.

STATE OF IOWA,
Johnson County, ss:

PATRIC FITZGERALD, being produced and sworn before me, Milton Remley, notary public for Johnson County, on this 1st day of May, '83, testifies as follows (T. Brown, appearing on the part of contestant, and Milton Remley on the part of contestee):

Q. 1. Where do you live?—A. Oxford Township.
Q. 2. Where were you born?—A. In Ireland.
Q. 3. When did you come to this country?—A. In 1856.
Q. 2. How old are you?—A. I am not sure of my age; I am 47 or 48 years old.
Q. 4. Where were you naturalized?—A. I took my first papers in the city of Albany, second in Iowa City.

Q. 5. Did you vote at the last election?—A. I did.
Q. 6. What ticket did you vote?—A. Democratic.
Q. 7. Did you vote it straight?—A. I did.
Q. 8. Did you vote for the Democratic nominee for Congress?—A. I did.
Q. 9. Did you bring your papers with you?—A. I did.
Q. 10. Let me see them.
(Witness produces papers in court).
(Objection as not properly sworn, immaterial, irrelevant.)

(CERTIFICATE OF NATURALIZATION.

Patrick Fitzgerald, a native of Ireland, has declared before the Albany court that he will renounce all allegiance to Victoria, Queen of Great Britian, and it is signed by James Cavenagh, county judge, dated Oct. 10, 1868, with the seal of Johnson County, Iowa, and in all other respects it is like the first one, and it was put in the record in full.)

Cross-examination:

Q. 11. Can you read writing and printing?—A. I can read printing, not writing.
Q. 12. Did you read the ticket?—A. Part of it; not all.
Q. 13. Who was on for Congress?—A. I forget now.
Q. 13. Do you know that Frederick was on that ticket, or was James Wilson?—A. I did not get down that far, but put it in my pocket.
Q. 14. You don't know for certain that either of those men's names were on the ticket?—A. No, sir.
Q. 15. Can you swear that you voted for Frederick or Wilson for Representative?—A. I forget what men were on the ticket.
Q. 16. Do you remember of either of these men's names?—A. I know Wilson's name was on the Republican ticket.
Q. 17. Can you remember the names?—A. I forget the names.
Q. 18. Would you know if you saw it?—A. I saw it to-day.

Redirect:

Q. 19. Was Benj. T. Frederick on it?—A. Yes, sir.

Recross-examination:

Q. 20. Did you see his name on the ticket?—A. I forget.
Q. 21. Do not you remember?—A. No, sir.
Q. 22. You do not know whether his name was on it or not?—A. I tell you I forget all about the ticket.
Q. 23. You do not know whether you read down that far?—A. I read the whole at the time I voted, but I forget the names that were on it.
Q. 24. I think you said——— —A. I thought you meant the understanding I got to-day.
Q. 25. You read all the ticket?—A. I did.
Q. 26. All the names that were on it?—A. No, sir.
Q. 27. The names of the township officers?—A. No, sir.
Q. 28. All that were printed?—A. Yes, sir.
Q. 29. What were the names that were printed on the ticket?—A. I forget the men's names.
Q. 30. You cannot remember whether Wilson or somebody else?—A. I told you before I forgot the men's names; Wilson was on a Republican but was not on the ticket I voted.
Q. 31. Wilson's name was on some of the Democratic tickets.—A. He was not on that.
Q. 32. Was David Patner's name?—A. I forget.

Redirect:

Q. 33. You say you read the entire ticket?—A. I did.
Q. 34. It was a straight Democratic ticket?—A. It was.

his
PATRICK × FITZGERALD.
mark.

$ .95 fee paid.

STATE OF IOWA,
Johnson County, ss:

MICHAEL MAHER, being produced and sworn by Milton Remley, notary public for Johnson Co., on this 1st day of May, 1883, testifies as follows (Milton Remley appearing on the part of contestee, and T. Brown on the part of contestant):

Ques. 1. Where do you live?—Ans. Oxford Township, Johnson Co., Iowa; 3 or 4 miles from here.

Ques. 2. Where you born?—Ans. In Ireland.
Ques. 3. Where were you naturalized?—Ans. In Iowa City.
Ques. 4. Have you your papers with you?—Ans. Yes, sir.
Ques. 5. Will you let me look at them, please?
(Witness produces the papers in court; papers pronounced good, having been issued from the district court.)
Ques. 6. Didn't the man that subpœnaed ask you to show your papers?—Ans. No, sir; he hadn't time.
Ques. 7. Do you know any other Michael Maher?—Ans. No, sir; except my son.
Ques. 8. Was he born in this country?—Ans. Yes, sir; all my sons were born here.
(.25 paid as fee by contestee.)

MICHAEL MAHER.

STATE OF IOWA,
Johnson County, ss:

LEWIS DOTY, one of the witnesses referred by Delaney, was introduced to show that the papers presented by Delany at the polls were simply a declaration of his intention to become a citizen.

(Objection. Contestant objects to this witness being examined, because no official notice has been given of his residence.)

Ques. 1. Where do you live?—A. At Oxford.
Ques. 2. How long have you lived there?—Ans. 21 years.
Ques. 3. Were you acquainted with Joseph Delany?—Ans. Yes, sir.
Ques. 4. Were you judge of the election when he presented his papers?—Ans. Yes, sir, I was.
Ques. 5. What papers did he present?—Ans. His first papers, taken out in Joliet.
Ques. 6. Did you let him vote?—Ans. Yes, sir, we let him vote; and he has voted there ever since.
Ques. 7. Why did you let him vote?—Ans. Because we thought it was right; we did not understand that he had to have second papers.
Ques. 8. You say it was his first papers?—Ans. Yes, sir
(Brown refuses a cross-examination, because no notice of his residence or name of the witness had been given prior to this time, as required by law.)
Ques. 9. Who were the other judges of the election?—Ans. John Cook, John Hartwell.

LEWIS DOTY.

C. LUTHER, Jr., recalled.

Ques. 1. Will you state for whom you voted for Congress?—Ans. No, sir; I can't tell.
Ques. 2. Have you said to several parties in this town have voted in Iowa City, that you voted for Mr. Frederick for Congress?—Ans. That might be; I don't know.
Ques. 3. Will you swear you did not?—Ans. That is nothing to you.
Ques. 4. Did you state that you voted for him?—Ans. That is none of your business.
Ques. 5. Do you know for whom you voted?—Ans. I do know for whom I voted; yes, sir.
Ques. 6. Do you know what ticket you voted?—Ans. Yes, sir.
Ques. 7. Is it not a fact that during the day you worked for the Democratic candidate?—Ans. I don't have to tell you.
Ques. 8. Did you work for the Democratic candidate that day?—Ans. No, sir; not all day.
Ques. 9. Did you work for the Democratic ticket?—Ans. Part of it.
Ques. 10. Did you give different persons a ticket?—Ans. I might have.
Ques. 11. Did you give straight tickets out that day?—Ans. That is my business.
Ques. 12. As a matter of fact, didn't you give out straight tickets?—Ans. I don't have to tell that.
Ques. 13. How long did you stay at the polls?—Ans. A good share of the day.
Ques. 14. Did you hold in your hands Democratic tickets to give to persons that came up?—Ans. Yes, sir; I had both kinds.
Ques. 15. Didn't you electioneer that day for the Democratic ticket?—Ans. No, sir; not all day.
Ques. 16. Did you electioneer for Wilson that day?—Ans. That I don't have to tell you.
Ques. 17. Did you electioneer against Wilson?—Ans. I don't have to tell.
Ques. 18. Do you refuse to answer this question?—Ans. Yes, sir.
Ques. 19. When Mr. Frederick visited Oxford before the election, did he visit you?—Ans. I think they were over to my shop.
Ques. 20. Were they not over there more than once?—Ans. No, sir; I don't think that they were.

Ques. 21. Did you come in with him that day?—Ans. No, sir; I don't know that I did.

Ques 22. Were you not over to John Horrors'?—Ans. Bloom asked me to go over and take a drink at the bar, and I did.

Ques. 23. Did you try to get people to vote for Frederick?—Ans. No, sir.

Ques. 24. Did you tell Frederick that you would vote for him?—Ans. No, sir.

Ques. 25. State if you are a Democrat and belong to that party.—Ans. I have generally suited myself.

Ques. 26. Isn't it generally understood that you vote the Democratic ticket?—Ans. Sometimes.

Ques. 27. Do you belong to the Republican party?—Ans. No, sir.

Ques. 28. Do you belong to the Greenbackers?—Ans. Yes, sir; I think I am a Greenbacker.

Ques. 29. Did you belong to that party?—Ans. Yes, sir.

Ques. 30. Did you vote that ticket last fall?—Ans. No, sir.

Ques. 31. Did you vote the Republican ticket?—Ans. Yes, sir; I do some.

Ques. 32. Do you ever vote the Greenback ticket?—Ans. No, sir; I don't know that I ever did.

Ques. 33. You were subpœnaed down at Iowa City?—Ans. Yes, sir; I believe I was.

Ques. 34. When you returned from there, didn't you tell the people of Oxford that you had deceived Wilson—that you had made the people believe that you had voted for Wilson?—Ans. No, sir; I don't know.

Ques. 35. Is not that the truth?—Ans. I don't know; you will have to find out.

Ques. 36. Do you know what names you scratched on the Democrat ticket?—Ans. Perhaps I do some.

Ques. 37. Did you scratch any State officers?—Ans. I don't purpose to tell.

Ques. 38. Did you scratch any district officers?—Ans. Yes, sir.

Ques. 39. Did you scratch Frederick's name?—Ans. That I won't tell you.

Ques. 40. Did you ever vote the Republican ticket?—Ans. Straight Republican ticket, no, sir.

Ques. 41. Did you ever vote the straight Democratic ticket?—Ans. No, sir.

Ques. 42. Do you vote the Democratic ticket in the main?—Ans. No, sir; I don't think that I do.

Ques. 43. Do you ever vote any other ticket except this mixed Democratic ticket?—Ans. Not unless I scratch it myself.

Ques. 44. You don't say you scratched Frederick's name from your ticket?—Ans. I won't answer that question, whether I did or didn't.

Ques. 45. Why do you refuse to answer?—Ans. Because I feel that way.

Ques. 46. What way?—Ans. I don't have to ans.

Ques. 47. What are your reasons that you don't ans.?—Ans. I don't think that its your business nor anybody else's business to know how I voted.

Ques. 48. If there is a wrong committed, would you not be willing to give me the facts that might determine who was legally elected?—Ans. Yes, sir.

Ques 49. Why do you refuse?—Ans. I simply refuse; that is all. You and others have given me considerable trouble.

Ques. 50. What trouble did I ever make you?—Ans. Only in regard to this election.

Ques. 51. How did I?—Ans. You have been very ——

Ques. 52. How do you know?—Ans. That is what they tell me.

Ques. 53. Who?—Ans. Mr. Miller and several others in our school here.

Ques. 54. Have you been elected to some office on the Democratic ticket?—Ans. There was never any political issue here.

Ques. 55. Have you ever been elected by the Democrats to some office?—Ans. No, sir; I have never held any office in the town at all.

Ques. 56. You attend Democratic conventions occasionally?—Ans. Yes, sir; in the county and in the town.

Ques. 57. You attend the Democratic township caucuses?—Ans. Sometimes; not very often.

(Fee paid.) C. LUTHER, JR.

STEPHEN BRADLEY, Iowa City, Iowa, recalled on the part of contestee, testifies as follows:

Ques. 1. Did you say this is the record of the Johnson county court?—Ans. Yes, sir; it is.

Ques. 2. Where did you find it?—Ans. It is a record of naturalization.

Ques. 3. How do you know this is the record of Johnson county court?—Ans. By reading it.

Ques. 4. Please look at page 200; what does it say?—Ans. It says "district court."

Ques. 5. Did you say this the record of the Johnson county court?—Ans. That page I saw was county court.

Ques. 6. Do you know anything more about it than that?—Ans. Only what it says.

Ques. 7. Have you looked through this book?—Ans. Not especially: I have hunted for it. There have been parts in connection. I have helped them look up names.

Ques. 8. Do you know that Haddock referred to in that record was the same called Judge Haddock, or might there have been some other Judge Haddock?—Ans. I don't know of any other William J. Haddock.

Ques. 9. Do you say that there might have been some other?—Ans. I wouldn't say positive.

Ques. 10. Is his age given here?—Ans. Yes, sir; the record gives it as coming under age to this country.

Ques. 11. Do you know anything about when he came to this country?—Ans. If there was any in this county, I don't know of any.

Ques. 12. You don't say that there wasn't?—Ans. No, sir; I never knew of any other William J. Haddock.

Ques. 13. You don't swear that Judge Haddock is the one referred to in this record?—Ans. No, sir; I swear this is the record of naturalization of William J. Haddock.

Ques. 14. Do you know anything about it, except what parties say?—Ans. I swear that that is the record.

Ques. 15. Well, do you know anything about it?—Ans. I wouldn't be supposed to know anything about it.

Ques. 16. Is this naturalization record among the records of Johnson County court, or is it the record of district and circuit court?—Ans. It is used for both purposes. The first 45 pages were used for the county court papers; the balance was used for the district court.

Ques. 17. You are not clerk of the county court?—Ans. There is no county court in existence now that I know of.

Ques. 18. I will ask you whether you can turn to the naturalization of Pat. Quilin of the county court?—Ans. Yes, sir; I have it here.

(The same offered in evidence by contestee.)

(Contestee objects for the reason that it is not identified as the record of Patrick Quinlin, who has been examined.)

(Contestee offers in evidence page 21, of naturalization record of Johnson County, and the word "copied."

U. S. OF AMERICA—NATURALIZATION OF ALIENS.

STATE OF IOWA,
Johnson County, ss:

Be it remembered that at the term of the county court, holden in and for said county on the 15th day of Sept., A. D. 1859, was present the Hon. George W. McClary, sole presiding judge of said county, also the sheriff of said county, S. Bacheler, clerk of said court, when the following, among other proceedings was had, to wit:

Patrick Quinlin, a native of Ireland, and at present residing within said State, appears in open court and makes application to be admitted in to become a citizen of the U. S., and it appearing to the satisfaction of the court that he did declare on oath before the supreme court of the State of Mass. and court of record having common law jurisdiction and using the seal two years at least before his admission, that it was *bona fide* his intention to become a citizen of the U. S., renounce forever all allegiance to any foreign prince, potentate, state, or sovereignty whatsoever, and particularly Victoria, Queen of Great Britain, of whom he was before a subject. The said applicant having declared on oath before this court that he will support the Constitution of the U. S., and that he doth absolutely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty whatsoever, and particularly Queen Victoria, whom he was heretofore a subject.

The court being satisfied that he has resided within the U. S. for the term of 5 years next preceding his admission without being at any time within the said 5 years out of the Territory of the U. S., and within this State one year at least; and it further appearing to the satisfaction of said court by the testimony of ——— O'Brien, that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States; well disposed to the good order and happiness of the same, thereupon the court admitted the said applicant to become a citizen of the United States and ordered the proceedings aforesaid to be entered upon the record which was accordingly done by the clerk of this court.

In testimony whereof I, S. Bacheler, clerk of the court aforesaid, have hereunto set my hand and affixed the seal of the said court at my office in Iowa City, in said county the 16th day of September, A. D. 1859.

S. BACHELER, *Clerk.*

Ques. 19. Now, then, turn to the same book, page 235; the record of whose naturalization do you find there?—Ans. George Morris.

Ques. 20. Is the record the same except the change of the dates, name and at the last?—Ans. The same is admitted, with the exception of the name and date.

Ques. 21. What is the date of that record?—Ans. Aug. 21, 1860.

Ques. 22. Now turn to page 190 of the same book. What do you find there?—Ans. I find the name of James Barry, March 5th, '60, record in the same form as that date introduced in evidence.

Ques. 23. Now turn to page 307 in the same book. What do you find there?—Ans. Thomas Rourk, October 22, '60 (same entered in evidence, record being in same form as that already introduced).

Ques. 24. Now you may turn to what you would call book "O," page 62.—Ans. I find the naturalization paper of——

Ques. 25. You may read it entire.

(Copy introduced in evidence.)

UNITED STATES OF AMERICA,
State of Iowa, Johnson County, ss:

Be it remembered that at the term of the county court holden in and for said county, in the State of Iowa, on the 4th day of April, A. D. '62, was present the Hon. George W. McCleary, sole presiding judge, ex officio clerk of said court, when the following, among other proceedings, was had, to wit: Christian Luther, a native of Prussia, and at present residing within said State, appeared in open court and makes application to be admitted to become a citizen of the United States, and it appearing to the satisfaction of the court that he had declared on oath, before the court of Johnson County, court of record having common-law jurisdiction and using the seal, two years at least before his admission, that it was bona fide his intention to become a citizen of the U. S. and to renounce forever all allegiance to every foreign prince, potentate, state, or sovereignty whatsoever, and particularly to Frederick William, King of Germany, to whom he was heretofore a subject; and said applicant, having declared on oath before this court that he will support the Constitution of the U. S., and that he doth absolutely and entirely renounce and abjure all allegiance, fidelity to every foreign prince, potentate, state sovereignty whatsoever, and particularly to William Frederick, King of Prussia, of whom he was a subject. The court being satisfied by the testimony of John —— that said applicant had resided in the U. S. for the term of 5 years next previous to his admission without being at any time during said 5 years out of the territory of the U. S., and within said State at least; and it further appearing to the satisfaction of this court that during that time he has behaved as a man of good moral character and attached to the principles of the Constitution of the U. S., and well disposed to the good order and happiness of the same; thereupon the court admits said applicant to become a citizen of the U. S., and ordered the proceedings aforesaid to be entered of record, which was accordingly done by the clerk of said court.

Ques. 24. Now turn to page 44; what does it say?—Ans. Naturalization record of John Horner.

(Contestant objects for the reason that it is shown that he is not the proper person.)

Ans. Book shows that John Horner has received his papers in the Johnson County court, dated October 8th, '61.

Ques. 25. Turn to page 113?—Ans. It shows the naturalization of Joseph Schonborn, a native of Hungary, dated Sept. 1st, 1863.

(Contestant objects for the reason that it is not shown that this is the witness who testified. Same record introduced into evidence.)

Ques. 26. Now turn to page 241?—Ans. It shows the naturalization record of Pat. Sloan.

Ques. 27. Of what country was he a native of?—Ans. Ireland.

Ques. 28. What is the date of it?—Ans. 9th of Oct. '63.

Ques. 29. Who is the man that appeared as witness?—Ans. T. Conner.

(The same introduced into evidence.)

(Contestant objects the same as before.)

Ques. 30. Turn to page 234?—Ans. Albert Snyder, dated Oct. 9th, '63; native of Baden,

(Same introduced into evidence.)

(Contestant objects the same as before.)

Contestee introduced into evidence the naturalization record of Chas. Grabun, Sept. 26, 1868.

Ans. There is no page given in the book; he is a native of Hanover.

(Contestant objects the same as before.)

(Naturalization record of Patrick Fitzgerald, a native of Ireland, dated Oct. 10th, 1868, introduced into evidence.)

(Contestant objects the same as before.)

(Naturalization record of Patrick Mahoney, a native of Ireland, dated Oct. 9th, '63, introduced into evidence.)

(Contestant objects the same as before.)

Naturalization record of Joseph Hurdluchka found in the record book, No. 2, page 25, dated Nov. 3rd, '70, a native of Bohemian, introduced into evidence.

(Contestant objects from the same reason as before. The record is not the same form as that of Pat. Quinlin.)

Record book O, showing naturalization record of Dennis Downey, a native of Ireland, Sept. 29th, '63, introduced into evidence.

(Contestant objects the same as before.)

Ques. 31. Now, as to that name Joseph H—— Ans. It is spelled here Hurdlutchka.

(Witness examines the records.)

Ans. I cannot find the name spelled otherwise. I find the books of the county court, showing the naturalization of Jerry Mahoney, jr., also Pat. Mahoney. I don't know the naturalization record of Charles Tomasch. I find the record here of C. Tomasch, pronounced Thomas.

Ques. 32. How do you spell Tomasch?—Ans. I spell it T-h-o-m-a-s. I would not say positive that this is the right name. This man is not Tomasch the Bohee.

This record, which is found on page 220 of book 1, is introduced in evidence.

(Contestant objects as immaterial, irrelevant; not referring to the same witness that was examined.)

Ques. 33. Did you find the record of the naturalization of C. Tomasch?—Ans. No, sir.

Ques. 34. Did you look for Joseph Prusha?—Ans. No, sir; I never looked for that.

Cross-examination of Bradley by Brown:

Ques. 1. Are there books of naturalization outside of these you have referred to on direct examination?—Ans. Yes, sir; there are books of naturalization not numbered, called naturalization papers.

Ques. 2. Don't you frequently find several of the same name naturalized?—Ans. Yes, sir.

Ques. 3. How many Jerry Maloneys are there naturalized in your records?—Ans. I have only found one; I know of two, but one is dead.

Ques. 4. One is deceased, is he?—Ans. Yes, sir.

Ques. 5. What Jerry Maloney did this book have reference to that you have examined.—Ans. I think it is the one that is dead.

Ques. 6. How many Thos. Berrys do you know?—Ans. Two living and one dead.

Ques. 7. What Thos. Berry of whom you examined record of naturalization?—Ans. I have reason to believe that it is the Thos. Berry that is dead from the fact that it was his brother-in-law who was his witness.

(Contestee objects to the answer for the reason that it is simply an opinion.)

Ques. 8. Do you know Patrick Slovan?—Ans. Yes, sir; I know two of them.

Ques. 9. How many Pat. Slovan have taken out papers?—Ans. Only one.

Ques. 10. Do you know that these men whose records you have searched to-day are the same ones whose names that were given you by the parties?—Ans. I don't positive that they are the same.

Ques. 11. Do you know that they are also men of the same name naturalized in these books?—Ans. Yes, sir; I know men of the same name in these books.

Ques. 12. How can you tell they are the same men we have been inquiring for?—Ans. I can't tell positively, I suppose.

Ques. 13. Now you have their record not in index?—A. We have naturalization papers. I can see that they are indexed. Their index is to be found in the old index of the old court papers.

Ques. 14. There are a good many men naturalized in the old court records that haven't been present here at all?—Ans. No, sir; not present here.

Ques. 15. They string over a good many books, don't they?—Ans. Yes, sir, quite a number.

Ques. 16. It would take a good while to go over these records?—Ans. Yes, sir, quite a while.

Ques. 17. You find all the names that these present have asked you in this books?—Ans. No, sir; not all of them.

Ques. 18. They may appear on other books than those you have examined, may they not?

(Contestee objects—leading.)

Ques. 19. Do they appear on other books in this county besides what you have produced here?—Ans. Yes, sir.

Redirect:

Ques. 20. Will you examine the records that you found numbered here, and find out whether or not the names of Charles Tomask, Joseph Hurdluchka, Joseph Prusha appear on these records. Please go to your office, examine them, and report the result of your examination.

(Contestee admits that a certain W. S. Haddock, who has been referred to here, was

one of the attorneys for James Wilson, the contestee, in Johnson County, in this proceding. It is agreed between the parties that the commissioner shall here answer the report of Bradley in regard to the other names given him at any time when he might be able to make a report of the same.)

Mr. STEPHEN BRADLEY, the witness, on the 4th day of July, A. D. '83, made the following report to the commissioner: Having examined other records in my office referred to in the question, I make answer that no record whatever, of the naturalization of the parties named in the question are to be found in any of these records.

STATE OF IOWA,
Johnson County, ss:

I, Eldon Moran, a notary public for Johnson County and commissioner agreed upon to take testimony in this cause, in pursuance of the annexed agreement attached to the testimony of J. L. Adams, whose testimony was taken Feb. 22, 1883, do truly certify that on the 1st day of May, 1883, in pursuance of the notice hereunto annexed, I took the depositions of the following witnesses: John Hohrer, Chris. Luther, John Mead, George Norris, Patrick Sullivan, James Barry, John Mahony, John Spillane, John Hannon, Patrick Quinlan, Chris. Luther, sen., John Shanahan, Peter Rohret, Adam Rohret, M. Leibold, John Mahony (recalled), Wentzel Hummer, Dennis Kief, John Mahony (recalled), Jerry Mahony, sen., Dennis Downey, Patrick Mahony, sen., Patrick Mahony, jr., Thomas Rourke, Joseph Schonborn, John Scanlon, John Delaney, J. S. Hartman, Lewis Doty, James Barry (recalled), Henry Hedliska, Joe Tomash, Charlie Grabin, Patrick Fitzgerald, Michael Maher, Chris. Luther, jr. (recalled), whose testimony is set forth in the following manner: Each witness was first by me duly sworn, or caused to be sworn, in my presence, as provided by law, and when sworn the questions were propounded to him by the respective parties: Benj. T. Frederick, contestant, and James Wilson, contestee, by their respective attorneys, and the question by me read to the witness, who answered the same, and his answer by me in the language of the witness, taken down under each question propounded, and reduced to writing till the deposition was completed.

I further certify that when the testimony was taken of each witness I carefully read the same over to the witness, who corrected the same, and each correction noted, and said testimony was then signed by the witness and sworn to by him before me.

I further certify that T. Brown & Carney appeared as counsel for the contestant, Benj. T. Frederick, and Milton Remley and J. W. Cone for the contestee, James Wilson.

In witness whereof I have set my hand and seal hereunto, notarially, this 1st day of May, 1883.

[SEAL.]

ELDON MORAN,
Notary Public for Johnson County, Iowa, and
Commissioner agreed upon to take testimony.

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48TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 23.

ENGLISH vs. PEELLE.

PAPERS AND TESTIMONY

IN THE CONTESTED-ELECTION CASE OF

W. E. ENGLISH vs. STANTON J. PEELLE,

FROM THE SEVENTH CONGRESSIONAL DISTRICT OF INDIANA.

JANUARY 10, 1884.—Referred to the Committee on Elections and ordered to be printed.

(No. 1.)

TESTIMONY FOR THE CONTESTANT.

UNITED STATES OF AMERICA,
State of Indiana, Marion County:

In the matter of the conteted election for a seat in the 48th Congress of the United States from the 7th Congressional district of the State of Indiana.

WILLIAM E. ENGLISH, CONTESTOR,
vs.
STANTON J. PEELLE, CONTESTEE.

TO STANTON J. PEELLE:

You are hereby notified that in the above-entitled cause and contest that on the first day of October, 1883, beginning at 9 o'clock a. m. of said day, before Paul C. Hendricks, a notary public within and for the county of Marion aforesaid, and at the office of Duncan Smith and Wilson, at No. 76 East Washington street, in the city of Indianapolis, in said Marion County, the said William E. English, the contestor in the above-entitled matter and cause, will proceed to take the depositions of the following-named witnesses, whose place of residence are set opposite to their respective names, to wit:

MARION COUNTY, INDIANA.

Silas T. Bowen, 44 West North st., Indianapolis.
Thos. A. Hendricks, 81 North Tennessee st., Indianapolis.
Joseph E. McDonald, 229 North Pennsylvania st., Indianapolis.
Frank Landers, 402 North Pennsylvania st., Indianapolis.
David Turpie, 173 North Tennessee st., Indianapolis.
Robert W. Medkirk, 565 Broadway, Indianapolis.
Jno. C. Shoemaker, 506 N. Meridan st., Indianapolis.
John Schley, 50 South Linden st., Indianapolis.
Wm. O. Devay, 130 Bellefontaine st., Indianapolis.
Wm. B. Burford, 512 North Meridan st., Indianapolis.
Jno. Carlon, 26 West Pratt st., Indianapolis.

Enos B. Reed, 158 North Mississippi, Indianapolis.
Doctor A. Green, 20 East Michigan, Indianapolis.
Chauncey W. Mead, 296 E. Market st., Indianapolis.
Wm. P. Fishback, 581 N. Delaware st., Indianapolis.
Calvin F. Darnell, 738 N. Illinois st., Indianapolis.
Wm. A. Sullivan, 229 E. New York st., Indianapolis.
Jno. Fultz, 72 Church st., Indianapolis.
Peter Lieber, 510 Madison ave., Indianapolis.
Heyden S. Bigham, 80 N. Mississippi, Indianapolis.
Chas. W. Gorsuch, 8 Huron st., Indianapolis.
Earl Reid, Prospect st., Indianapolis.
Jas. Deery, 16 Biddle st., Indianapolis.
Jno. L. Bremerman, 354 Douglass st., Indianapolis.
Lewis Theime, 478 E. Washington st., Indianapolis.
John Roder, 244 Davidson st., Indianapolis.
Tim. O'Brien, 462 S. New Jersey st., Indianapolis.
Jno. Stanton, 86 Maple st., Indianapolis.
——— Parker, Indianapolis.
Geo. M. Hawkins, 83 E. Pratt st., Indianapolis.
Elwood A. Sands, 720 N. Mississippi st., Indianapolis.
Jno. T. Glazier, County Jail, Indianapolis.
Thos. A. Pease, 16 Arch st., Indianapolis.
Jno. Reid, 22 Hasbrook st., Indianapolis.
Wm. T. Gerber, 53 Maple st., Indianapolis.
Emanuel Bruce, 258 English ave., Indianapolis.
Harry J. Thrush, 335 S Meridan st., Indianapolis.
Jno. Edwards, 239 South Alabama st., Indianapolis.
J. J. Bingham, 184 W. Md. st., Indianapolis.
Dan. Burton, W. New York st., Indianapolis.
Chas. Maynard, 136 Blackford st., Indianapolis.
Jno. Condon, 90 Maple st., Indianapolis.
Ed. Tettenbrock, McCarty st., Indianapolis.
Jno. Porter, Indianapolis.
York Crowley, Indianapolis.
Augustus Golden, 53½ Russell ave., Indianapolis.
Butch McDonald, Indianapolis.
Wm. Lyburn, 88 Garden st., Indianapolis.
And. J. Adams, 59 Minerva st., Indianapolis.
Otto Boash, Indianapolis.
Cockeye Shea, Indianapolis.
W. M. Hickling, 29 Madison ave., Indianapolis.
Isadore Dietch, 241 N. West st., Indianapolis.
Chas. C. Stahl, 156 Columbia ave., Indianapolis.
Wm. Hall, 289 Bright st., Indianapolis.
Thos. McKee, 420 W. Pratt st., Indianapolis.
Jno. A. Weber, 37 Alvord st., Indianapolis.
W. F. A. Bernhamer, 121 Daugherty st., Indianapolis.
John Johnson, 276 N. West st., Indianapolis.
Manuel Collins, Indianapolis.
Jno. T. Mahorney, Deaf and Dumb Asylum, Indianapolis.
Joe Shepherd, 95 Minerva st., Indianapolis.
Austin H. Brown, 290 S. Meridan St., Indianapolis.
Smith Myers, Talbott Block, Indianapolis.
Dan. A. Lemon, 196 N. Tennessee st., Indianapoiis.
Frank P. Woolen, 329 College ave., Indianapolis.
Jno. W. Coons, 72 N. Mississippi st., Indianapolis.
Jas. W. Hess, 225 N. Tennessee st., Indianapolis.
Norman S. Byrum, 956 N. Illinois st., Indianapolis.
Hy. C. Adams, 622 N. Alabama st., Indianapolis.
Dan. M. Ransdall, 461 N. Tennessee st., Indianapolis.
Eli R. Payne, 293 E. New York st., Indianapolis.
W. R. Holloway, 100 N. Alabama st., Indianapolis.
Joe E. Cobb, 30 Broadway, Indianapolis.
Dorman Davidson, 394 Broadway, Indianapolis.
Florence Casey, 9 Chadwick st., Indianapolis.
Frank M. Wright, 96 E. Court st., Indianapolis.
Wm. Carson, 300 Yandes st., Indianapolis.
Thos. E. Stuckey, 203 N. Illinois st., Indianapolis.
Jas. McHugh, 44 S. Illinois st., Indianapolis.
Frank M. Ryan, 120 West Maryland st., Indianapolis.
Geo. C. Stelhorn, 306 N. Noble st., Indianapolis.

Martin Green, 404 N. Pine st., Indianapolis.
Coney Stumph, 84 Archer st., Indianapolis.
W. B. Fletcher, Insane Asylum, near Indianapolis.
Wm. Gulliver, 79 Kentucky ave., Indianapolis.
Wm. Pfafflin, 94 Ind. ave., Indianapolis.
Jas. McGauley, 92 Ind. ave., Indianapolis.
W. R. Myers, Sec. of State, Indianapolis.
Ira Narter, Indianapolis.
Geo. Narter, Indianapolis.
Pat. Daven, Indianapolis.
Edgar A. Brown, 412 N. East st., Indianapolis.
Geo. A. Hardesty, 355 N. Alabama st., Indianapolis.
Jas. T. Dowling, 187 W. South st., Indianapolis.
Chas. M. Cooper, E. Washington st., Indianapolis.
Wm. B. Lewis, at Albert Gall's, Indianapolis.
Wm. Lang Staff, 762 E. Washington st., Indianapolis.
C. S. Butterfield, W. Washington st., Indianapolis.
Timothy Griffin, treas. of State's office, Indianapolis.
Christian Brink, E. Washington st., Indianapolis.
Franklin Landers, board of trade, Indianapolis.
Edwin L. Hastings, at Burford's, Indianapolis.
Emmet L. Rose, 615 Madison ave., Indianapolis.
Ernst Kitz, Circle Park Hotel, Indianapolis.
Jno. Maloney, Iron block, Indianapolis.
Albert F. Ayers, over Gramling's store, Indianapolis.
W. F. Christian, 124 E. Vermont st., Indianapolis.
Wm. B. Bynum, Thorpe Block, Indianapolis.
Jas. W. Harper, Vance Block, Indianapolis.
Ross Clarke, 100 E. Washington st., Indianapolis.
Jackson Landers, 622 N. Penn st., Indianapolis.
Chas. G. Stewart, Sentinel office, Indianapolis.
Thos. B. Messick, assessor Center township, Indianapolis.
Jessie E. Whitsitt 291 Virginia ave., Indianapolis.
Victor M. Backus, Circle st., Indianapolis.
Harry O. Thudirim, 35 S. Delaware st., Indianapolis.
Michael Clune, 633 S. Meridan st., Indianapolis.
Pat Harold, 225 S. West st., Indianapolis.
Chas. Johnson, Mass. ave., Indianapolis.
Simeon Coy, 191 S. Alabama st., Indianapolis.

MARION COUNTY.

Carl Von Hake, Wayne Township.
Thos. E. Watts, Traders' Point.
Henry Pence, Wayne Township.
Jno. Smith, Southport.
Isaac Grube, Southport.
Jacob Hanch, Southport.
Henry Geisel, Centre Township.
C. B. Wadsworth, Castleton.
R. W. Long, Irvington.
——— Perkins, Irvington.
Jno. Johnson, Wayne Township.
Jno. W. Benson, Geneva, Ind.
Hiram W. Miller, Wayne Township.
Morris Tosner, 172 Indiana ave., Indianapolis.
Jno. P. Frenzel, Merchants' Nat'l bank, Indianapolis.
Jno. Lather, 514 N. West st., Indianapolis.
J. T. Downey, 96 N. Alabama st., Indianapolis.

HAMILTON COUNTY.

Chas. Adams, Noblesville.
Phil. Brehm, Noblesville.
Hy Carr, Noblesville.
Jno. Burt, Noblesville.

POSEY COUNTY.

W. H. Whitworth, Mt. Vernon.

HANCOCK COUNTY.

Tilghman Collier, Sugar Creek Township.
O. T. Hastings, Fortville.
Andrews Hagan, Fortville.
C. Van Laningham, Fortville.
U. S. Jackson, Fortville.
Elmer T. Swope, Greenfield.
Jno. W. Ryan, Greenfield.
Wm. Mitchell, Greenfield.

SHELBY COUNTY.

C. A. Robinson, Morristown.
H. E. Hoban, Shelbyville.
Jas. Harrison, Shelbyville.
J. H. McGuire, Shelbyville.
Edmund Cooper, Waldon.
David A. Ray, Sugar Creek Township.
Armstrong Gibson, Boggstown.
W. H. Strickler, Boggstown.
W. S. Ray, Shelbyville.

C. B. Wing, Cincinnati, Ohio.
Edward Mill, Cleveland, Ohio.

The said depositions to be used as evidence at the hearing and in the trial of the above-entitled cause and contest, by and for the said contestor.

The taking of said testimony will be adjourned from day to day until the same is completed.

Dated this the 26th day of September, 1883.

WILLIAM E. ENGLISH.

I acknowledge service of the above and foregoing notice.

STANTON J. PEELLE.

Contested election for a seat in the Forty-eighth Congress from the seventh Congressional district of Indiana.

WILLIAM E. ENGLISH
vs.
STANTON J. PEELLE.

Whereas in this case it would be inconvenient for the said Stanton J. Peelle, the contestee, to attend to the taking of testimony until after the adjournment of the present session of Congress, he being a member thereof, and he having requested a postponement of the taking of testimony in this case, the said William E. English, the contestor, and the said Stanton J. Peelle, the contestee, have mutually agreed, and do hereby mutually agree, that the time for taking the testimony in this case shall be postponed to the first day of next September, when the said contestor shall take his evidence within forty days from that date, and the said contestee his evidence in the next forty days thereafter, and the said contestor his evidence in rebuttal in the next ten days thereafter, so that the whole shall be taken within ninety days from said first day of next September instead of within ninety days from the time of serving the answer of the contestee, as provided by the act of Congress, each of said parties hereby waivng the taking of evidence within said last-mentioned period, and agreeing that no objection shall be made or advantage taken because of not taking evidence within that period, and hereby agreeing that the same may be taken within ninety days from said first of September, 1883, in the same manner and shall have the same effect as if the same had been taken within ninety days from the time of service of said contestee's answer.

Witness our hands this 20th day of January, 1883.

STANTON J. PEELLE.
WILLIAM E. ENGLISH.

Seventh Congressional district of Indiana.

WILLIAM E. ENGLISH, CONTESTANT,
vs.
STANTON J. PEELLE, CONTESTEE.

It is mutually agreed by and between the contestant and the contestee above named that for the mutual convenience of both parties the time for the taking of testimony in said case shall be ninety days from the 10th day of September, 1883, and that the said contestant shall have until October 20, 1883, within which to take his testimony-in-chief, and the said contestee shall have forty days from said October 20, 1883, within which to take his testimony, or so much thereof as he may require; *provided* that if the said contestee consumes less time than forty days in taking his testimony, then and in that case the said contestant hereby agrees to commence at once to take testimony in rebuttal, consuming the ten days allowed him by law therefor, so as not to take time beyond the assembling of the Forty-eighth Congress; and it is further mutually agreed that the depositions to be taken shall be taken before notaries public.

WILLIAM E. ENGLISH.
STANTON J. PEELLE.

SEPTEMBER 24, 1883.

Mr. PEELE. I move to suppress the notice of contest in this case for the reason that the same does not specify particularly the grounds upon which the contestor relies in the contest, and for the further reason that the same is too general in its terms to advise me upon what he relies, and for the further reason that said notice was not legally served in time, and for the further reason because said notice is insufficient in law to constitute a cause of contest.

WILLIAM R. MYERS, being first duly sworn, testifies as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Q. State your name, age, and residence.—A. William R. Myers; my age is 47 years; residence, Indianapolis.

Q. What is your business?—A. At present I am secretary of the State of Indiana.

Q. When were you elected?—A. At the November election, 1882.

Q. What counties, if you know, compose this seventh Congressional district?—A. The counties of Marion, Hancock, and Shelby.

Q. Did you ever represent any of this district in Congress?—A. I represented the counties of Shelby and Hancock in the Forty-sixth Congress.

Q. Under the old apportionment?—A. Yes, sir; under the old apportionment.

Q. Look at the document I hand you and state what it is.—A. It is a certificate showing the vote for Congress in the year 1882, when Mr. English and Mr. Peelle were the respective candidates for Congress in this seventh district.

Q. That is taken based upon the records in your office as secretary of state?—A. Yes, sir.

Mr. WILSON. We offer this certificate in evidence as a part of the deposition of the witness, and ask that the same be marked and identified and filed with his evidence; and the same is so done and marked Exhibit A.

Mr. PEELLE. To which I object as incompetent.

W. R. MYERS.

EXHIBIT A.—Deposition of WM. R. MYERS.—*P. C., H., N. P.*

STATE OF INDIANA,
Office of the Secretary of State, ss:

I, W. R. Myers, secretary of state of the State of Indiana, do hereby certify that at the general election held in the counties of Hancock, Shelby, and Marion, State of Indiana, on Tuesday, the seventh day of November, A. D. 1882, the following votes were cast and given for the following-named persons, respectively, for the office of Representative in Congress for the seventh Congressional district, Indiana, as shown by the returns made to my office by the clerks of said counties:

Shelby County, Indiana.—William E. English received twenty-nine hundred and thirty-five (2,935) votes; Stanton J. Peelle received twenty-eight hundred and seventeen (2,817) votes; Robert W. Medkirk received seventy-nine (79) votes.

Hancock County, Indiana.—William E. English received twenty-one hundred and twenty-nine (2,129) votes; Stanton J. Peelle received sixteen hundred and ninety-four (1,694) votes; Robert W. Medkirk received sixty-six (66) votes.

Marion County, Indiana.—William E. English received twelve thousand three hun-

dred (12,300) votes; Stanton J. Peelle received twelve thousand nine hundred and forty (12,940) votes; Robert W. Medkirk received three hundred and ninety (390) votes.

In witness whereof I have hereunto set my hand and affixed the seal of the State of Indiana, at the city of Indianapolis, this 20th day of September, A. D. 1883.

[SEAL.] W. R. MYERS,
Secretary of State.

(Indorsed:) Exhibit A to the deposition of W. R. Myers.

DAVID TURPIE, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Q. State your name, age, and residence.—A. My name is David Turpie; age, 53; residence, Indianapolis.

Q. How long have you resided in Indiana?—A. Fifty-one years.

Q. Have you held any official positions in this State; if so, what?—A. I was a member of the commission on the revision of the laws.

Q. Any other office?—A. Well, yes; I was circuit judge.

Q. Wasn't you United States Senator for a while?—A. Yes, if that is State office; and I was a member of the legislature several times and speaker of the house of representatives.

Q. Were you in the city of Indianapolis at the time of the Congressional election, November 7, 1882, and did you attend the same?—A. I was in the city of Indianapolis at that time and attended the election.

Q. Did you act in any official capacity at that election?—A. I acted as one of the judges of that election at the second precinct of the 12th ward in this city.

Q. Who were the candidates for Congress from this the seventh Congressional district on the Democratic, Republican, and National tickets at that election?—A. William E. English was the Democratic candidate, Stanton J. Peelle was the Republican candidate, and I do not recollect who the National candidate was.

Q. Mr. Medkirk, was it not?—A. I do not know.

Q. Did you see the Republican ticket voted for Stanton J. Peelle for Congress at that election in the city of Indianapolis?—A. Yes, sir; I saw it as it was voted at our polls.

Q. Did that Republican ticket have any distinguishing marks or embellishments except the names of the candidates and the offices for which they were voted?—A. Yes, it had a distinguishing mark.

Mr. PEELLE. I object to that.

The WITNESS (continuing). The embellishment——

Mr. PEELLE. I object both to the question and the answer.

Q. Describe what it was.

Mr. PEELLE. To that I object. The ticket is the best evidence.

A. It was a semicircular curve under the word "ticket," in the phrase "Republican ticket" at the head of the ticket, with two dots or dashes above it.

Mr. WILSON. With reference to the objection made, I will say that we will offer that ticket in evidence before we get through.

Q. Was this embellishment engraved?—A. I think it was engraved.

Q. Did the material on which the ticket was printed designate it?

Mr. PEELLE. I object to that.

A. The material upon which the ticket was printed designated it from other tickets voted at that poll.

Q. Was it plain white paper.

Mr. PEELLE. I object to that as a mere matter of opinion, and incompetent.

A. I think not.

Q. When lightly folded would it remain folded, or spring open?

(Objected to as incompetent.)

A. It would not remain folded as ordinary white paper remains folded. Its tendency was to spring open.

Q. If another ticket was folded inside this ticket, and, thus folded, said tickets were dropped into the ballot-box, would this ticket be likely to spring open and separate, so as to release the inclosed ticket and make two ballots?

(Objected to as incompetent.)

A. Yes, there would be a likelihood of its doing so.

Q. Could you, by sight, distinguish said ticket folded, with the name inside, from one printed on plain white paper?—A. Yes.

Q. Could you distinguish it when folded, with the name inside, by touching it?—A. Yes; perhaps more readily than by sight.

Q. Did you ever know of such material to be used for tickets before at any election?

(Objected to as immaterial and incompetent.)

A. No: I never knew of such material being used before at any election.

Q. Could you distinguish the Republican ticket voted for Stanton J. Peelle from

the Democratic ticket voted at that election, both being folded with the names of the candidates inside?—A. Yes; when the Republican ticket was printed upon the material which I have spoken of, I could distinguish it. The material was a substance somewhat resembling white paper, but it was thicker, heavier, denser, smoother, more elastic and springy than ordinary white paper, and therefore could be distinguished from it.

Q. Could you distinguish said Republican ticket voted for Stanton J. Peelle from the National ticket voted at that election, both being folded with the names of the candidates inside?

(Objected to as immaterial and incompetent.)

A. Yes. There were very few National tickets voted at our poll. Such as I noticed were upon ordinary plain white paper.

Q. Could you distinguish the Democratic ticket voted at that election from the National ticket, both tickets being folded with the names of the candidates inside?

(Objected to.)

A. No; I could not distinguish the Democratic ticket from the National ticket.

Q. Why not?—A. They were both printed on plain white paper.

(Answer objected to as incompetent.)

Q. Could you distinguish said Republican ticket voted for Stanton J. Peelle from any ticket of like length and width that was either plain white paper, writing paper, or book paper, said ticket being separately folded, as tickets usually are when voted?

(Objected to as immaterial, incompetent, and irrelevant.)

A. I think I could distinguish it from plain white paper very readily. Some book paper is not white paper, and some writing paper is not plain white paper, but I do not think this ticket was printed upon book paper, or writing paper, or plain white paper of any kind—the Republican ticket spoken of.

Q. Could the inspector and other election officers tell by these tickets, when folded with the names of the candidates upon the inside, whether the person voting was voting a Republican ticket?

(Objected to as immaterial and incompetent.)

A. I speak for myself as one of the officers; I could distinguish it by handling it or by sight—if I looked at it or felt it—from any ticket, either National or Democratic, printed upon plain white paper.

Q. Could persons looking on at the polls tell these Republican tickets when the voters handed them to the inspector, and the inspector placed them in the ballot-box, even when carefully folded, with the names of the candidates inside?

(Objected to as immaterial and incompetent.)

A. I think persons looking on with any care at the tickets as they were voted could have distinguished the Republican ticket at the polls where I was from any other ticket which was printed upon plain white paper.

Q. How many Republican tickets of this character were voted for Peelle, if you know?—A. The whole Republican vote at our ward—between five and six hundred—was voted upon tickets of this character, except, perhaps, in two or three instances in which the voters had especially prepared tickets printed upon plain white paper, by pasting or writing Republican names.

(Question and answer objected to as incompetent, for the reason that the returns themselves are the best evidence of the number of votes cast.)

Cross-examination by STANTON J. PEELLE:

Q. State how long you have resided in this city.—A. Since July, 1873.

Q. State your politics.—A. I am a Democrat.

Q. How long have you been a Democrat?—A. Ever since I have been a voter.

Q. Were you ever connected with any newspaper establishment or paper house?—A. No, sir.

Q. Are you a judge of the different qualities of paper, as an expert?—A. No, sir; I think not.

Q. You never had any experience in handling or dealing in paper of various kinds?—A. I have never had any experience in dealing; I have handled a great deal of it.

Q. What you have said with reference to paper is a mere matter of opinion with you?—A. No, I do not think it is; I think what I have said with reference to the difference between the material upon which the Republican ticket was printed, and upon which the Democratic and National tickets were printed, is not a matter of opinion, but a matter of fact.

Q. You gave it as a matter of opinion when you spoke about the quality of paper, didn't you?—A. No, I do not give it as a matter of opinion when I say that this paper differed from ordinary white paper, and give the qualities in which it does differ; I did not give it as a matter of opinion that this paper was denser, thicker, heavier, more springy and more elastic than ordinary white paper.

Q. When you used the words that it was not plain white paper, is not that a mere matter of opinion, not being an expert in the business?—A. No, sir; I do not think it is.

Q. Then, what knowledge have you as a paper dealer or an expert in handling paper?—A. I have no knowledge as an expert; the only knowledge I testified to is that from observation, from sight and feeling.

Q. You spoke about there being a semicircle at the head of this ticket?—A. No, sir; not at the head; it was under the word "ticket," in the phrase "Republican ticket" at the head of the ticket.

Q. I will ask you if that circle you refer to is not a part of the letter "R?"—A. It was a semicircular curve. Not a semicircle. No, sir. It was not a part of the letter "R" or any other letter in the phrase "Republican Ticket."

Q. You say a curve was on the ticket independent of the letter "R?"—A. Yes, sir; a semicircular curve, with two dashes above it.

Q. And that, you say, is independent of the letter "R?"—A. Yes, sir.

Q. I will ask you to look at this ticket (Mr. Peelle handed the witness a ticket) and state if that is the kind of a ticket you have reference to in your examination-in-chief.—A. That is the kind of a ticket. I do not know whether it is identical with the ticket voted at the polls where I presided or not. It resembles it; the material upon which it is printed resembles it.

Q. State if it is not the same kind of a heading that you have been describing on the tickets that were actually voted where you were an officer and judge.—A. Yes, sir; it resembles them.

Q. If there is any difference between that ticket and the one voted at the polls, state what it is.—A. I could not say that unless I saw some of the tickets which were actually voted there.

Q. You state that that curve you spoke of is not a part of the letter "R?"—A. I do most distinctly state that the curve on this ticket and the curve on the tickets voted at our polls were not part of the letter "R," or not connected with it, and no part of any other letter.

Q. And that you say, notwithstanding you look at the head of this ticket?—A. Yes, sir.

Q. Do you know of anybody at the second precinct, in the 12th ward, who voted at that election, who distinguished this from any other ticket voted?—A. I know of one gentleman. That is myself.

Q. Do you know of any other?—A. I do not know of any other. I have never heard of any other person speak of distinguishing or not distinguishing them.

Q. You do not know of another one who voted at that precinct that distinguished this from any other ticket?—A. I do not know of any one who spoke of distinguishing it. There may have been three hundred who distinguished it. There were about three hundred Democratic voters in the precinct. I do not know of any one who spoke of distinguishing it.

Q. State, if you know, of any one having voted one of these tickets at that precinct who had tickets folded and inclosed within the ticket.—A. No, sir.

Q. I will ask you to state, if you know, any one who was misled in voting in consequence of the ticket that was voted for Mr. Peelle at that precinct.—A. No; I do not know of any one who was misled.

Q. State if you know of any one who objected to this ticket for any reason as destroying the secrecy of the ballot at that precinct.—A. No. I could not give the name of any one who did so. I have heard a good deal of comment upon the ticket by outsiders on the election day, and a great deal afterwards as to its character—comment in the way of objections.

Q. You know of no one who objected to it as destroying the secrecy of the ballot?—A. No. I do not recollect any one having objected to it on the election day. Afterwards it was objected to very much, and some of the objectors put it upon that ground.

Q. State if you know of any one who voted this ticket that would have voted differently had it been printed on the same kind of paper that the Democratic ticket was printed on.—A. No; I do not know that I do. I do not think of any one now.

Re-examination by Mr. WILSON:

Q. During the day of the election, and during the hours that the voting was going on, where were you?—A. I was in a small room at the engine-house, in which votes were received through an open window.

Q. You were acting as one of the judges?—A. Yes, sir.

Q. And in that room?—A. Yes, sir. I was a member of the election board, and staid in that room all the time. There was no adjournment from the time the polls opened until they were closed.

Recross-examination by Mr. PEELLE:

Q. State whether or not during that day any one complained to the board about the character of the ticket voted for Mr. Peelle.—A. No one complained to the board about the character of the ticket.

Q. How many Democrats did you say voted that day—about how many?—A. I should think between two and three hundred; very nearly three hundred.

DAVID TURPIE.

ROBERT W. MEDKIRK, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Q. State your name, age, and residence.—A. Robert W. Medkirk; age, 38; residence, Indianapolis.

Q. How long have you resided in Indiana?—A. About sixteen years.

Q. Were you in the city of Indianapolis at the time of the Congressional election, November 7, 1882, and did you attend the same?—A. Yes, sir; I was here, and attended.

Q. Who were the candidates for Congress from this seventh Congressional district on the Democratic, Republican, and National tickets at that election?—A. Stanton J. Peelle upon the Republican ticket, William E. English upon the Democratic ticket, and myself on the National ticket.

Q. Did you see the Republican ticket voted for Stanton J. Peelle for Congress at that election in the city of Indianapolis?—A. I did; at some of the precincts.

Q. Did that Republican ticket have any distinguishing marks or other embellishments except the names of the candidates and the offices for which they were voted?

(Objected to as immaterial and incompetent.)

Mr. WILSON. In connection with the objection, and before the answer is made, we say that we will introduce the ticket referred to.

A. Yes, sir; I think it had.

Q. Describe what it was.—A. Well, the ticket voted in the precinct that I live in, the second ward, was printed on heavy paper.

Q. I ask you as to distinguishing marks on the inside of the ticket?—A. My recollection now of the distinguishing mark in that, was a scroll surrounding the words "Republican ticket" at the head of the ticket.

Q. Do you know whether this embellishment that you refer to was engraved?—A. No, sir; I could not say.

Q. Did the material on which the ticket was printed designate it?—A. Yes, sir.

Q. Was it plain white paper?

(Objected to.)

A. No, sir; it was a heavy paper, rather in the nature of card-board, and it was not plain white.

Q. When lightly folded would it remain folded, or spring open?—A. When folded as it ordinarily was in voting it would, after it was dropped out of the hand, spring apart.

Q. If another ticket was folded inside this ticket, and, thus folded, said tickets were dropped into the ballot-box, would this ticket be likely to spring open and separate so as to release the inclosed ticket?

(Objected to as immaterial and incompetent.)

A. Yes, sir, it would.

Q. Could you, by sight, distinguish this ticket folded with the names inside from one printed on plain white paper?

(Objected to as immaterial and incompetent, assuming that it was not printed on plain white paper.)

A. Yes, sir.

Q. Could you distinguish it, when folded with the names inside, by touching it?—A. Yes, sir; I could. I am speaking now of my precinct, in my ward.

Q. Did you ever know such material to be used before for tickets?

(Objected to as immaterial and incompetent.)

A. I never saw election tickets printed on paper of that material before.

Q. Could you distinguish said Republican ticket, voted for Stanton J. Peelle, from the Democratic ticket voted at that election, both being folded with the names of the candidates inside?

(Objected to as immaterial and incompetent.)

A. Yes, sir.

Q. Could you distinguish said Republican ticket, voted for Stanton J. Peelle, from the National ticket voted at that election, both being folded with the names of the candidates inside?

(Objected to as immaterial and incompetent.)

Mr. WILSON. We propose to introduce hereafter the Democratic and National tickets.

A. Yes, sir.

Q. How?—A. Well, the National and Democratic tickets were both printed on plain white paper—on paper that was ordinarily used at elections, and that I have been accustomed to see. There was no difference between them at all; that is, if

they were folded up with the names of the candidates inside, and the party to which the candidates belonged. After they were folded I could not tell any difference between the National ticket and the Democratic ticket, but as between the Republican tickets and those tickets I could, from the fact, as I have stated, that the Republican ticket was printed on heavy paper, that was called card-board—that seemed to be the name that was used for it—and its color was not, to my eye, plain white; and, from the general character of it, I could distinguish the tickets very readily; that is, after seeing one of each party.

Q. Could you distinguish the Republican ticket voted for Stanton J. Peelle from any ticket of like length and width that was either plain white paper, writing paper, or book paper, said ticket being separately folded, as tickets usually are when voted?

(Objected to as immaterial and incompetent.)

A. Well, I think I could.

Q. Could the inspector or any other election officer tell by these tickets, when folded with the name of the candidate on the inside, whether or not the person voting it was voting the Republican ticket?

(Objected to as incompetent and irrelevant for the reason that he cannot tell what the election board would do under such circumstances.)

A. Well, sir; from the tickets that were voted at my precinct in the second ward, the inspector or judges could tell by handling or seeing the ticket very readily the Republican tickets voted there from the other tickets.

Q. You mean handling and seeing, or handling or seeing?—A. Handling and seeing both.

Q. Could persons looking on at the polls tell these Republican tickets when the voters handed them to the inspector and the inspector placed them in the ballot-box, even when carefully folded with the names of the candidates inside?

(Objected to as incompetent and immaterial.)

A. Yes, sir.

Q. How many Republican tickets of this character were voted for Peelle, if you know?—A. I do not know.

Q. Do you know how many were voted at your precinct?—A. No, sir.

Q. Were most of the tickets voted at your precinct Democratic or Republican tickets?—A. Mostly Republican.

Q. Quite a large majority Republicans?—A. Yes, sir.

Q. Were the Republican tickets voted there of the character you have described?

(Objected to.)

A. Oh, yes, sir; the tickets that I have described were the tickets that were voted there by Republicans at that election.

Cross-examination by Mr. PEELLE:

Q. Did you see any of them voted?—A. Yes, sir.

Q. Did you see any of them after they were voted?—A. After they were in the box?

Q. Yes, sir.—A. No, sir.

Q. Then you do not know the kind of tickets that were in the box?—A. Yes, sir; I know the kind pretty well that were in the box.

Q. You did not see them, though?—A. I could not say. I expect that I saw some, probably; well, no, I would not say that I saw them actually go in the box—dropped in. I saw them put in the hands of the inspector.

Q. You know they were the same kind of tickets you have described?—A. Yes, sir.

Q. Were you ever engaged in newspaper work or book work?—A. No, sir.

Q. Are you an expert in judging paper of different quality?—A. No, sir.

Q. You give this, then, as your opinion simply as to the quality of the paper, not knowing as an expert?—A. Well, I could not say that it was an opinion, because it was my judgment upon seeing and handling the papers.

Q. What is the difference between your judgment and opinion of the matter?—A. I might not be an expert in the matter, and still have a judgment upon the color and character of the ticket, and might not be able to tell what it was made of.

Q. Is not all that you know about it simply that it was on a little heavier paper than the Democratic and National tickets were printed on?—A. No, sir; that is not all.

Q. What else do you know?—A. In the first place when I went to the polls that morning, I had not been there five minutes——

Q. I am asking if it is not the fact that all you know about it is, that the ticket was a little heavier than the other?—A. If I understand your question, I think I was answering it right.

Q. Is it not a fact that that is the only difference that you are able to discern, not being an expert, simply that it was on heavier paper?—A. No; that is not the only way.

Q. What other difference about the ticket was there?—A. I say, under your ques-

tion, as soon as I arrived at the polls, it was the common conversation that that ticket was not like the other tickets.

Q. I am not asking you what other people said; I ask you what you know about it?—A. You asked me how I knew; that is one way.

Q. Do you know it from other people?—A. From myself, and there were other people called my attention to the ticket.

Q. You did not notice the ticket until your attention was called to it?—A. Yes, sir; as soon as I saw one.

Q. Is not all that you know about the ticket, not being an expert, simply that it was a heavier quality than the Democratic or National ticket?—A. That is the way I told it was different, because the color was not as clear, and because it was heavier, and as soon as I saw the inside of it; it was distinguished at the top by this scroll-work about the name.

Q. I am not speaking about the marks on the ticket; I am speaking about the quality of the paper. The paper was simply heavier than the Democratic or National tickets?—A. Yes, sir.

Q. Is not that all?—A. In the paper itself?

Q. Yes, sir.—A. No, sir; my recollection of it is that the color was not the same.

Q. I am speaking about the heft of the paper. Is not the only difference between the Democratic ticket and the National ticket and the Republican ticket, that the Republican ticket was heavier than the other?—A. In weight of the ticket? Yes, sir.

Q. Then it was on paper?—A. It was some character of paper.

Q. Was it white paper?—A. I think not.

Q. What color was it?—A. It was very nearly white paper, but my recollection of it now from what was used in our ward, it had a cream tinge to it—a light tinge that made it not as white as the Democratic and National ticket.

Q. I will ask you to take the ticket I now hand you, and state whether that is the ticket, or a similar ticket, to those voted in the precinct you spoke of. [Mr. Peelle handed the witness a ticket.]

Mr. WILSON. I object to that question unless the ticket is offered in evidence. If Mr. Peelle proposes to follow that up by making the ticket an exhibit, I will withdraw the objection; but if not, I will object to the question.

A. Well, the ticket itself is, I think, a similar ticket to the one that was used there.

Q. What is the color of this ticket?—A. Well, I think the color of this is about the color of the ticket used there, but my impression is—it might be a color blindness—but there is a little tinge to this ticket.

Q. You can state the color of this ticket?—A. It is very nearly plain white. It is not exactly plain white.

Mr. WILSON. Do you offer that in evidence?

Mr. PEELLE. No, sir.

Q. You spoke about a scroll being on the ticket there. I will ask you if that scroll you spoke of was not a part of the tail of the "R"?—A. No, sir. My recollection is, and I am only stating from my recollection, of course, of that matter, is that it was a scroll clear around the name "Republican ticket."

Q. All the way round "Republican ticket"?—A. Yes, sir. That is my recollection now, not seeing the ticket since then, and when I saw the ticket, the scroll presented itself to the eye first, and you could see the name inside the scroll. Of course, I may be mistaken about that, but that is my recollection about the head of the ticket.

Q. Do you know of any of those tickets having been voted that had another one folded within it?—A. No, sir.

Q. Do you know of any one that was misled in consequence of the quality of this ticket, or the distinguishing mark you refer to—that was misled in voting?—A. I cannot say about that. Do I know of any one that was misled about voting?

Q. Yes, sir.—A. I do not know any one.

Q. Do you know of any one who would have voted differently had the ticket been printed upon the same character of paper as the Democratic and National ticket had been printed on?—A. No, sir.

Q. Do you know of any one that complained to the board at your precinct about the character of this ticket?—A. Not to the board; I do not.

Q. State your politics now.—A. I am a National.

Q. Properly known as the Greenback candidate for Congress?—A. Yes, sir.

ROBT. W. MEDKIRK.

The further taking of these depositions was, by consent of both parties, adjourned till Tuesday, October 2d, at 10 o'clock a. m.

TUESDAY, *Oct. 2nd*—10 a. m.

Parties met pursuant to adjournment.

W. O. DEVAY, being first duly sworn, testified as follows:

Direct examination by Mr. WILLON, attorney for Mr. English:

Q. State your name and age.—A. W. O. DeVay; I am 33 years old.
Q. Do you reside in this city?—A. I do.
Q. How long have you lived here?—A. Since 1876.
Q. What is your business?—A. The paper business.
Q. How long have you been engaged in that business?—About ten years.
Q. You say you are in the paper business; what do you mean by that; what is the character of your business?—A. My business is making and handling every variety of paper; manufacturing and selling.
Q. Are you in the wholesale business?—A. Yes, sir.
Q. Do you retail?—A. To some extent; not very largely.
Q. You are in the wholesale paper business?—A. Yes, sir.
Q. Are you a branch house of any company?—A. The same capital that owns and controls the Cleveland Paper Co. owns and controls the house I am connected with—"The Indiana Paper Company."
Q. Were you in the city of Indianapolis at the time of the Congressional election November 7th, 1882?—A. Yes, sir.
Q. If you were at any precinct where voting was done, where was it?—A. I do not know what the precinct is; it is the 17th ward, right opposite to my place of business on Maryland st.
Q. Did you see the Democratic, Republican, and National tickets voted at that election?—A. Yes, sir.
Q. I hand you this ticket; was that the Republican ticket that was used and voted at that election?—A. To the best of my recollection, it was.

Mr. WILSON. We offer that ticket in evidence as a part of the deposition of this witness, and ask that the same be identified by the notary.

The ticket was identified by the notary as Exhibit B to the deposition of W. O. DeVay, and will be found attached to this deposition.

The WITNESS. It was a ticket similar to that.

Q. Who was the candidate for Congress on the Democratic ticket at that election?—A. Mr. English.
Q. Who on the Republican ticket?—A. Mr. Peelle.
Q. Was there any figure, embellishment, or distinguishing mark at the head of said Republican ticket, or elsewhere, to designate it?

(Objected to as incompetent, for the reason that the ticket will show for itself.)

A. I could have told the ticket from any of the others I saw there at the polls that day.
Q. Was any part of the ticket engraved?—A. Not being an expert——

(Objected to as incompetent, as the ticket shows for itself.)

The WITNESS. (Continuing.) My impression is that the head of the ticket is an engraved heading; but, not being an expert in printing—from my knowledge of it I would say that it was an engraved head printed on the ticket.

Mr. TAYLOR. You said you had not had any experience.

The WITNESS. I am not a competent judge. I am not a critical judge enough to tell whether it is a printed head or an engraved head, but my judgment is, it is an engraved head.

Q. You are not an expert in engraving?—A. No, sir.
Q. Is that ticket on plain white paper?

(Objected to as incompetent; that the ticket will show for itself.)

A. No, sir; it is not.
Q. Is it plain white writing paper?

(Objected to as incompetent; that the ticket will show for itself; also, as being leading.)

A. No, sir.
Q. Is the ticket plain white book paper?

(Objected to for the same reasons.)

A. No, sir.
Q. What is the material on which this ticket, that you have made an exhibit, is printed?

(Objected to as incompetent; that the ticket can show for itself.)

A. The ticket is printed on what is termed and designated as plate-paper in our business.
Q. Is that a kind of material known in the trade as either print, writing, or book paper?—A. No, sir.
Q. Do you buy it or sell it as either print, writing, or book paper?

(Objected to as immaterial.)

A. No, sir.

Q. If a man would come to your store and ask to buy plain white paper, would you show him such material as this ticket is printed on?

(Objected to as incompetent and immaterial.)

A. No, sir.

Q. Do you call the material on which this ticket is printed, plain white paper?

(Objected to as leading, and that the ticket shows for itself.)

A. We call that "plain white plate." That is what we call it if we were designating it. We would say "white plate." That is the way we would bill it, and the way we would charge it; and the way we have done ever since I have been in the business.

Q. Is that what the manufacturers would call it?—A. Yes, sir.

Q. What is it called in the printed catalogue issued by the principal dealers in such goods?

(Objected to as immaterial.)

A. Plate paper.

Q. What is it called in your invoice bills and books?

(Objected to as immaterial.)

A. Plate paper.

Q. Did you sell any such plate to William B. Burford, of this city, before the Congressional election?

(Objected to as immaterial and irrelevant.)

A. Our house has sold Mr. Burford and the house of Braden & Burford plate paper for years.

Q. In making the entry of the sale on your books did you call it writing paper, print paper, book paper, plain white paper, or plate?

(Objected to as incompetent, irrelevant, and immaterial.)

A. We called it plate paper.

Q. What is such material generally sold for?

(Objected to as immaterial.)

A. Lithographing. It is very seldom used for any other purpose.

Q. Does Mr. Burford do a lithographing business?—A. Yes, sir.

Q. Do you ever sell such material as plain white writing, plain white print, or plain white book paper?

(Objected to as immaterial and leading.)

A. We sell it, but we do not have it called for in that way. It is designated by the quality, print, book, or writing.

Q. Do you ever call it plain white paper at all?—A. No, sir; we do not. Everybody is supposed to know, for it is a different color from white. We designate the color by saying "blue," "pink," "green," etc. In every order we get we suppose white is meant unless it is designated otherwise.

Q. Do you ever sell it as either writing paper, print paper, or book paper?

(Objected to as immaterial.)

A. If a man comes into our house and wants a ream or ten reams of print paper he gives us the size and weight. He says, "I want ten reams 25 by 38." If he wants book paper, he says, "I want book paper," such a size and weight. It is designated by "print" or "newspaper."

Q. Would you furnish him this material?—A. No, sir.

Q. Did you have this "lithographic plate," such as the Republican ticket is printed on, for sale at the time of said election?

(Objected to as immaterial.)

A. We had plate paper, and have had ever since we have had a house.

Q. Of that quality and weight?—A. To the best of my knowledge, we have had.

Q. Does a mill that makes print paper ever make this lithograph paper?

(Objected to as immaterial.)

A. No, sir; they cannot make it.

Q. Does a mill that makes writing paper ever make this lithograph paper?—A. They can make it, but will not.

Q. Is this "lithograph plate" manufactured or sold for general use or for a limited and specific use; if so, what?—A. It is made for a specific use—that of lithographing or engraving on, and it is very rare that it is ever put to any other use but lithographing. It is made specifically for lithographing purposes.

Q. In your long experience did you ever know it to be used for election tickets before?

(Objected to as immaterial and leading.)

A. No, sir; I never did.

Q. Is lithograph plate, such as this Republican ticket is printed on, made in the same way as either writing paper or print paper?

(Objected to as immaterial and leading.)

A. It is made in the same manner that writing paper is made, but out of entirely dif-

ferent stock. You might say it is made in the same manner that print is made, but on entirely different stock.

Q. Has it the same number of sheets to the ream?—A. A ream of writing, or of print?

Q. Of either.—A. No, sir; it is put up different amounts per ream.

Q. Explain the difference.—A. Writing paper is put up, unless specially ordered, 480 sheets to the ream and 24 sheets to the quire. A ream of print paper is 480 sheets to the ream and a ream of lithograph plate is put up 500 sheets to the ream. It is so known and listed.

Q. What is the weight of a ream of plain white print paper, size of sheets 25 by 38, say (objected to as immaterial); and what was it worth per ream at the time of said election?

(Objected to as immaterial.)

A. A ream of print paper, standard size and weight, 25 by 38, would be 30 pounds to the ream; and the price at that time, as near as I can recollect, was from $1.80 to $1.95 per ream.

Q. Is 25 by 38 a standard?—A. That is one of the standard sizes. That is the basis.

Q. What is the weight of a ream of plain white book paper of the same size?—A. A ream of 25 by 38 book paper would be from 45 to 50 pounds; standard used in this State is 45 pounds to the ream, 25 by 38.

Q. What was it worth per ream at the time of the election?—A. Plain white book, a year ago, was worth not over $4 for 50-pound reams, and not to exceed $3.60 for 45-pound.

Q. What is the weight of a ream of lithograph plate, such as this Republican ticket is printed on, of the same sized sheets, namely, 25 by 38?

(Objected to as incompetent and immaterial.)

A. A ream of that paper would weigh 100 pounds to the ream, 25 by 38. The lowest market price there has ever been on that has been ten cents a pound, which would make it $10. That is the price we have sold it at. That is the lowest market price I have ever known of it. I presume that that paper at that time cost more money.

Q. Please repeat the relative weight of plain white print paper, plain white book paper, and this plate, the same sized sheets—all of standard dimensions.

(Objected to as immaterial and leading.)

A. The plain white or print paper would be 30 pounds to the ream, 25 by 38, giving the same basis of size; book paper from 45 to 50, making 15 to 20 pounds difference; plate would be 100 pounds, which makes 50 pounds more.

Q. I do not know as I understood exactly what you said as to the price of this plate paper at the time of this election.—A. I could not say, from the fact that I would have to refer to our books and see what we were selling it at; but I know it was higher. My recollection is we were getting twelve cents a pound for our plate paper at that time or about that time, but what we were getting I would not say positively. I say now that we are getting ten cents a pound, and it is the lowest price we ever sold it at.

Q. At twelve cents a pound it would be $12 a ream?—A. Yes, sir.

Q. Do you think that a fair price for it at that time?—A. Yes, sir, I do; I could tell by referring to our books at that time just what we got.

Q. If one of your customers should buy for election tickets this lithograph plate at $10 or $12 per ream, when he could get good plain white book paper at $3.60 to $4 per ream, and plain white print paper at $1.80 to $1.95 per ream, would you not think he was either very ignorant or had some design in it?

(Objected to as immaterial and incompetent, and as seeking an opinion rather than a fact.)

A. I would think there was something wrong. I would not think a man of good reason would buy that kind of paper and pay that price for it when the other would do in that article, whether he wanted to use it for elections or not.

Q. Would it be any more difficult to counterfeit a ticket on lithograph plate than on plain white, print paper or book paper?—A. Well, I do not think it would. It would depend a good deal on what kind of a counterfeit you wanted to make. In printing it would not. It would be easier to counterfeit heavier paper, because print and book paper, being lighter, would show any design quicker than plate paper, from the fact that plate paper is so exceedingly heavy.

Q. When one of these Republican tickets was lightly folded would it remain folded or spring open?

(Objected to as immaterial.)

A. The plate ticket, do you mean?

Q. Yes, sir.—A. You cannot fold it; it would not stay folded tight like a print ticket.

Q. If another ticket was folded inside this ticket, and thus folded said tickets were dropped into the ballot-box, would this ticket be likely to spring open and separate so as to release the inclosed ticket and make two ballots?

(Objected to as immaterial and leading.)

A. In my opinion it would, from the fact that it will not stay folded.
Q. Did you see the Democratic ticket voted at that election?—A. Yes, sir.
Q. Did you see the National ticket voted at that election?—A. Yes, sir.
Q. Could you distinguish this Republican ticket when folded with the name inside from those tickets, or either of them, by sight or touch?
(Objected to as immaterial and incompetent, for the reason that there is no evidence as to the character of the National or Democratic tickets, or whether they were of heavy or lighter paper.)
A. Yes, sir.
Q. Could you distinguish said Republican ticket voted for Stanton J. Peelle from the Democratic ticket voted at said election, said tickets being folded separately with the names inside; and, if so, how?
(Objected to as immaterial and leading, there being no evidence as to the character of the Democratic ticket, and whether it was on heavier or lighter paper.)
A. If Stanton J. Peelle's name was on the ticket, as it is here, I could tell it every time. If you want to know why, I will very soon show you. Take that ticket in your hand and you cannot hold it like print or like book paper without doubling it up in that way [illustrating]; and if a man goes up to the polls you could tell every time. But you take a print paper or a light paper and it will not stand out; and that is the reason why. You cannot pull that ticket down unless you press it, and then you cannot keep it down. That ticket will spring back in spite of you.
Q. Could you distinguish said Republican ticket voted for Stanton J. Peelle from the National ticket voted at that election, both being folded with the names inside; and, if so, how?
(Objected to as immaterial and leading, for the reason that there is no evidence as to the character of the National ticket, whether it was on heavier or lighter paper.)
A. I could.
Q. Could you do it by sight?—A. Yes, sir.
Q. Could you do it by touch?—A. Yes, sir.
Q. Could you distinguish said Republican ticket voted for Stanton J. Peelle from any ticket of like length and width that was either on plain white print paper, or writing paper, or book paper?
(Objected to as immaterial.)
A. I could have if it was the same weight and size of the Democratic and National tickets.
(Answer objected to, for the reason that there is no evidence to show that the Democratic and National tickets were of the same size as the Republican ticket.)
Q. Could you distinguish the Democratic ticket voted at that election from the National ticket voted at that election, the tickets being separately folded with the names of the candidates inside?
(Objected to, for the same reason.)
A. No, sir; I do not think I could. I know I could not.
Q. I understood you to say that you saw the tickets voted at that election for the respective candidates.—A. I did.
Q. I show you this ticket headed "Democratic ticket." Is that the ticket voted and used at that election by the Democratic party?—A. Yes, sir.
Q. I show you another ticket printed at the head "National ticket," and ask you if that was the ticket that was voted at that election by the National party?—A. Yes, sir.
Mr. WILSON. We offer those two tickets in evidence as a part of the deposition of Mr. De Vay, and ask that the same be identified and marked as exhibits by the notary.
(The tickets were marked as follows: The Democratic ticket was marked Exhibit C to the deposition of W. O. De Vay, and the National ticket was marked Exhibit D to the deposition of W. O. De Vay, and they will both be found attached to this deposition.)
Q. Could the inspector and other election officers tell by these plate tickets, even when folded with the names of the candidates on the inside, whether or not the person voting at said election was voting the Republican ticket?
(Objected to as immaterial, for the reason that this witness cannot tell what the election board would do under such circumstances.)
Mr. WILSON: We offer him as an expert.
A. My idea is if a man wanted to know and was interested to know, he could—seeing it from my stand-point. I know I could.
Q. Could persons looking on at the polls at said election tell these Republican tickets when the voters handed them to the inspector and when the inspector placed them in the ballot-box, even when carefully folded with the names inside?
(Objected to as immaterial.)
A. I can tell what I know. I could tell what the politics were standing looking on, and did do it.

Q. Do you know whether other persons there identified tickets looking on, or not?—A. Yes, sir.

Q. You know they did?—A. Yes, sir. Mr. Dean, of Woodford, Dean & Co., called my attention to it down at the polls, and he was challenging at the time, and I had my attention called further to it from the fact that handbills were posted up at the election places notifying and warning the people of such tickets being voted.

Mr. PEELE: That *these* tickets were being voted [indicating]?—The WITNESS. Yes, sir; I think so. I am not positive, but I think that was done.

Q. I will ask you how long you have been in this paper business, handling and selling paper?—A. Ten years.

Q. You have been constantly engaged in it?—A. Yes, sir; nothing else. It has been my business the best part of my life.

Cross-examination by Mr. PEELLE:

Q. Are you a Democrat?—A. I am.

Q. Is that Republican ticket that you made part of your evidence—is it on paper?—A. It is plate paper.

Q. Is it card-board, or is it bristol-board, or is it paper?—A. It is plate paper.

Q. What is the color of that ticket?—A. It is white.

Q. Is it plain white, or tinted?—A. It is plain white.

Q. Had you any bet on Mr. English in this election?—A. No, sir; I did not.

By Mr. WILSON:

Q. Did you vote at that election?—A. No, sir; I did not.

WM. O. DE VAY.

EXHIBIT B.—*To the deposition of W. O. De Vay—P. C. H., N. P.*

REPUBLICAN TICKET.

STATE TICKET.

For Secretary of State,
EMANUEL R. HAWN.
For Auditor of State,
EDWARD H. WOLFE.
For Treasurer of State,
ROSWELL S. HILL.
For Attorney-General,
DANIEL P. BALDWIN.
For Clerk of the Supreme Court,
JONATHAN W. GORDON.
For Superintendent of Public Instruction,
JOHN M. BLOSS.
For Judges of the Supreme Court,
First District—WILLIAM P. EDSON.
Second District—JOHN G. BERKSHIRE.
Fourth District—JOHN F. KIBBEY.

CONGRESSIONAL TICKET.

For Member of Congress, Seventh Congressional District,
STANTON J. PEELLE.

MARION COUNTY TICKET.

For Judges Superior Court—Term, 1882,
JOHN L. McMASTER.
DANIEL W. HOWE.
For Judge Superior Court—Term, 1884,
LEWIS C. WALKER.
For Judge Criminal Court,
JAMES E. HELLER.
For Judge Circuit Court, Nineteenth Judicial Circuit,
JOSHUA G. ADAMS.
For Prosecuting Attorney, Nineteenth Judicial Circuit,
WILLIAM T. BROWN.
For Clerk,
MOSES G. McLAIN.
For Sheriff,
JAMES W. HESS.
For Treasurer,
WILLIAM G. WASSON.
For Auditor,
JUSTUS C. ADAMS.
For Recorder,
WILLIAM F. KEAY.
For Coroner,
ALLISON MAXWELL.
For County Surveyor,
HERVEY B. FATOUT.
For County Commissioners,
First District—WHARTON R. CLINTON,
Second District—FRIEDERICH OSTERMEYER.
Third District—ARCHIBALD GLENN.
For State Senator,
JOHN B. ELAM.
For Joint Representative Marion, Shelby, and Bartholomew Counties,
WILLIAM GILGOUR.
For Representatives,
RALPH HILL.
WILLIAM D. TOBIN.
WILLIAM T. FLETCHER.
DAVID B. SHIDELER.
SAMUEL A. ELBERT.

(Indorsed:) Exhibit B, to the deposition of W. O. De Vay.

EXHIBIT C.—*To the deposition of W. O. De Vay—P. C. H., N. P.*

DEMOCRATIC TICKET.

Secretary of State,
WILLIAM R. MYERS.
Auditor of State,
JAMES H. RICE.
Treasurer of State,
JOHN J. COOPER.
Attorney General,
FRANCIS T. HORD.
Clerk of the Supreme Court,
SIMON P. SHEERIN.
Superintendent of Public Instruction,
JOHN W. HOLCOMBE.
Judge of the Supreme Court,
1st Dist.—WILLIAM E. NIBLACK.
Judge of the Supreme Court,
2d Dist.—GEORGE V. HOWK.
Judge of the Supreme Court,
4th Dist.—ALLEN ZOLLARS.

Member of Congress—Seventh District,
WILLIAM E. ENGLISH.

Judge Nineteenth Judicial Circuit,
ALEXANDER C. AYRES.
Judges Superior Court, Vacancies Occurring in 1882.
JOHN A. HOLMAN,
NAPOLEON B. TAYLOR.
Judge Superior Court, Vacancy to Occur in 1884.
FREDERICK HEINER.
Judge Criminal Court,
PIERCE NORTON.
Prosecuting Attorney, Nineteenth Judicial Circuit,
FRANCIS M. WRIGHT.
State Senator,
WILLIAM B. FLETCHER.
Representatives,
JESSE S. WHITSIT,
WILLIAM D. BYNUM,
JOHN C. FERRITER,
JOHN R. WILSON,
ELISHA J. HOWLAND.
Joint Representative Marion, Shelby and Bartholomew Counties,
BELLAMY S. SUTTON.
Clerk,
ROBERT L. McOUAT.
Sheriff,
DANIEL A. LEMON.
Auditor,
THOMAS H. LITZENBERG.
Treasurer,
ELI HEINEY.
Recorder,
CORNELIUS KELLY.
Coroner,
CHARLES N. METCALF.
Surveyor,
DANIEL B. HOSBROOK.
Commissioners,
First District—RICHARD SENOUR.
Second District—HENRY GIMBER.
Third District—JOSEPH LOFTIN.

(Indorsed:) Exhibit C to the deposition of W. O. De Vay.

EXHIBIT D.—*To the deposition of W. O. De Vay—P. C. H., N. P.*

NATIONAL TICKET.

For Secretary of State,
HIRAM Z. LEONARD.
For Auditor of State,
JOSHUA N. ARMANTROUT.
For Treasurer of State,
JOHN STUDABAKER.
For Attorney-General,
MINES W. LEE.
For Clerk of the Supreme Court,
JARED SATER.
For Superintendent of Public Instruction,
CHARLTON BULL.
For Judge of the Supreme Court, 1st District,
WILLIAM E. NIBLACK.
For Judge of the Supreme Court, 2d District,
GEORGE V. HOWK.
For Judge of the Supreme Court, 4th District,
JOHN F. KIBBY.
For Representative in Congress, 7th District,
ROBERT W. MEDKIRK.
For Judges of Superior Court, Term of 1882,
DANIEL W. HOWE.
NAPOLEON B. TAYLOR.
For Judge of Superior Court, Term of 1884,
LEWIS C. WALKER.
For Criminal Judge,
PIERCE NORTON.
For Judge, 19th Judicial Circuit,
JOSHUA G. ADAMS.
For Prosecuting Attorney, 19th Judicial Circuit,
WILLIAM T. BROWN.
For County Clerk,
ROBERT L. McOUAT.
For Sheriff,
DANIEL A. LEMON.
For Auditor,
THOMAS H. LITZENBERG.
For Treasurer,
ELI HEINEY.
For Recorder,
WILLIAM F. KEAY.
For Coroner,
ALLISON MAXWELL.
For Surveyor,
HERVEY B. FATOUT.
For County Commissioner, First District,
WHARTON R. CLINTON.
For County Commissioner, Second District,
FREDERICK OSTERMEYER.
For County Commissioner, Third District,
JOSEPH LOFTIN.
For Senator,
WILLIAM H. HARTMAN.
For Representatives,
SCOTT A. TURNER.
HEZEKIAH W. ROBERTS.
WILLIAM HUBBARD.
ALFRED P. WILEY.
ALEXANDER S. STANTON.

(Indorsed:) Exhibit D to the deposition of W. O. De Vay.

WILLIAM B. BURFORD, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Question. State you name and age.—Answer. William B. Burford; age, 36.

Q. You reside in the city of Indianapolis?—A. Yes, sir.

Q. How long have your resided there?—A. Since 1867.

Q. What is your business?—A. Lithographer, blank-book manufacturer, printer, and stationer.

Q. How long have you been engaged in that business?—A. Since 1861.

Q. Were you in the city of Indianapolis at the time of the Congressional election on November 7, 1882; and, if you were, did you attend any precinct where voting was done?—A. I was.

Q. Did you attend any precinct?—A. Yes, sir.

Q. Did you see the Democratic, Republican, and National tickets voted at that election?—A. I did.

Q. Here are three tickets which have been made exhibits as a part of the evidence of Mr. De Vay, and I show you the one that is headed "Republican ticket." Did you see that ticket voted at that election?—A. I saw a ticket similar to this. I could not say that this is the identical ticket.

Q. So far as you know, was it similar in all particulars?—A. Yes, sir.

Q. I show you now the ticket that is headed "Democratic ticket." Did you see that voted at that election?—A. I make the same answer to this that I did to the other.

Q. One similar to it in all respects?—A. Yes, sir.

Q. Now I show you the one headed "National ticket," and ask you the same question as to that.—A. Yes, sir; this appears to be the same.

Q. The same answer to that question as to the others?—A. Yes, sir.

Q. Who were the candidates for Congress on the Democratic and Republican tickets at that election?—A. Mr. Peelle and Mr. English.

Q. Mr. English on the Democratic ticket, and Mr. Peelle on the Republican?—A. Yes, sir.

Q. Was there any figure, embellishment, or distinguishing mark at the head of this Republican ticket or elsewhere to designate it?

(Objected to as immaterial and incompetent, for the reason that the ticket will show for itself.)

A. There was.

Q. Was the ticket, or any part of the Republican ticket offered here, engraved?—A. I think the head was engraved.

Q. Is the material on which that ticket is printed plain white print paper?

(Objected to as incompetent, for the reason that the ticket will show for itself.)

A. It is what I know to be plate paper.

Q. Is it on plain white paper?

(Objected to as leading.)

A. It is not.

Q. Is it on plain white book paper?

(Objected to as leading.)

A. It is not.

Q. Is that material on which the Republican ticket is printed known in the trade as either print, writing, or book paper?

(Objected to as immaterial.)

A. It is not.

Q. Do you buy it or see it as either print, writing, or book paper?—A. I do not.

Q. If a man would come to your store and ask to buy plain white paper, would you show him such material as this Republican ticket is printed on?

(Objected to as incompetent and immaterial.)

A. I would not.

Q. Do you call the material upon which this Republican ticket is printed plain white paper?

(Objected to as leading.)

A. The question does not go far enough. It is plain white paper, but it does not go far enough to make an answer.

Q. Let us hear an explanation of what you mean.—A. This paper is evidently plain white, but the question does not say what kind of plain white paper. A man might have several kinds. He might have plain white writing paper, plain white book paper, plain white news paper or print paper, and plain white plate paper—any one of those four.

Q. Is that plain white plate paper?

(Objected to as leading.)

A. Yes, sir.
Q. What is it called at the manufactory where it is made?
(Objected to as incompetent.)
A. Plate paper.
Q. Do you know what it is called in the catalogue issued by the principal dealers?
(Objected to as incompetent and immaterial.)
A. Plate paper.
Q. What do you call it in your bills of invoice and on your books?
(Objected to as immaterial.)
A. Plate paper.
Q. Did you sell any of this plate paper to the Journal Publishing Company before the said election?
(Objected to as immaterial.)
A. I did.
Q. In making the entry of the sale on your book did you call it writing paper, print paper, book paper, plain white paper, or plate?
(Objected to as immaterial.)
A. It was charged and billed as plate paper.
Q. What is such material generally sold for?
(Objected to as immaterial.)
A. It is principally used for lithographic work.
Q. And it is generally sold for that?—A. Yes, sir.
Q. Did you make an entry as to the weight of this paper that you sold to the Journal Company?
(Objected to as immaterial.)
A. I did.
Q. What was that weight?—A. One hundred pounds.
Q. What was the number of sheets you sold, and what was the price?—A. Six hundred and twenty-five sheets, and the price was $18.20, if I remember correctly.
Q. Eighteen dollars and twenty cents for what?—A. Six hundred and twenty-five sheets.
Q. Do you do a lithographing business?—A. I do.
Q. Do you ever sell such material as this Republican ticket is printed on as plain white writing paper, or as plain white print paper, or as plain white book paper?
(Objected to as immaterial.)
A. I do not.
Q. Do you ever sell it as plain white paper at all, or do you sell it as plate paper?
(Objected to as leading and immaterial.)
A. We sell it as plate paper.
A. Does a mill that makes print paper ever make this lithographic plate or this plate paper?
(Objected to as immaterial.)
A. I think not.
Q. In your long experience did you ever know plate paper to be used for election tickets before?
(Objected to as immaterial.)
A. Never.
Q. What is the weight, if you know, of a ream of plain white print paper, size of sheets 25 by 38, and what is it worth per ream, or what was it worth per ream at the time of said election?
(Objected to as incompetent.)
A. The standard weight is 30 pounds; worth about $2 per ream.
Q. What is the weight of a ream of plain white book paper of the same size?
(Objected to as incompetent and immaterial.)
A. The standard is 45 pounds.
Q. Do you recollect what it was worth at the time of the election?—A. Worth about $3.80, according to the quality. I will qualify that a little. Book paper might run from $3.80 to $4.50.
Q. What is the weight of a ream of plate paper such as this Republican ticket that you have looked at is printed upon?—A. You mean of a relative size?
Q. Yes, sir; 25 by 38.
(Objected to as immaterial.)
A. About 100 pounds.
Q. What was it worth per ream at the time of the election, if you know?
(Objected to as immaterial.)
A. About $14 or $14.50. That would depend upon how much profit a man wanted to make.

Q. If one of your customers should buy for election tickets this plate paper at $14 to $14.50 per ream, and he could get good plain white book paper at the price you have named per ream, and plain white print paper at the price you have named per ream, would not you think that he was either ignorant or had some design in it?

(Objected to as incompetent and irrelevant, and because it seeks the opinion of the witness rather than the fact.)

A. If I knew he was going to use it for tickets I should infer that he either had a design or wanted to make a pretty big bill against the central committee. One of the two.

Q. Would it be any more difficult to counterfeit a ticket on this plate paper than on plain white print paper?—A. It would not be if you could get the paper.

Q. When one of these Republican tickets was lightly folded, would it remain folded or spring open?

(Objected to for the reason that it assumes that the ticket was lightly folded when voted.)

A. It would spring open if the folds had not been creased.

Q. If another ticket was folded inside this ticket and thus folded, said tickets were dropped in the ballot-box, would this ticket be likely to spring open and separate so as to release the inclosed ticket and make two ballots?

(Objected to as immaterial and incompetent and leading, because it assumes that there were tickets folded inside.)

A. You say "thus folded?"

Q. Folded as you say, lightly folded.—A. It would spring open.

Q. Would not tickets so folded and made upon the material that this Republican ticket is made be more apt to spring open than tickets made of the material upon which the Democratic and National tickets are made of and voted?

(Objected to as immaterial.)

A. It would.

Q. Could you distinguish said Republican ticket when folded with the names inside, either by sight or touch?—A. I could.

Q. Could you distinguish said Republican ticket voted for Stanton J. Peelle from the Democratic ticket voted at said election, said tickets being separately folded with the names inside?

(Objected to as immaterial.)

A. If I could get a chance to see each of them I could.

Q. Could you distinguish it by the touch?—A. Yes, sir; by the feeling. You said "sight" in your question.

Q. Could you distinguish them by sight if you could get to see them?—A. I could if I could see the end of the tickets, but I could not to see the back of the ticket. If a man would take a ticket up and hold it between his hand in that shape [illustrating], and let me see the back, I would have my doubts about whether I could do it or not; unless I would judge from the stiffness of it.

Q. Could you distinguish this Republican ticket from the National ticket?—A. I could.

Q. Could the inspector and other election officers tell by these plate tickets when folded with the names inside whether or not the person voting it at said election was voting the Republican ticket?

(Objected to as immaterial and leading, and because the witness cannot tell what the election board would know or think.)

A. I believe I could.

Q. Could persons looking on at the polls tell the same?

(Objected to for the reason that the witness cannot tell what the populace would say.)

A. That I cannot answer. It would depend upon what they were looking at, I suppose.

Cross-examination by Mr. PEELLE:

Q. You are a Democrat, I believe, in politics?—A. I am, sir.

Q. If I remember rightly you had no bet on the last election at all as to the result between Mr. English and myself?—A. No, sir; I never bet on elections.

Q. I will hand you the Democratic and National tickets, which have been introduced as a part of the evidence of Mr. De Vay; and I will ask you to state if there is any difference between the kind of paper that these two tickets are printed on?—A. Well, I think there is a slight difference.

Q. I will ask you to state what that difference is.—A. One is a little better grade of book paper than the other.

Q. Are they both printed on what is known as book paper?—A. They are.

Q. Is it plain white paper?—A. It is.

Q. I now hand you the Democratic and Republican tickets identified before, and ask you to state the difference between those two tickets.—A. One is printed on book paper and the other is printed on plate paper.

Q. Are they not both printed on plain white paper?—A. They are; so far as white goes, if you do not qualify.

Q. The only difference being one is what is known as "book" and the other is what is known as "plate paper"?—A. Yes, sir.

Q. You stated something about the heading of that ticket.—A. I said it was engraved; I believe it to be.

Q. Do you know whether it is engraved or not; can you answer whether or not it is?—A. So far as my judgment goes it is engraved.

Q. If it should be printed you would be mistaken.—A. It has got to be printed after it is engraved; the original has to be engraved first before you can print; it is not worked from type; there is no type can be set in that shape.

Q. You say you sold some paper of this kind to the Indianapolis Journal Company?—A. I did.

Q. When?—A. The day before the election.

Q. Is that the same kind of paper?—A. Yes, sir.

Q. Was the paper you sold them used in printing tickets?—A. That I could not say.

Q. Did the Indianapolis Journal Publishing Company return you any paper of that kind?—A. Not that I know of. They may have done so quite a while afterwards, but not at the time. They did not return that paper.

Q. I will ask you if the Indianapolis Journal Publishing Company did not borrow some paper of you just before the election?—A. That I could not state. We are not in the habit of borrowing or loaning paper. We sell each other paper and bill it to each other. The paper that I sold them was sold to them and billed to them and charged to them.

Q. You say you sold them 625 sheets?—A. Yes, sir.

Q. The day before the election?—A. Yes, sir.

Q. You do not know whether 625 sheets were returned to you afterwards or not?—A. I have no knowledge of it.

Q. You cannot say whether these tickets are printed on the same paper you sold them or not.—A. The identical paper?

Q. Yes, sir.—A. No, sir; I cannot. I did not stand over the press and see it done.

Q. I hand you what purports to be the Democratic ticket voted in Hancock County at the last election. Will you please examine that paper, and state what kind of paper it is, or what difference, if any, there is between that and the Republican ticket voted in this city?—A. I call that an extra heavy "book."

Q. What is "plate paper" used for?—A. Principally for lithographic work.

Q. Can you not lithograph on the kind of paper you now have in your hand?—A. I can.

Q. I will ask you if you cannot lithograph on that kind of paper equally as well as you can on this kind of paper upon which the Republican ticket is printed?—A. I cannot.

Q. What is the difference?—A. The difference in the thickness of the paper.

Q. I understood you to say you could not distinguish this Republican ticket from either the Democratic or National ticket unless you could see the edges of the tickets.—A. That was my answer.

Q. I will ask you to state to the notary whether or not you can distinguish the Democratic and National ticket, which I now hand you and which has been made part of the deposition of Mr. De Vay, by feeling them?—A. Having examined the tickets just recently, at this time I could.

Q. State if the Democratic ticket is not smoother paper than the National ticket?—A. I think not, so far as the finish is concerned. It is lighter.

Q. What is lighter?—A. The National ticket is lighter than the Democratic.

Q. Is not the Democratic ticket a finer finish than the National ticket?—A. Not that I can feel.

Q. Look at it and see if you do not discern a finer finish on the Democratic ticket than on the National ticket?—A. I see a whiter paper.

Q. State if it is not as difficult to detect the Republican ticket by feeling from the Democratic ticket, and the National ticket, as it is to detect the Democratic ticket from the National ticket by feeling?—A. It is not.

Q. What is the difference?—A. In the thickness of the paper.

Q. I am not speaking of the thickness of the paper. I am speaking about the feeling of the surface of the paper.—A. No, sir. It is not quite so difficult.

Q. What is the difference?—A. The difference is that the plate paper is a little finer finish than either of those, and smoother.

Q. Is there any finer finish on the Republican ticket than on the Democratic ticket that you hold in your hand?—A. Yes, sir; I think there is.

Q. What is the difference in the finish?—A. They come through the calender——

Q. (Interrupting.) Do not they both pass through the same calender?—A. Yes, sir; but the plate paper passes through oftener.

Q. Is not that for the purpose of making it more compact, more than for the purpose of putting a fine finish on it?—A. No, sir; it is not. It is for putting additional finish on it.

Q. I will ask you to state when the Republican ticket is folded with a crease, as tickets usually are when voted, if it is not just as liable to remain folded as the Democratic ticket similarly folded?—A. Not quite so much so. Although creased, there is more or less elasticity in this paper that would open it to a certain extent. You can test it yourself.

Q. I will ask you to state now if the only difference in the spring of the tickets is not in consequence of the heft of the ticket alone.—A. I think it is.

Q. Then there is no particular quality in the paper to make it spring, other than its weight?—A. I think not.

Q. It is not bristol-board?—A. No, sir.

Q. It is not card-board?—A. No, sir.

Q. It is paper?—A. Yes, sir.

Q. And the color is plain white?—A. Plate paper; yes, sir.

Q. Do you know of anybody that was misled in voting in consequence of that ticket?—A. How do you mean?

Q. Voted differently from what they would if the ticket had been printed on the same quality of paper that the Democratic ticket was printed on.—A. Was misled by it?

Q. Yes, sir. Did anybody vote differently in consequence of this Republican ticket being printed on this kind of paper, that you know of?—A. I know of one instance.

Q. What was the instance? Explain it.—A. It was this way: It was a colored man. I was at the polls asking him to vote the Democratic ticket, and he agreed to do so and he picked the ticket up and went up to the polls and returned, saying that they knew he was going to vote the Democratic ticket and he would not do it.

Q. That is the only instance, is it?—A. That is the only one I have any knowledge of.

Q. You do not know of anybody that was misled, or voted differently from what he would have voted, other than that?—A. No, sir.

Q. And that is what he told you?—A. Yes, sir.

Q. Do you know the name of the colored man?—A. I know the man when I see him. I do not know his name.

Q. Do you know where he stops?—A. He was working around. I don't know where he lives.

Q. Have you seen him since?—A. I saw him once, and only once.

Q. Do you know where he was living at that time?—A. I do not.

Q. You cannot give his name?—A. I cannot.

Q. What precinct was that in?—A. It was in the fifth ward; I do not know which precinct it was.

Q. On what streets?—A. On the corner of First and Illinois.

Q. Have you made any examination of the folding of these different tickets, as to the spring there is in them?—A. I have not.

Q. You have not tested it at all?—A. No, sir.

Re-examination by Mr. WILSON:

Q. I understood you to say that the Democratic and National tickets shown you were both printed on book paper.—A. Yes, sir.

Q. And that it was plain white paper.—A. Yes, sir.

Q. You were asked if you could distinguish the difference here, on an inspection, between the Democratic and National tickets. Could you tell the difference, looking on at the election, between the Democratic and National ticket, as voted on that day?—A. I could not.

Q. Mr. Peelle asked you if this Republican ticket was not printed on plain white paper. Is it not true that, in that sense, card-board is plain white paper?—A. Certainly.

WM. B. BURFORD.

JOHN CARLON, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Question. Your name and age?—Answer. John Carlon. My age is 44.

Q. Do you reside in this city?—A. Yes, sir.

Q. How long have you lived here?—A. Nineteen years.

Q. What is your business?—A. Printing and binding.

Q. How long have you been in that business?—A. I have been in the printing business about 24 or 25 years.

Q. Were you in the city of Indianapolis at the time of the Congressional election on November 7, 1882?—A. Yes, sir.

Q. Were you at any voting precinct upon that day?—A. Yes; I was in the eleventh ward, at one of the precincts there—east of Meridian street. I forget the number of the precinct.

Q. Did you see the Democratic, Republican, and National tickets voted at that election?—A. I did.

Q. Who were the candidates for Congress on the Democratic and Republican tickets?—A. Mr. English on the Democratic, and Mr. Peelle on the Republican.

Q. You say you saw those tickets?—A. Yes, sir.

Q. I show the ticket that is made a part of the testimony of Mr. DeVay and marked Exhibit B, headed Republican Ticket. Is that the Republican ticket that was voted that day?—A. I judge so.

Q. Was there, and is there, any figure, embellishment, or distinguishing mark at the head of that Republican ticket, or elsewhere, to designate it?

(Objected to as incompetent, for the reason that the ticket will show for itself.)

A. It has an engraved head.

Q. I will show you also the ticket marked Exhibit C, which was made a part of the deposition of Mr. DeVay this morning, and ask you if that is the ticket that was voted by the Democrats at that same election?—A. Yes, sir.

Q. Also the ticket marked Exhibit D, to the deposition of Mr. DeVay, headed National Ticket. Is that the ticket that was used and voted by the Nationals on that day?—A. I judge so.

Q. Was the Republican ticket, voted on that day, on plain white paper?

(Objected to as leading and incompetent.)

A. It was on plain white plate paper.

Q. Was it on plain white writing paper?—A. No, sir.

Q. Was it upon white book paper?—A. No, sir.

Mr. PEELLE. I want it understood that I am objecting all the time to each of these questions as incompetent and for the reason that the ticket must speak for itself.

Q. Was it plain white print paper?

(Objected to for the same reasons.)

A. No, sir.

Q. What do you say was the material on which that Republican ticket was printed?—A. It is called "lithograph plate" paper.

Q. Is that a kind of material known in the trade as either print, writing, or book paper?

(Objected to as immaterial.)

A. No, sir.

Q. Do you buy it or sell it as either print, writing, or book paper?—A. No, sir.

Q. If a man would come to your store and ask to buy plain white paper, would you show him such material as that upon which the Republican ticket was printed?

(Objected to as incompetent and immaterial.)

A. No. I would not.

Q. Do you know what that material is called, that material upon which the Republican ticket was printed, by the manufacturers of it?—A. It is called lithograph plate paper.

Q. What is it called in the printed catalogue issued by the principal dealers in such goods?

(Objected to as immaterial.)

A. It is called plate paper.

Q. What do you call it in your invoice bills and books?—A. Plate.

Q. Does a mill that makes print paper ever make this lithograph plate?

(Objected to as immaterial.)

A. I think not, sir.

Q. Is this lithograph plate manufactured and sold for general use, or for a limited and specific use?

(Objected to as immaterial.)

A. It is generally sold for lithograph work.

Q. In your long experience did you ever know lithographic plate to be used for election tickets?

(Objected to as immaterial.)

A. No, sir. I never did before.

Q. Do you sell paper?—A. No; that is, not for trade. Of course we sell it to customers when we print books and such as that.

Q. Is lithograph plate, such as the Republican ticket is printed on, made in the same way as either writing paper or print paper, if you know?

(Objected to.)

A. I do not really know.

Q. I understood you to say that you were in the printing business?—A. Yes, sir.

Q. Would it be any more difficult to counterfeit a ticket on lithograph plate than on plain white print paper?—A. I do not know that it would.

Q. When one of said tickets was lightly folded would it remain folded, or would it be liable to spring open?

(Objected to.)

A. It would be liable to spring open, except it was creased very thoroughly, and even then it would probably spring open.

Q. If another ticket were folded inside this ticket, and thus folded said tickets were dropped in the ballot-box, would this ticket be likely to spring open and separate so as to release the inclosed ticket and make two ballots?

(Objected to as incompetent and immaterial.)

A. I do not know; I never tried it; I cannot say. The probability is it would spring open and give a chance for the inside one to drop out; I never tried it.

Q. Could you distinguish the said Republican ticket when folded with the names inside by sight?—A. Yes, sir.

Q. Could you do it by touch?—A. Yes, sir.

Q. Could you distinguish that Republican ticket from the Democratic ticket, both tickets being folded separately with the names inside?—A. I could.

Mr. PEELLE: I object all the way through to all these questions and answers as immaterial and incompetent.

Q. Could you distinguish that Republican ticket voted for Mr. Peelle from the National ticket voted at the same election, both being folded?—A. I could: yes, sir.

Q. Could you distinguish said Republican ticket voted for Mr. Peelle from any ticket of like length and width, that was either on plain white print paper, writing paper, or book paper of the same thickness?

(Objected to as incompetent and immaterial.)

A. I could.

Q. Could you distinguish the Democratic ticket voted at that election from the National ticket voted at that election, the tickets being folded?—A. No; I think not.

Q. Could the inspector, and other election officers, tell by these plate tickets, even when folded with the names of the candidates on the inside, whether or not the person voting at said election was voting the Republican ticket?—A. I should think he could.

Q. Could a person looking on at the polls at that election tell the Republican ticket when the voters handed them to the inspector and the inspector placed them in the ballot-box, supposing the tickets were carefully folded with the names of the candidates inside?

(Objected to as incompetent and immaterial, because the witness cannot tell what other people could have seen.)

A. Yes, sir.

Q. What is the weight of a ream of plain white print paper, size of sheets being 25 by 38 inches?—A. About 30 pounds to the ream is the average size.

Q. Do you know what was the value of that paper per ream, plain white print paper, at the time of the election referred to?—A. About $2.

Q. What is the weight of a ream of plain white book paper of the same size?—A. About 50.

Q. What was it worth per ream at the time of the election?—A. Fifty-pound was worth about $4 a ream.

Q. What is the weight of a ream of lithograph plate, such as that upon which the Republican ticket was printed upon, 25 by 38 inches?—A. That I do not know. I have used very little of it since we have gotten out of the lithographing business. We have had no use for it in our business.

Q. Do you know what the price of such paper is, generally, in the market?—A. Generally from 12 to 14 cents a pound.

Q. This ticket that I have shown you, this Republican ticket which is made an exhibit, was that the ticket which was voted at your precinct by the Republicans?—A. I should think it was, sir, or one just like it.

Cross-examination by Mr. PEELLE:

Q. What is your politics?—A. I am a Democrat.

Q. How long have you been a Democrat?—A. I cannot tell you.

Q. Born that way?—A. Born that way; yes, sir.

Q. Did you have any bet on the result of the Congressional election last fall?—A. I did after election day. The day after the election I bet one-half a box of cigars.

Q. Did you bet on Mr. English?—A. I did.

Q. Before the returns came in?—A. Yes, sir; before they came in.

Q. Is there any difference between this Democratic and National ticket that you have been talking about in the paper?—A. Yes, sir; there is a little difference.

Q. What is the difference?—A. The Democratic ticket is on a little bit better paper than the National ticket.

Q. What kind of paper is that?—A. That is book paper.

Q. Plain white paper, is it not?—A. Yes, sir.

Q. Now take the Republican ticket and say what is the difference between that and the Democratic ticket.—A. The difference is, one is book paper and the other is plate paper.

Q. The Republican ticket is plain white paper?—A. Yes, sir; plain white plate paper.

Q. And the other is plain white book paper?—A. Yes, sir.

Q. Still they are both plain white paper?—A. Yes, sir; one is "plate," and the other is "book."

Q. Still they are both plain white paper. Is not this plate paper equally as plain white paper as the book paper is plain white paper?—A. No, sir; if a man would ask me for plain white paper I would never show him lithograph.

Q. What would you show him?—A. Book paper.

Q. You say that plate paper is not plain white paper?—A. It is plain white lithograph paper.

Q. It is paper, is it not?—A. I suppose it is.

Q. What is the color of it?—A. White.

Q. Is it not plain white?—A. It is plain white lithograph.

Q. Is it not plain white?—A. Yes, sir.

Q. If it is paper, and its color is plain white, is it not plain white paper?—A. If a man would come in and ask me for plain white paper——

Q. I am not asking you about that. You say it is paper, and you say it is plain white in color. I ask you if that don't make plain white paper?—A. I suppose you would call it that, but nobody would ever inquire for it in that way.

Q. You would call it plain white paper as much as you would the Democratic ticket, that is book paper, plain white?—A. That is plain white paper.

Q. You would not designate that as plain white book paper?—A. You would call it plain white book paper.

Q. The only difference is that one is plain white book paper and the other is plain white plate paper?—A. Yes, sir; there is a difference in the thickness, and in the grade, and in the quality.

Q. Are there different qualities of book paper?—A. Yes, sir.

Q. The Democratic ticket is heavier than the National?—A. Yes, sir.

Q. Very nearly as much difference in the weight of those two as between the Republican and Democratic?—A. No, sir; I think not.

Q. Did you ever have any experience in manufacturing paper?—A. No, sir.

Q. Did you ever deal in paper as a dealer in paper?—A. No, sir; we buy a great deal.

Q. All you know about paper is as you use it in your book publishing and binding business.—A. Yes, sir; we buy a great deal of paper.

Q. You said you could distinguish the tickets by sight and by touch.—A. Yes, sir.

Q. How did you distinguish it by sight?—A. If I get near enough I can tell by the thickness of the paper and the quality of the paper.

Q. You can distinguish the Republican from the Democratic ticket because it is on a little heavier paper?—A. A good deal heavier paper.

Q. And no other way?—A. That is about all.

Q. And that is the same difference you could tell in any paper; because of its thickness and quality?—A. Yes, sir.

Q. Could you tell the difference between the National and Democratic tickets?—A. Not without I examined them beforehand.

Q. Are they the same color?—A. They are not exactly the same color; one is a little whiter than the other.

Q. You could tell those tickets by the color, couldn't you, readily?—A. If I examined them before.

Q. You see the difference between the color there of the two tickets?—A. Yes, sir.

Q. As to the Republican and Democratic tickets—is there any difference in the color of those two tickets?—A. Very little difference.

Q. Less than there is between the other two?—A. About the same difference.

Q. You say there is no more difference between the Democratic and Republican tickets in color than there is between the Democratic and National tickets in color. Look again.—A. Yes; there is a little more difference in color.

Q. Then you could more readily distinguish the Democratic from the National by sight than you could the Republican from the Democratic by sight.—A. No, sir. Sometimes all the paper is not of the same color. Without I saw the inside of the Democratic and National tickets I could not say which was which.

Q. You could not tell one from the other?—A. I could tell the Republican on account of its thickness.

Q. Could you more readily distinguish the Democratic ticket from the National ticket than you could the Republican ticket from the Democratic ticket by the color?—A. Yes, sir; provided I looked inside and saw what the ticket was.

Q. I am speaking about the color of the ticket; the outside of the ticket that shows when the ballot is folded. Could you tell the difference between that Republican and Democratic ticket in any other way unless you could see the edge of the ticket and see which was the heaviest?—A. No, sir; I could not.

Q. Then there are different qualities of what you call plain white print paper.—A. Yes, sir.

Q. You could tell the difference between heavy print paper and light print paper the same way if you could see the edges?—A. Yes, sir.

Q. You say that is a lithograph there, the heading?—A. No, sir; I did not say any such thing.

Q. You say it is engraved?—A. Yes, sir.

Q. How do you know it is engraved?—A. I know it is engraved because there is no type made like that. The original one is engraved. I suppose this is an electrotype or stereotype of the engraving.

Q. The reason you say it is engraved is because there is no type of that kind.—A. No, sir.

Q. There is not anything in the head that makes you think it is engraved?—A. Yes, sir; that embellishing mark, that flourish down there, is not in type.

Q. That is the reason you tell it?—A. Yes, sir. About the same reason that if your picture was on there you could not print it from type.

Q. The only reason you say this is an engraving is because there is no such type printed?—A. My reason is there was a flourish on it.

Q. Why?—A. Because that was engraved.

Q. How do you know it was engraved?—A. Because it never was printed from type. Because there is no such type made.

Q. Then it is your opinion that there is no type made like that?—A. No, sir. That has nothing to do with it. My opinion is that this is an engraving.

Q. Is there any other way by which you can tell an engraved ticket from a printed ticket of that kind?—A. Certainly.

Q. How do you tell it?—A. From the looks.

Q. Is not the only thing in the looks that you know there is no such type?—A. No, sir.

Q. If you can tell any other reasons I wish you would tell them.—A. I just explained it.

Q. You said it was because you knew there was no such type.—A. That was one reason, and another reason was that that ticket was engraved. Anybody that would see it would know it was engraved.

Q. How do you know it was engraved outside of the fact that you know there was no such type, if you can tell an engraving from a printing except from the fact of your knowlege of the different type?—A. I know from my knowledge of engraving that that ticket was engraved.

Q. You know it was engraved?—A. Yes, sir.

Q. Can you tell us why?—A. From the appearance of the head.

Q. What is there in the appearance?—A. I have just explained that once. It is in these flourishes and the general appearance of the head of the ticket.

Q. If that were printed, how different would it be?—A. This is printed.

Q. I thought you said it was engraved?—A. Certainly, the head must be engraved, but it was printed from that.

Q. What difference would there be between that if it had been originally printed from type?—A. The difference is in the appearance.

Q. What is there in the appearance?—A. I have just explained that.

Q. I have not heard it.—A. I told you it was on account of the flourishes that are on there.

Q. What difference is there in those flourishes from what there would be if they had been printed that way from type?—A. It could not be printed from type, because there is no such type made. That is one reason, and another reason is that I am positive it was engraved.

Q. You said this ticket would spring open if it were folded lightly?—A. Yes, sir.

Q. Would not the Democratic ticket do the same thing?—A. No, sir; not exactly.

Q. Suppose you take the Democratic and Republican tickets when they were folded with the crease like that. [Illustrating.] Is there any more danger of that ticket

springing than the Democratic ticket similarly folded?—A. Yes, sir; I think there is. Except you fold it that way. [Illustrating.] Then it would hold its place.

Q. I will ask you if the only difference in the spring of these tickets is not in consequence of the quality of the paper?—A. In the thickness and quality?

Q. In the thickness and quality, I mean.—A. Yes, sir.

Re-examination by Mr. WILSON:

Q. Are you engaged in the printing business?—A. Yes, sir.
Q. How long have you been in that business?—A. About 24 or 25 years.
Q. Do you do much printing?—A. Yes, sir.
Q. Do you do any engraving?—A. No, sir.
Q. Do you have it done?—A. Sometimes.
Q. Do you ever do any lithographing?—A. Yes, sir.
Q. Yourself?—A. I have it done in our establishment.

Q. Mr. Peelle asked you if this was not plain white, and if it was not paper? Is it not what you call cardboard paper in one sense?

(Objected to as incompetent.)

A. Outside of experts, the majority of people would call that ticket cardboard.

Q. That Republican ticket?—A. Yes, sir.

Q. You answer as an expert?

(Objected to.)

A. Well, I do not know about that.

Q. I will ask you whether or not that material upon which that Republican ticket is printed has not an ascertained meaning and an ascertained name in your business?—A. Yes, sir,

Q. Is it called in that business, as it is technically named, plain white paper?

(Objected to as leading.)

A. No, sir.

Q. What is it?—A. Plate paper.

Q. I will ask you what you call plain white paper in your business?

(Objected to.)

A. Book paper or writing paper.

Q. That is what you mean by plain white paper?—A. Yes, sir.

Re cross-examination by Mr. PEELLE:

Q. That is what you mean by plain white paper, book paper, writing paper, and print paper?—A. Yes, sir.

JOHN CAILON.

JOHN C. SHOEMAKER, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English.

Question. Please state your name, age, and residence.—Answer. John C. Shoemaker; age, 57; residence, Indianapolis.

Q. How long have you resided in Indiana?—A. All my life.

Q. Have you held any official position; if so, what?—A. I was county treasurer and county auditor; served in both branches of the legislature, and auditor of State.

Q. Were you in the city of Indianapolis at the time of the Congressional election held November 7, 1882?—A. I was.

Q. Did you attend at any precinct on that day?—A. I was at several of the precincts during the day.

Q. Who were the candidates for Congress in this seventh Congressional district on the Democratic ticket, and on the Republican ticket, and on the National or Greenback ticket?—A. Mr. English was the Democratic candidate, Mr. Peelle the Republican, and Mr. Medkirk was the National candidate.

Q. Did you see the Republican ticket voted for Stanton J. Peelle for Congress at that election in the city of Indianapolis?—A. Yes, sir.

Q. I call your attention to the ticket which has been made an exhibit to the deposition of Mr. De Vay, Exhibit B, and ask you whether or not that is the ticket?—A. Yes, sir; it was a ticket similar to that.

Q. You saw the National ticket and the Democratic ticket voted at that same election?—A. Yes, sir.

Q. I call your attention to Exhibit D, headed National ticket, which has been made an exhibit to Mr. De Vay's deposition, and ask you if that is the National ticket?—A. Yes, sir; I think so.

Q. I ask you the same question as to Exhibit C of Mr. De Vay's testimony, headed Democratic ticket?—A. I should say it was.

Q. I will ask you now whether the Republican ticket voted at that election had any distinguishing mark or other embellishment except the name of the candidates and the offices for which they were running?

(Objected to as immaterial and incompetent; that the ticket is the best evidence.)

A. The heading I regarded as a distinguishing mark.

Q. Can you describe what that distinguishing mark or embellishment was or is?—A. I do not know hardly what you want by the question.

Q. Wherein does it differ from ordinary type used in printing?

(Objected to as incompetent and immaterial.)

A. The other tickets are plain type, and the Republican ticket has a figure in the head; and, in my judgment, an engraved head.

Q. You say that that is an engraved head?—A. That would be my judgment. That is printed from an engraving.

Q. Does the material upon which the ticket is printed designate it?—A. Oh, yes, sir; I think so.

Q. Do you call that plain white paper upon which that Republican ticket is printed?

(Objected to as leading.)

A. Well, if a person was to ask me for plain white paper, I should not think of presenting him with that.

(Answer objected to as not responsive to the question.)

Q. When lightly folded would that Republican ticket remain folded or spring open?—A. Spring open.

Q. If another ticket were placed inside of that Republican ticket and then folded, and the tickets thus folded together dropped into the ballot-box, would the tickets be liable to spring open and separate so as to release the inclosed ticket and make two ballots?

(Objected to as immaterial and incompetent and leading, and as assuming that tickets were folded one within another as indicated by the question.)

A. Yes, sir; I think they would.

Q. Could you, by sight, distinguish that Republican ticket when folded with the names inside from one printed on what you understand to be plain white paper?

(Objected to as immaterial and leading.)

A. Yes, sir. Under certain conditions I could, and under certain other conditions I could not. Standing near a poll and seeing them used I could. I could not do it at a great distance or under unfavorable circumstances, but under anything like favorable circumstances I could tell them apart.

Q. Could you by touching it or handling it?—A. Yes, sir; I could.

Q. Could you by sight when you got a chance to see it plainly folded?—A. Why, I could if it was folded in the ordinary way like tickets are folded around the polls. I could tell it from the other every time under anything like favorable conditions, mainly from its bulk; and if it is in order I could give the reason.

Q. At the polls, looking on and interested in the election and trying to ascertain what parties the voters belonged to, could you tell what ticket was being voted or what party the voter belonged to if he was voting this ticket?—A. Yes, sir. Standing at the poll, as near as from me to Mr. English, and seeing tickets handed in, I do not think I would miss it once in twenty times.

Q. That distance between you and Mr. English is about four feet.—A. Yes, sir; as near as an ordinary challenger would stand. My method of telling it would be mainly from its bulk. The ticket is considerably more than twice as bulky as either of these other tickets; and tickets as they are folded ordinarily about elections are folded into eight folds—eight times, presenting eight thicknesses. That would make this ticket from eight to ten times thicker than the other ticket, because each piece of it is more than as thick again, and when they are brought together it makes the whole of it from eight to ten times thicker. That is the way I have noticed them—by their clumsy, bulky character. A voter going to the polls, if he held one end, as they ordinarily do, the other end would spring open and show the thickness. I watched them vote, and I think I could tell them every time. I did not do it from the color, because I don't think anybody, unless it was a very close observer and had sharp eyes, could do that. To a person feeling them there cannot be any question about that, because of the stiff, harsh character of them. In taking hold of them there is more resistance than there is in the other, and you can tell by the thickness.

Q. Did you ever know such material to be used for tickets at any election?

(Objected to as incompetent.)

A. Never before, that I remember of.

Q. Could you distingush the Democratic ticket voted at that election from the National ticket, both being folded with the names inside?

(Objected to as incompetent and irrelevant.)

A. I don't think I could. I did not try. I don't hardly think I could, because there

is very little difference in the color. I would not attempt to distinguish any of them by color. The way I distinguish them is from their bulky, clumsy character more than anything else.

Q. What is your business now?—A. Publishing a newspaper, and jobbing, and stationery, and a general printing business; general printing and stationery business.

Q. You handle and buy paper?—A. I do not do a great deal of it personally.

Q. How long have you been in that business?—A. I have been connected with it for eight or ten years, but I have been now engaged in it for five or six years, to the best of my recollection.

Cross-examination by Mr. PEELLE:

Q. What is your politics?—A. I am a Democrat.

Q. You are manager of the Indianapolis Sentinel, are you not?—A. Yes, sir.

Q. The leading Democratic paper in this State?—A. I don't know about it being the leading paper. It is a Democratic paper.

Q. So regarded by the Democratic party, is it not?—A. I shall not say that.

Q. It is the leading Democratic paper published in the city of Indianapolis?—A. I suppose it is so regarded.

Q. The columns of that paper were pretty liberally used in the last election for the advancement of Mr. English for Congress?—A. Reasonably so, I guess.

Q. Was it not more so for him than any other candidate on the Democratic ticket?—A. That is probably so.

Q. Had you any bet on the result of that Congressional election?—A. I believe I will decline to answer that question.

Q. I will ask you to take the National ticket and the Democratic ticket that you have been talking about and state the difference between those two tickets—I mean the quality of the paper and the weight.—A. Well, I should think they were both book paper. It is a very close question with me whether the National ticket is or not. The Democratic ticket clearly is. I guess they both probably would be regarded as book paper.

Q. Is not that Democratic ticket much heavier than the National ticket?—A. Yes, sir; it is some heavier. I should think it would be five to six pounds or six to eight to the ream. That is a mere guess.

Q. Can you distinguish the Democratic ticket from the National ticket by the feeling of it?—A. With a little practice I think I could.

Q. Cannot you now, without practice?—A. Yes, I can now.

Q. Don't you feel that the Democratic ticket is a little smoother and more compact?—A. I would distinguish it more from the thickness of it than the other.

Q. Is it not a fact that the Democratic ticket is a little smoother and more compact?—A. I don't think it is.

Q. Is there not a finer finish on the Democratic ticket than on the National ticket?—A. I would not like to say that there was. I think the chief difference in the paper is in the weight.

Q. Do you say that with reference to the Republican ticket, Democratic and National tickets?—A. I think the chief difference is in the weight. I am not a paper maker.

Q. Can you distinguish the Democratic ticket from the Republican ticket by feeling, without reference to its thickness, in the finish? Can you tell?—A. On the finish alone, without any reference to thickness, I am not prepared to say that I could.

Q. Then I understand you, the only way you can distinguish the Republican ticket from any of the other tickets is because the Republican ticket is on a little heavier paper than the other?—A. I don't want to say it is a little heavier. It is more than twice as heavy—it is merely because it is heavier stuff and unyielding. I should think it was three times as heavy as this National ticket and more than twice as heavy as the Democratic ticket.

Q. You say the head of the Republican ticket is engraved?—A. That is my judgment. I am not an engraver. If that is type I never saw anything like that in type.

Q. Do you say that the words "Democratic Ticket" are plain type on that Democratic ticket?—A. They are type.

Q. You said a while ago that it was plain type. I want to call your attention to that especially.—A. It is not as plain as some other type. I do not believe it would be regarded as fancy type.

Q. I ask you whether that would be regarded as plain type, that "Democratic Ticket"?—A. I don't know that I know where the dividing line is between plain type and that that is regarded as not plain. It is type. I don't know that I know where the dividing line comes in between plain and ornamental type.

Q. I will now exhibit to you what purports to be the Democratic ticket voted in Hancock County: what are the words "Democratic Ticket" at the head of that ticket? What type is that?—A. Undoubtedly plain type.

Q. If that is plain type then that on the Democratic ticket cannot be plain type?—A. It is not the same character. There might be different shades and different varieties. I don't know whether that would be classed by type-makers as plain type or not. I am not skilled enough in the business to say. It is ordinary type that is used in such business. There is no doubt about that.

Q. I understand you to say that this Republican ticket is about twice as heavy as the Democratic ticket, and about three times as heavy as the National ticket?—A. I did not say it was three times as heavy. It was somewhere between twice and three times as heavy, I should think.

Q. About twice as heavy as the Democratic ticket?—A. That would be my judgment of it—twice as thick.

Q. As thick again, or twice as thick?—A. Yes, sir. I formed my conclusion from my knowledge of the weight per ream of the different papers—taking them as being about the same size.

Q. Your judgment is that the Republican ticket is about twice as thick, or as thick again. Which do you mean?—A. About twice as thick. About twice as heavy.

Q. Will you explain how it is that this ticket folded will be eight or ten times as large as the other?—A. Because there are eight folds there.

Q. There are in both of them?—A. Yes, sir. Only one fold is twice as thick as the other, and if you put eight together it will be eight times.

Q. If the Republican ticket is twice as thick as the Democratic ticket, how can it be any more possibly than twice as big when it is folded than the Democratic ticket?—A. Because there are eight folds in each, and each one of the folds is twice as thick as the other. I think I understand myself about this. If one thickness of that is double the other, eight thicknesses will be eight times as much.

Q. Fold them close together and press them in your finger and look, and tell the notary whether or not the Republican ticket is twice as large as the Democratic ticket when folded.

[The witness did as requested.]

A. Well, it is possible that I am mistaken about that. I could not say. I know this; that it is the difference in thickness between the two tickets that enabled me to tell the difference, and that enables everybody to tell.

Q. How much more bulky is the Republican ticket than the Democratic ticket as you have it folded together? Eight times?—A. I guess it is twice as heavy.

Q. You know of none of these tickets having been folded with others inside of them when they were voted, do you?—A. No, sir; not of my own knowledge.

JNO. C. SHOEMAKER.

The further taking of these depositions was, by agreement of both parties, adjourned until to-morrow, Wednesday, October 3, at 9.30 a. m.

WEDNESDAY, *October* 3, 1883—9.30 a. m.

Parties met pursuant to adjournment.

FRANKLIN LANDERS, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Question. State your name, age, and residence?—Answer. Franklin Landers; age, 58; residence, 402 North Pennsylvania street, Indianapolis.

Q. How long have you resided in Indiana?—A. I have resided here 58 years.

Q. Have you held any official positions?—A. I was senator of the district composed of Morgan and Johnson Counties at one time—elected in 1860. I was elected to Congress from this district in 1874.

Q. Were you in the city of Indianapolis at the time of the Congressional election, November 7, 1882, and did you attend the same?—A. I was, and I attended the election.

Q. Did you act in any official capacity on that day?—A. I was judge of the second voting precinct, in the sixth ward.

Q. Who were the candidates for Congress from this, the Seventh Congressional, district on the Democratic, Republican, and National tickets at that election?—A. Mr. Peelle was the Republican candidate, and Mr. English was the Democratic candidate, and I have forgotten about the National.

Q. Was it Mr. Medkirk?—A. I do not know, sir.

Q. You mean by Mr. English, William E. English?—A. Yes, sir.

Q. Did you see the Republican tickets voted for Mr. Peelle for Congress at that election in the city of Indianapolis?—A. I did.

Q. I call your attention to the ticket marked "Exhibit B to the deposition of W. O.

De Vay," headed "Republican Ticket"; is that the ticket that was voted by the Republicans at that election?—A. I think this is the ticket that was voted at our precinct.

Q. I call your attention also to the ticket marked "Exhibit C to the deposition of W. O. De Vay," headed "Democratic Ticket"; was that the same ticket voted at your precinct?—A. My recollection is that it was.

Q. Also, I call your attention to the ticket marked "Exhibit D to the deposition of W. O. De Vay," headed "National Ticket." Do you recollect whether that is the ticket voted by the Nationals?—A. I do not think there were many votes of that kind there.

Q. You do not recollect whether you saw that ticket?—A. I do not. I do not believe there was a vote there. There might have been a few of those votes cast. I disremember about it.

Q. Can you describe the appearance of that Republican ticket voted for Mr. Peelle that is shown you just now; and if it has got any distinguishing features you can say so?

(Objected to as immaterial.)

A. Its head would seem to distinguish it.

Q. When lightly folded, would it remain folded, or be liable to spring open?—A. Well, it could not be folded as close as the other tickets could.

Q. If two of these tickets were folded together and held between the finger and thumb and put in the ballot-box would they be likely to spring apart and make two tickets?—A. They could not be held very close together. I think they would be likely to separate.

Q. Does the material, the thickness of the paper on which the ticket is printed, designate it?—A. It could be distinguished by the appearance. In counting these tickets, we were generally able to distinguish them by the bulk.

Q. By sight could you distinguish those tickets with the names folded inside?—A. From the bulk; yes.

Q. Is that plain white paper?

(Objected to.)

A. I do not know that I could answer that question. I am not very familiar with the different kinds of paper.

Q. Could you distinguish that ticket from the Democratic ticket when folded, with the name inside, by touching it?—A. Well, of course it has a different feeling, because it is much thicker.

Q. By touching it or handling it?—A. In counting the tickets we were able to distinguish them by the bulk of the paper.

Q. Did you ever know such material to be used for tickets before, at any election?

(Objected to as incompetent and immaterial.)

A. I do not know that I ever did.

Q. Could the inspector and other election officers tell by these tickets when folded with the names of the candidates on the inside—that is, the Democratic and Republican—whether or not the persons voting it were voting a Republican ticket?

(Objected to as leading; that the witness cannot answer for the rest of the board, &c.)

A. When I was on the board I thought I understood how the vote went by the appearance of the ticket.

Q. Do you think persons looking on at the polls could tell these Republican tickets when the voters would hand them to the inspector and the inspector place them in the ballot-box, with the names of the candidates inside?

(Objected to as incompetent and immaterial, and for the reason that the witness cannot tell what other people could do.)

Q. Could the challengers, for instance, tell those tickets?

(Objected to.)

A. The challengers would have the same opportunity of distinguishing this ticket that the judges would have. If we could distinguish it they could distinguish it.

Q. You say you were an officer at your precinct?—A. I was a judge there, sir.

Q. Could you, as judge, distinguish this ticket in counting them and handling them?—A. I have stated that, I think, several times—that I could.

Q. You say you are not familiar with paper?—A. Of different qualities and of the names of certain kinds of paper, I am not.

Q. In the popular sense, do you understand that to be plain white paper?

(Objected to as immaterial as to what the popular opinion is.)

A. Well, it is white. I think it is a little thicker than white paper is generally understood to be, but as to that I am not posted.

Q. Was the secrecy of the ballot destroyed or impaired at that election in the city of Indianapolis by the use of said Republican tickets?

(Objected to as immaterial and incompetent, and for the reason that the witness cannot answer the question except as to his own precinct.)

A. I don't know that I could answer that. There were other changes.

Q. You mean interlineations?—A. Yes, sir.

Q. I am speaking of the ticket voted straight: would the character of the ticket impair or destroy the secrecy of the ballot at your precinct?—A. Well, if there were no changes on the ticket and no scratches or interlinement, to some extent it was.

Q, How many tickets of that character were voted for Mr. Peelle, if you know, at your precinct?—A. I do not recollect, sir.

Q. Were all the tickets voted of that character, so far as your recollection goes?—A. I could not say as to that. We may have had different tickets, you know. I am satisfied this ticket was voted.

Q. How many Republican votes were there at your precinct?—A. Well, sir, the majority there is about 300 generally. We get about 700 to 800 votes generally. The Republicans have about 300 majority—along in that neighborhood. I do not recollect about the majority on that occasion. I am speaking about the common majority.

Q. So far as your recollection goes, was the majority of the Republican tickets of that character?—A. Yes, sir. They may all have been of that character, but I could not say as to that.

Cross-examination by Mr. PEELLE:

Q. I understood you to say that the heading of that ticket would seem to distinguish it?—A. Yes, sir.

Q. Distinguish it from what?—A. Well, you know that is rather a peculiar heading.

Q. I ask you what you mean; distinguish it from what?—A. Well, it would distinguish it from all the other tickets.

Q. Please to take the Democratic ticket that was handed to you a while ago, and I will ask you if by the heading of that Democratic ticket you would not distinguish it from the Republican ticket?—A. Certainly.

Q. Just in the same way?—A. It is not quite so conspicuous.

Q. I will ask you to take the National ticket. Could you not distinguish from the heading of the National ticket all the other tickets?—A. Yes, sir.

Q. The Republican ticket, you say, is a little heavier paper than the Democratic ticket, and that is all you know about it, so far as the quality of the paper is concerned?—A. Yes, sir.

Q. I understood you that you acted as one of the judges at that election, and you could distinguish the Republican ticket by handling it?—A. Yes, sir.

Q. Who received those tickets at the window and deposited them in the ballot-box?—A. Mr. McMurry was the inspector.

Q. He received them all and put them in the box?—A. I cannot say that he received all of them. He generally received them, and would ask the rest of us when he was absent.

Q. Did any one come to the window and complain to the board of judges about the character of the Republican ticket?—A. No, sir.

Q. How many Democrats voted there that day?—A. I do not recollect; there was about 100.

Q. And there was no complaint about the character of this ticket, in any way, to the board of judges?—A. No, sir.

Q. What is your politics?—A. I am a Democrat.

By Mr. WILSON:

Q. As one of the judges, you were inside of the room, shut out from the crowd?—A. Yes, sir.

FRANKLIN LANDERS.

SILAS T. BOWEN, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Question. Your name, age, and residence.—Answer. Silas T. Bowen; age, 63; residence, Indianapolis.

Q. How long have you resided here?—A. Just about 30 years.

Q. What is your business?—A. I am in the book and stationery business.

Q. Were you in the city of Indianapolis at the time of the Congressional election, November 7, 1882?—A. I think I was.

Q. Did you attend that election—were you at any of the precincts?—A. I believe I voted that year.

Q. Did you see the Democratic, Republican, and National tickets voted at that election?—A. I do not think I waited to see anybody else's ticket but my own. I think I went right across and presented my ticket and left. I do not think I saw any tickets voted.

Q. Have you seen any of those tickets since?—A. I saw the Republican ticket before

I went to the polls, and I saw the Democratic ticket before I went to the polls, or on the way there somewheres. I looked at the tickets. I did not see them voted.

Q. Who were the candidates for Congress on the Democratic, Republican, and National tickets at that election, if you know?—A. Mr. Peelle on the Republican and Mr. English on the Democratic. I do not recollect the National. I suppose I could tell by thinking a moment.

Q. I call your attention to this ticket marked "Exhibit B to the deposition of Mr. De Vay": was that the ticket that you saw on that day, as the Republican ticket?—A. I think it was. It was very like the ticket.

Q. Is there any figure, embellishment, or distinguishing mark at the head of the Republican ticket, or elsewhere, to designate it?

(Objected to as incompetent, for the reason that the ticket itself is the best evidence.)

A. You mean any embellishment on it.

Q. Yes, sir.—A. The heading is, I should think, a lithograph. I would not like to be positive, because they imitate them so very closely in print sometimes; but if I was to form an opinion I would judge it was a lithograph.

Mr. PEELLE. You mean engraving.

The WITNESS. What I mean by lithograph is an engraving on stone. I may be mistaken about that.

Q. Is that ticket on what is called plain white paper?

(Objected to as immaterial and that the ticket must speak for itself.)

A. It is white paper, but I should call it a species of thin card-board. Still it is made like paper, and it is white, and it is plain, but thicker than what we would call ordinary paper.

Q. Is it plain white paper?—A. From that on, but it would not come under that head as classified in the circulars in our line, I think. I should designate that as a little different from the ordinary plain white writing paper.

Q. What is the material on which that ticket is printed?—A. It is paper.

Q. I know, generally speaking; but what kind do you call it?—A. We call it very light card-board. I think the lithographers call it plate paper. It is a special term that belongs specially to that business.

Q. Is it not called in your business book paper?—A. No, sir.

Q. Is it not called writing paper or print paper?

(Objected to.)

A. We do not call it that. When it gets as thick as that we designate it by some other term. It is made like writing paper, though.

Q. If a man were to come to your store and ask to buy plain white paper, would you show him such material as that upon which the Republican ticket was printed?

(Objected to as immaterial.)

A. Not unless he defined his request differently from that. We would not show him that paper for white paper.

Q. You say it is known among the profession as plate?—A. I think the lithographers call it that. I should call it very light bristol-board. It seems to be like that.

Q. When that Republican ticket was lightly folded, would it remain folded or would it be apt to spring open?—A. It would depend upon how firmly it was folded. If it was folded firmly it would not; if it was loosely folded, being stiffer, it would be more likely to spring open.

Q. You say you voted a Democratic ticket that day. I call your attention to this ticket marked "Exhibit C, to the deposition of W. O. De Vay." Is that the material upon which the Democratic ticket was printed, if you recollect?—A. I don't know that I voted the whole ticket. I should think that was the ticket.

Q. Could you distinguish the Republican ticket voted at that election from the Democratic ticket, by its appearance?—A. Yes, sir.

Q. Could you by its touch and handling?—A. Yes, sir. There is a marked difference in the thickness and touch.

Q. Could you distinguish that Republican ticket voted at that election from any ticket of like length and width that was printed either on plain white print paper, writing paper, or book paper, said tickets being folded separately with the names inside?—A. What we call writing paper ordinarily in business circles, or book paper of ordinary thickness, I could distinguish it. But this is paper.

Q. Yes, sir. Card-board is paper?—A. Yes, sir. I mean it is made like paper, and the distinguishing mark is in its unusual thickness for that purpose.

Cross-examination by Mr. PEELLE:

Q. State your politics.—A. I am a Democrat, I suppose.

Q. I will ask you to take that Democratic ticket and look at the heading of it and say whether or not the heading of that ticket would not distinguish it from any of the rest of the tickets?—A. Yes, sir.

Q. State if the heading of that ticket there is plain type—on that Democratic ticket.—A. It is type, but we would not call it the usual plain. I think it would not be called plain type.

Q. By the heading of the Democratic ticket, could you not distinguish that ticket from either the Republican or National tickets as readily as you could from the heading of either of the others?—A. I could, if I could see to read it.

Q. I mean by sight.—A. I suppose I could.

Q. State if the material upon which this Republican ticket is printed and upon which the Democratic ticket is printed are not both paper manufactured the same way.—A. I suppose they are.

Q. State if the color of the Republican ticket is not plain white.—A. It would be regarded as plain white.

Q. State, as a matter of fact, if it is not printed on plain white paper.—A. Yes, it is paper; it is plain and it is white, if you take the sense in which it is regarded, but my whole evidence explains it.

Q. You say that the lithographers recognize this in the trade as plate paper?—A. I think so. We do not have any in our own trade scarcely ever, but I think when it is used for that purpose it has a different preparation and there is a difference. Sometimes in examining colored paper that is called plate it is not finished quite the same way.

Q. In your trade it is not regarded as plate paper?—A. I would not like to say that. I think it is, but we do not do enough of that kind of business for me to say exactly.

Q. You say you can write on this?—A. Yes, sir.

Q. You can print on it?—A. Yes, sir.

Q. Then it can be used for either writing paper, print paper, or engraving paper?—A. Yes, sir.

Q. How long have you been in the book and stationery business in this city?—A. Twenty-nine years.

Q. You have been in the wholesale trade during all that time, as well as the retail?—A. Yes, sir.

Redirect examination by Mr. WILSON:

Q. You can write on card-board an inch thick?—A. Yes, sir.

Q. You can print on card-board an inch thick?—A. Yes, sir.

Q. You can write on wood—smooth, polished wood?—A. You might do that, but not very well.

Q. You can print on wood?—A. Yes, sir; we print our rulers, &c.

Q. And in one sense, the sense in which this question is asked, card-board an inch thick is paper?—A. Yes, sir. If it is paper—that is, made on paper, it is put together and then we call it card-board, and that is the proper term for it. Several sheets of paper are put together to make it thick, and sometimes, when you want it very thick, manila paper is put between it.

Q. Is it not true that there is bristol-board that is thinner than this Republican ticket?

(Objected to as incompetent and immaterial.)

A. Yes, sir; quite as thin. They can make it thinner, of course. There is ledger paper, used in making books, that is thinner, but not much thinner perhaps.

SILAS T. BOWEN.

EDWIN L. HASTINGS, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Question. What is your age, and where do you reside?—Answer. Fifty-two; I reside at 550 North Illinois street in this city.

Q. How long have you lived here?—A. Twenty-six years, I think it is. I am not positive.

Q. What is your business?—A. A printer.

Q. How long have you been a printer?—A. About thirty-five years.

Q. Did you ever hold any office in this State?—A. I held the office of clerk of the printing bureau.

Q. Of the State?—A. Yes, sir.

Q. Were you in the city on the 7th of November, 1882, at the time of the Congressional election in the seventh district?—A. Yes, sir.

Q. Did you see the Republican ticket on that day?—A. Yes, sir.

Q. I show you this ticket marked Exhibit B, and made a part of the deposition of Mr. De Vay, and I ask you if you saw that ticket on that day?—A. The same kind of a ticket. Yes, sir.

Q. What is the character of the head of that ticket? Is that heading engraved?

(Objected to as immaterial and incompetent and leading, for the reason that the ticket will speak for itself.)

A. Yes, sir.
Q. What would you call the material on which that ticket is printed?
(Objected to as immaterial.)
A. It is paper.
Q. What kind of paper?—A. It is pretty thick paper.
Q. Do you know the technical name for it, or if it has a technical name?—A. It has no technical name.
Q. What is the name of it in the paper business?—A. We used to call it railroad paper. That is what we call it.
Q. Do you know of any other name for it than railroad paper?—A. No; no other name.
Q. Do you call it print paper?
(Objected to as leading.)
A. It is not print paper.
Q. Is it book paper?
(Objected to as leading.)
A. No; it is not book paper.
Q. Is it writing paper?
(Objected to as leading.)
A. No, sir.
Q. Did you ever know tickets printed on that material to be used for election purposes before?
(Objected to as incompetent and immaterial.)
A. Well, very nearly this class of ticket. Yes, I have known tickets to be printed before, the same thickness, so far as that is concerned.
Q. On the same quality of paper, is the question; the same kind.—A. Yes; just about the same kind.
Q. What are your politics?—A. I am a Republican.

Cross-examination by Mr. PEELLE:

Q. Where are you now employed?—A. Mr. William B. Burford's.
Q. The same gentleman who testified here the other day?—A. I do not know.
Q. That Republican ticket that you have been talking about—I will ask you to state if that is paper.—A. Yes, sir.
Q. What is the color of the ticket?—A. White.
Q. Is it plain white?—A. Yes, sir.
Q. Is not that a plain white ticket?—A. Yes, sir; plain white paper.
Q. I will ask you if that is not a printed ticket?—A. Yes, sir.
Q. I will ask you if that ticket is not printed on plain white paper?—A. Yes, sir.
Q. And you have been engaged in the business how long?—A. Thirty-five years.
Q. You have had the handling of all kinds of paper?—A. Yes, sir.
Q. Were you not formerly employed by the Journal Publishing Company?—A. Yes, sir.
Q. And you have an extensive acquaintance with the different qualities and kinds of paper?—A. I think so.
Q. I understand you to say that you have known tickets voted at elections to be printed on paper like that?—A. Yes, sir; I know of one election where they were printed just exactly like this—fully as heavy, I think.
Q. How long ago was that?—A. I do not recollect that.
Q. About how many years?—A. Four or five or six years ago. It seems to me it was the election before this one; I am not sure. I know we printed the ticket and it was printed on heavy paper.
Q. You printed the ticket at the Journal Company?—A. Yes, sir.

Redirect examination by Mr. WILSON:

Q. For what party did you print that ticket that you referred to that you said was on paper such as that?—A. The Republican party.
Q. Do you know when that was done?—A. I could not say. I think it was the election before this, but I am not sure.
Q. You think for the Congressional election before this?—A. It seems to me it was.
Q. You think then a ticket of that character was used by the Republicans in the Congressional election preceding this one?—A. Well, it seems to me it was. That is my impression now.
Q. You say you have been in this business a long time; is not that what is called lithograph plate by the trade and business?
(Objected to as leading, immaterial, and not a proper re-examination.)
A. No; I do not think it is called lithographic plate, but it is a sort of a plate paper for the simple reason that it is highly calendered and unpressed.
Q. It is a kind of a plate paper.—A. It is for a certain purpose.

Q. What do yon mean by the word "paper?" What is paper?—A. Any kind?
Q. What do you mean by the word "paper" as distinguished from wood or iron?—A. Well, paper is simply paper, and there are a great many different grades of it.
Q. Would not you call bristol-board or card-board paper?—A. No.
Q. What would you call it?—A. I would simply call it card-board.
Q. Is not card-board paper?—A. Yes, sir. They all are.
Q. They are all paper. Is not that true—made out of the same material substantially?—A. Substantially, but the manipulation is different.
Q. It is paper then, is it not?—A. No, sir.
Q. What is it?—A. Card-board.
Q. What is it made out of?—A. Cotton.
Q. What is paper made out of?—A. Cotton also; but there is lots of it made out of rags.
Q. You say card-board is not paper?—A. Not in the sense you put it.
Q. You call that plate paper, and you say it is made out of the same material that card-board is substantially?—A. Yes, sir; it is made out of the same material, but there are other things put with it.
Q. Are there any other things put with it that distinguish it from plain book paper?—A. No, sir; I think not. I think this is nothing but ordinary, good book paper.
Q. You think this is ordinary, good book paper?—A. Yes, sir; the stock.
Q. What else is there in addition to the stock that makes it what you call plate paper?—A. It is the sizing and calendering.
Q. Is it not the sizing and calendering that distinguish card-board from plain white paper?—A. No, sir.
Q. What is the difference?—A. It is tougher. There are certain other things put in. Of course there is some card-board the same as this.
Q. There is some card-board the same as this Republican ticket?—A. Yes, sir; when it comes down to that, but it would be thicker.
Q. What would you call it if it would be half an inch thick and made out of the same material that is?
(Objected to as incompetent and immaterial.)
A. I never saw anything of that kind done.
Q. What would you call it if it was done?
(Objected to.)
A. I do not know what I would call it. I do not know what I would use it for if I had it.
Q. If the Republican ticket was printed on it you would think it was plain white paper, would you not?
(Objected to.)
A. No, sir; I would not. I do not think I would.
Q. If it were made an eighth or a quarter of an inch thick and gotten up on the same style, what would you call it?
(Objected to as immaterial.)
A. One-eighth of an inch thick would be a sort of a blank board.
Q. On white paper?—A. Yes, sir. It would be white paper, made out of the same material. Blank board is the same material as this.
Q. It would be one-eighth-of-an-inch-thick blank board?—A. Yes, sir. What is technically termed blank board.
Q. It is made out of similar material as that gotten up in the same style as that?—A. Yes, sir; only thicker.
Q. Would you call that blank board gotten up in that style plain white paper?—A. No, sir.
Q. Then your idea of plain white paper depends upon the thickness.—A. No, sir; it does not depend upon the thickness.
Q. You said if it was one-eighth of an inch thick, made of the same material and gotten up in the same style and calendered the same style, you would call it blank board. I ask you if the difference between that Republican ticket and blank board is not simply a difference in the matter of thickness?—A. No, sir; I think not.
Q. Explain the difference.—A. Blank board would have to be stuffed with something to——
Q. You said it was made out of the same material.—A. The top and bottom would be.
Q. It is not made in the same way?—A. Not exactly the same way this is.
Q. My question was: What would you call it if it was made of the same material and gotten up in the same manner one-eighth of an inch thick?—A. If it was gotten up in the same character I would call it the same as this.
Q. And you call that plain white paper?—A. If it was gotten up one-eighth of an inch thick it would not hold. You could not hold a sheet of that made of this same material. It would not hold straight.

Q. Do you mean it would bend?—A. Yes, sir.
Q. You would call it plain white paper?—A. I would call this (Republican ticket).
Q. You would call that, made one-eighth of an inch thick in the same manner, plain white paper?—A. If it was made out of this same stock. It does not make any difference about the thickness.

Recross-examination by Mr. PEELLE:

Q. I hand you this ticket marked Exhibit C——
Mr. WILSON. Do you make him your witness?
Mr. PEELLE. No, sir.
Mr. WILSON. Is this re-examination?
Mr. PEELLE. Cross-examination of what you have brought out.
Mr. WILSON. I will object to this examination as improper at this time. We have finished our re-examination. It is improper, irrelevant and immaterial, and not, in any sense, a cross-examination.
Q. State whether or not the Republican ticket which you hold in your hand and the Democratic ticket are not both of the same quality and kind of paper, except that the Republican ticket is a little heavier than the other?—A. No, sir. They are not.
Q. What is the difference?—A. This is supersized and calendered paper. [Referring to "Exhibit C" in De Vay's testimony.]
Q. How can you tell that?—A. I have handled so much of this paper that I know it.
Q. I will ask you if you don't lithograph on that kind of paper.—A. Yes, sir.
Q. You can lithograph on that?—A. As easily as we can on anything.
Q. I will ask you again, if the only difference between that Republican ticket that you hold in your hand and the Democratic ticket is that the Democratic ticket is not on as heavy quality of paper.—A. The Democratic ticket is a better quality of paper when you come down to the quality. You simply wanted to know about the quality.
Q. The difference in the paper.—A. Well, this [Democratic ticket] is a better quality of paper.
Q. I will ask you if in the trade both tickets are not printed upon what is known as plain white paper?—A. Yes. Plain white paper. That is as near plain white paper as they can get. They are both plain white.
Q. And they are both paper?—A. Yes, sir. Only the Democrats have a little finer article of paper than the Republicans had. That is the only thing.

Questions by Mr. WILSON:

Q. You say that the Democratic ticket is printed on supersized and calendered paper.—A. Yes, sir.
Q. Is not that book paper?—A. Yes, sir.
Q. Plain white, supersized, calendered paper, which you mean, is book paper.—A. Yes, sir.
Q. You say it can be lithographed upon as easily as the material upon which the Republican ticket is printed?—A. Yes, sir.
Q. Is it used for lithographing purposes to the same extent as the other?
(Objected to as incompetent.)
A. I could not tell you whether it is or not; I do not think it is.
Q. You do not think it is used to the same extent?—A. You mean that heavy?
Q. Yes, sir.—A. No, sir; I do not think it is, but it could be done; it could be lithographed on; you can lithograph on tissue paper for that matter, or writing paper, or book paper, or plate paper either; there is no trouble about lithographing.
Q. Is not plate paper usually the paper that is used for lithographing?—A. No; not when you take the majority of lithographing; I should say no.
Q. What is plate paper used for principally?—A. Oh, plate paper is used for lithographing.
Q. What is it principally used for?—A. Principally used for lithographing and for fine wood-cut printing.
Q. Is book paper principally used for lithographing?—A. No, sir.
Q. You say that the Democratic ticket is printed on a better quality of paper?—A. Yes, sir; a better quality than this Republican.
Q. What is the price, if you know, per ream of the material upon which that Republican ticket is printed?—A. That would depend upon the number of pounds to the ream.
Q. According to the character of the paper you have in your hand. You have been in the business and you could say how many pounds to the ream there would be? What would you say to that?—A. That I could not tell.
Q. Would you say that the material upon which the Republican ticket is printed would cost less than the material upon which the Democratic ticket was printed per ream?

(Cost of the paper objected to as immaterial, the quality only being in question.)

A. That I could not say, and I could not say it because I don't know the heft of this paper.

Q. Does not the quality of the paper determine its price, in a measure?—A. Yes, sir; but the heft, of course, would come in right there.

Q. What would you say was the price per ream of book paper of the character of this upon which the Democratic ticket was printed at the time of the election on the 7th of November, 1882, if you know?—A. $8\frac{1}{2}$ or $8\frac{3}{4}$; I have forgotten.

Q. What would you say was the price of the material, per ream, upon which the Republican ticket was printed, at that time?—A. About 7c; I should think so.

Q. What was it a ream?—A. All these papers run by the number of pounds there is in a ream; it is so much a pound. From $8\frac{1}{2}$ to $8\frac{3}{4}$ was the price of that paper at that time.

Q. Your answers in reference to cost relate to cost per pound?—A. Yes, sir; cents.

EDWIN L. HASTINGS.

EMMETT L. ROSE, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Question. Your name, age, and residence?—Answer. Emmett L. Rose; age, 29; residence, Indianapolis.

Q. How long have you resided in Indianapolis?—A. 29 years.

Q. Were you in the city of Indianapolis at the time of the Congressional election, November 7, 1882, and did you attend the same?—A. Yes, sir.

Q. Did you act in any official capacity at that election; if so, what?—A. I was clerk of the election board in the second precinct of the twenty-third ward.

Q. Did you see the Republican ticket voted for Stanton J. Peelle for Congress at that election, November 7, 1882?—A. Yes, sir.

Q. I show you the ticket marked as Exhibit B to the deposition of Mr. De Vay; is that the character of the ticket that was used by the Republicans at that election?—A. Yes, sir; that is the ticket.

Q. I will ask you, does that Republican ticket have any distinguishing mark or embellishment except the name of the candidate and the office for which it was voted?

(Objected to as incompetent and immaterial.)

A. Yes, sir.

Q. What is the embellishment?—A. At the head.

Q. Is that an engraved heading, or what is it?—A. A lithographed heading. Do you want the distinguishing marks?

Q. What are the distinguishing marks?—A. You can see through the head of every ticket that is folded. You can see through the ticket.

Q. Does the material upon which that ticket is printed designate it?—A. Yes, sir. The material designates it as the ticket that was used that day.

Q. What is your business?—A. I am a journalist and traveling man.

Q. How long have you been connected with journalism?—A. Seven years.

Q. What would you call that material upon which that ticket is printed?—A. I am not versed as to the material, but I should say it was cardboard, lithograph plate.

Q. When lightly folded would that ticket remain folded, or would it be apt to spring open?—A. It springs open.

Q. If another ticket was folded inside of it, and, thus folded, the tickets were dropped into the ballot-box, would the ticket be likely to spring open and separate so as to release the inclosed ticket and make two ballots?—A. It would; and there was evidence found in the box that they had been put in there.

Q. Could you distinguish that ticket by sight?—A. Oh, yes; we could very plainly distinguish it.

Q. I show you the Democratic ticket, marked Exhibit C to the deposition of Mr. De Vay; I will ask you if that was the ticket that was used by the Democrats at that election?—A. Yes, sir.

Q. Could you distinguish by sight the Republican ticket from the Democratic ticket when they were folded?—A. Very easily.

Q. Could you do it by touching and handling it?—A. Yes, sir; I could. I did not touch any of the tickets on election day in any capacity, but I could if I had touched them. The way I know they could be distinguished by touch is that I was sitting very close to the inspector at the time of the election, and sometimes when a Republican ticket would be voted he would turn to me and say: "There is another good Republican vote going in the box."

Q. Could you distinguish the tickets that were voted by sight?—A. Yes, sir; very easily. I could distinguish them so easily that I watched very closely during the day,

and I only missed it five votes with the number of Republican tickets that were in the box at the close of the count on a bet of the cigars with the inspector, Mr. Fred Ward.

Q. Was he a Republican?—A. Yes, sir. He is candidate for councilman in our ward. I missed it five. I had five too many.

Q. Could persons looking on at the polls tell these Republican tickets when the voters handed them to the inspector, and the inspector placed them in the ballot-box, even when carefully folded with the names of the candidates inside?

(Objected to as immaterial.)

A. I could say yes. We could hear them speaking, the challengers and the persons on the outside, and when a man would put in his ticket I could tell that they distinguished it on the outside.

Q. Was the secrecy of the ballot destroyed or impaired at said election at the precinct where you were voting, or where you were an officer, by the use of said Republican tickets?

(Objected to as a matter of opinion.)

A. Yes, sir; except so far as the scratching went.

Q. How many such Republican tickets were voted for Mr. Peelle, if you know?—A. I could not say positively. There was 122, I think, for the head of the ticket. I cannot say positively whether for Mr. Peelle or not.

Q. You mean for the head of the Republican ticket?—A. Yes, sir.

Cross-examination by Mr. PEELLE.

Q. What is your politics?—A. I am a Democrat.

Q. Had you any bet on the result of the Congressional election last fall?—A. No, sir; except so far as the cigars.

Q. Did you not have a bet on Mr. English's success in this Congressional district?—A. No, sir.

Q. With any one at all?—A. No, sir.

Q. For whom were you traveling at that time?—A. The Indianapolis Sentinel Company.

Q. For whom are you traveling now?—A. I have been with the Sentinel until two weeks ago.

Q. The Indianapolis Sentinel?—A. Yes, sir.

Q. Were you not engaged pretty actively in the last campaign in Mr. English's interests in this Congressional district?—A. No, sir; not any more than any one else's interest that was on the Democratic ticket. Not specially in Mr. English's interest.

Q. Where did you travel during the last campaign?—A. In Indiana.

Q. Did you travel in Hancock and Shelby Counties any?—A. I have been at Greenfield, Hancock County. I never done any business there. Mr. Bigham went there and he done that.

Q. You were one of the clerks at what precinct?—A. The second precinct, or lower precinct, of the twenty-third ward. I was during election day.

Q. Who was inspector there?—A. Fred Ward was the inspector, now a candidate for councilman from our ward on the Republican ticket.

Q. Who were the judges?—A. Mr. John Vandersauer was the Democratic, and the Republican was Mr. Schultz, the first name I have forgotten.

Q. Who was the other clerk with you?—A. His name I have forgotten.

Q. How far were you from the other clerk of that board?—A. He was on the other side of me. I was between him and the inspector.

Q. You were very close together?—A. Yes, we were sitting at the same table.

Q. You could both hear about the same thing that was going on, could you not?—A. Well, I don't know whether he could hear conversation that I could hear for the reason that I was closer to the inspector. I was closer to the election board. I was there a little early and I got a seat close to the election board where I could see outside and be near.

Q. Were you nearer the window than the election board themselves?—A. No, sir.

Q. They were nearer to the window than you were?—A. Yes, sir; part of the time, and part of the time I was as near as they were.

Q. You was there taking down the names of the people as they voted?—A. Whenever they were called; yes, sir.

Q, How many votes were there in that precinct?—A. I think there was 491. That is my impression.

Q. Do you say now you could hear conversation that went on on the outside?—A. Very distinctly.

Q. It did not interfere with your duties in taking down names?—A. Not at all.

Q. If you could hear it, the clerk by you could hear the same?—A. Yes, sir; the

judges could hear it positively. So far as the clerk was concerned, I don't know whether he was paying attention to it.

Q. Did you ever have any experience in handling or dealing in paper?—A. Yes, I have had some, but very little. I have sold book work for the Sentinel, but I am not a connoisseur in that line of business.

Q. You do not know what this kind of paper is as an expert at all?—A. I can say that it does not take an expert to tell that kind of paper. It is very common in printing offices. I have been in printing offices a good while. It is lithograph plate.

Q. It is very common?—A. Very common for lithographing. I have seen a good deal of paper lying around of this character. It is generally used for railroad printing and lithographing.

Q. It is very common paper around a printing office?—A. Common around all printing offices that do railroad printing and lithographing. We do not do lithographing, but it is also used for lithographing.

Q. It is common about your establishment?—A. It is used there for railroad printing. I have seen it there. I am not an expert.

Q. When have you seen it there?—A. Different times.

Q. Is there any of that kind of paper there now?—A. I could not say now.

Q. When did you see it there last?—A. I could not say.

Q. Are you certain you ever saw any of that kind of paper around there?—A. Not as an expert; but I am very positive that I have. I said I was not an expert.

Q. You say the heading of that ticket is engraved.—A. Yes, sir.

Q. Do you know the difference between a lithographing and engraving?—A. Yes, sir. I should say so—not as an expert, because I never done any lithographing. I think any person can tell a woodcut from an engraving or a lithograph.

Q. You think anybody can?—A. Anybody that has handled books at all.

Q. You say the heading of that ticket is lithographed?—A. I would not say positively whether it was a lithograph or a woodcut. Come to look at it, my impression would be—I think it is a woodcut.

Q. Take this Democratic ticket which has been made an exhibit here in the testimony of Mr. De Vay; state if the heading of that Democratic ticket is not a woodcut also.—A. I am not positive as to that. You could make the same letters as these very easily with type, but you cannot make the other.

Q. Is there not any type of that kind made?—A. Oh, yes, sir; there is type of that character.

Q. You are not certain whether that is type or a woodcut [Democratic ticket]?—A. I could not tell positively about whether that is type or a wood-cut, but you cannot find any type of that character [Republican ticket].

Q. When you was down there as clerk at that precinct did any one come to the window and complain to the judges about the character of the Republican ticket?—A. Oh, there was no complaint, of course; they merely made the assertion.

Q. There was no complaint made to the board about this ticket being wrong in any way?—A. There was a good deal of complaint in so far as assertions.

Q. I am asking you about any complaint to the judges—to the board. Did any Democrat or Republican come to the board and make any complaint about that ticket; and, if so, who was it?—A. I am not positive as to that; I merely say that I heard them speaking about it. Different parties spoke of the ticket in a complaining manner.

Q. Give us the names of the persons you heard speak of that ticket in a complaining way.—A. I could not do it; there was so many there that I could not be positive. If I would tell you now and lay it to any certain man that made a complaint of that kind I would probably be mistaken as to the man.

Q. You cannot give the name of any man?—A. Almost every man at the polls that was interested in any way politically in the election spoke of the character of the ticket.

Q. Now give us the names of some of them.—A. I expect I would name almost every Democrat in the ward. I could not positively do that. This has been a year ago, and a man's memory don't last him that far. It was a general complaint; I will say that.

Q. You say now it was a general complaint, but you cannot give the name of any particular individual who composed that general?—A. No, sir; that is correct.

Q. Did I understand you to say that the Republican ticket was voted by any one who had a ticket folded inside?—A. Yes, sir.

Q. Who was it that voted that way?—A. I can not tell you, because it came out of the box.

Q. How do you know that any man voted more than one ticket at that poll?—A. I don't know positively that they did, but they were together when they came out, and there was a discussion on the board at the time about the ticket.

Q. How many tickets were there of that kind?—A. About but one, because there was discussion about that.

Q. Who engaged in that discussion?—A. There was not much said about it. They were talking and they were counting, and there was not much said about it. The tickets may have fallen together. That ticket that way [indicating] and another ticket could have fallen in at the side of a ticket of this character, because there was a spring back. You could not distinguish that there were fraudulent tickets voted for that reason.

Q. I understood you to say that there were two tickets voted by some one.—A. No, sir; I say there were two tickets together.

Q. Don't it frequently occur that tickets run together in boxes, no matter what kind of paper it is?—A. No, sir; not with that kind of paper.

Q. Were you ever on an election board before?—A. Yes, sir.

Q. Don't you know, as a matter of fact, that tickets folded up and put in the box all together without shaking; and don't you know, further, that before they count out the tickets they shake them up and frequently tickets are folded together?—A. Before they commence counting they generally shake the box for the reason if any tickets have fallen closely together, if they are folded in such a way, that they would come apart. That is the reason there was a discussion on this ticket.

Q. Is it not a fact that the Republican ticket you speak of, opening a little easier than the one you speak of, would be more likely to have another one in it than the Democratic ticket, if what you say were true?—A. Yes, sir; I think it is.

Q. I ask you if it would not be more likely, in the shaking of the box, to have another ticket fall within that ticket than the Democratic ticket would have?—A. I will say that it would; and, on the other hand, I will say that it would be just as likely, if there were two tickets fell together in the box, that they would be separated.

Q. And would not they be more likely to come together more than the other?—A. Not more likely than that would be to separate them.

Q. I ask you, if that ticket, in shaking the box, would not be more likely to have another ticket fall within it than the Democratic ticket you have spoken of would have?—A. I don't know whether it would be more likely, but probably it would.

Q. Then you don't say that anybody voting at that poll voted one of those Republican tickets with another folded within it?—A. I do not say positively. I said there were tickets found together.

Q. Do you know the number of tickets voted at the polls there, of all parties?—A. 491, I think.

Q. How many names did you have on your poll list?—A. I think we had 491. Wait a minute! I want to stop on that. We had more tickets in the box than we had names, because there was a discussion about it at the end of the time, and my impression is it was either two or five, but you can find that out from inquiry I think. That is my impression.

Q. Don't that frequently occur, that there are more tickets than there are names, or more names than there are tickets?—A. It is very common that there are more names than there are tickets, but in this case there was more tickets than names.

Q. And that one ticket that was folded with another is the only ticket about which there was any discussion?—A. There was not much discussion about that. It was mentioned, "Here is a ticket; what shall we do with it?" and we looked at it, and had a few words about it, and I think the decision was that it should be counted.

Q. Was there any objection to the counting?—A. I think there was a little objection, but it was withdrawn. It was very late in the count. I cannot recollect exactly.

Q. Did you ever find any Democratic tickets folded together?—A. Not that I remember of. We found a case where there was one ticket—one Democrat and one Republican ticket—folded together and voted, and they were neither counted. I believe there was a case of that kind where there was a Democratic and Republican ticket folded together. The party did not want to vote at all, I suppose; he merely wanted to make a stand off. I am not positive whether we counted that one for each or not. I think we threw it out.

Q. How long have you been traveling for the Sentinel Company?—A. I cannot say just the length of time. I have been traveling off and on; part of the time not traveling, and part of the time something else. For two years, I guess.

Q. Did you have any conversation with any one about this case before you came here?—A. I met Mr. English.

Q. Which Mr. English?—A. William E. English. I was just crossing the street, and he shook hands with me and said, "I have got a subpœna for you," and I said, "What about?" and he said, "This contested election," and I said, "You had better let me come up right now and attend to it, because I probably will not have time afterwards."

Q. That is all the conversation you had?—A. Outside of what we had in there a few minutes ago. [Referring to adjoining room.]

Q. I understand you to say you do not know anything, as an expert, about the paper?—A. No, sir; I am not an expert.

Q. What is the color of the Republican ticket?—A. I will say this: that I am not an

expert on colors either; but if the Democratic ticket is white, it is not white. If it is white, the Democratic ticket is not white.

Q. You can take the Democratic and Republican ticket together and compare them.—A. I would say that on election day, as the tickets came in and before they were soiled, but straight and nice as they came to the board, it was very easy to distinguish the tickets by the color, in addition to the card-board. The other voters did it.

Q. You are mistaken about that.—A. I cannot be mistaken, because——

Q. Take those tickets that have been made exhibits, and I will ask you to state the color of that Republican ticket.—A. Well, it is not the color of the Democratic.

Q. I am not asking you that.—A. I am not an expert on colors.

Q. State if that Republican ticket is not white.—A. Yes, it is a shade of white.

Q. State if it is not plain white.—A. It is a shade of plain white.

Q. You are not an expert on the quality of paper, or on the colors of paper?—A. No, sir.

Q. What you have stated on the subject as to the quality of the paper is a mere question of opinion with you?—A. It is an opinion based on considerable experience.

Q. I understood you to say that you had had no experience.—A. I am not an expert, I said.

Q. I understood you to say you had had no experience in the handling or selling of paper.—A. I have had experience in selling. I have sold a good deal of book work.

Q. Did you ever sell any of that kind of paper that the Republican ticket is printed on?—A. I don't know that I ever did. I have had considerable experience in handling paper of various kinds, but not as an expert.

Re-examination by Mr. WILSON:

Q. You speak of Mr. Bingham going to Hancock County; was it Mr. Bingham in the employ of the Sentinel?—A. Yes, sir; I said I was of the impression Mr. Bingham went there; I never went there at any time.

Q. You have traveled for the Sentinel Company?—A. Yes, sir.

Questions by Mr. PEELLE:

Q. You did not answer my question when I asked you what you were engaged in now.—A. You asked me what I was engaged in at the time.

Q. State what you are engaged at now.—A. At present, not anything.

Q. Are you in the employ of any one, in any wise?—A. I am in the employ of the Sentinel this far—whenever there is anything to do I expect I will do it.

Q. Are you in the employ of any one else in any way, shape, or form?—A. Not for two weeks.

Q. What business are you engaged in to-day?—A. I have an engagement.

Q. What engagement is that?—A. I have an engagement with another firm, but I am not employed at the present time on anything, and have not been for two weeks, and have been up to two weeks.

Questions by Mr. WILSON:

Q. Were you ever in the employ of William E. English?—A. No, sir.

Q. For any political purpose?—A. No, sir.

Q. Did you ever go anywhere on any political errand to Hancock County or Shelby County?

A. No, sir. [Objected to as incompetent.] I have been employed with the Sentinel for a long time in different capacities. I was city editor for nearly three years, and was a reporter for a while, and I have traveled for the Sentinel and solicited for them and sold book-work for them, and done most everything.

Q. Has the Sentinel Company a job-room for doing job-work, binding books, and getting up records for county officers, &c.?—A. Yes, sir.

Q. Does it do any railroad work?—A. Yes, sir.

Q. Did you ever travel for that department?—A. No, sir; I have sold book-work in the county offices.

E. L. ROSE.

ERNEST KITZ, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Question. State your name, age, and residence.—Answer. Ernest Kitz; my age, 40 years; and I reside at Circle Park Hotel, Indianapolis.

Q. How long have you resided in Indiana?—A. Ten years.

Q. Were you in the city of Indianapolis at the time of the Congressional election, November 7, 1882; and did you attend the same?—A. I did, sir.

Q. Did you act in any official capacity at that election; and, if so, what?—A. I acted as inspector of the second precinct of the eleventh ward.

Q. Did you see the Republican ticket voted for Stanton J. Peelle for Congress at that election?—A. Yes, sir.

Q. I call your attention now to this ticket, which is marked Exhibit B to the deposition of Mr. DeVay, and headed "Republican Ticket." Is that the ticket that was used and voted on that day?—A. That seems to me to be the ticket; and I believe I have one or two of them myself.

Q. You saw the Democratic ticket voted on that day?—A. Yes, sir.

Q. What is the ticket I call your attention to, marked Exhibit C to the same deposition, and headed "Democratic Ticket?"—A. That is the ticket, I believe.

Q. Did you see the National ticket that day?—A. I saw one or two, I believe.

Q. I call your attention to the ticket marked Exhibit D, headed "National Ticket." Is that it?—A. That looks like it.

Q. Is there any distinguishing mark or embellishment, except the name of the candidates and the offices for which they were voted, on the Republican ticket?

(Objected to as incompetent, for the reason that the ticket will show for itself.)

A. I see an embellishment in the head.

Q. Do you know whether that is an engraved heading?—A. I cannot tell very well. I do not think it is engraved. It seems to me to be printed, because it shows on the other side and the regular engraving don't show on the other side.

Q. What would you call the material on which that ticket is printed?

(Objected to for the reason that the witness has not shown any knowledge of paper.)

Q. Did you ever have any experience in buying paper?—A. I have bought considerable.

Q. What would you call that material?

(Objected to as immaterial.)

A. I would not call it paper at all.

Q. What would you call it?—A. I would call it a thin board. It is almost as thick as Bristol, and it is smoother.

Q. Did you ever know of such material being used before for tickets?

(Objected to as incompetent and immaterial.)

A. No, sir; I never did.

Q. When lightly folded would that ticket remain folded or be liable to spring open?—A. It sprung open when there was two in my hand, and I called the man back and made him deposit one only.

Q. You say it is liable to spring open?—A. I can say so because I counted all the tickets and saw them all spring open after the box was opened up.

Q. If another ticket was folded inside of this ticket, and thus folded the tickets were dropped into the ballot-box, would this ticket be liable to spring open so as to release the inclosed ticket and make two ballots?—A. It might if the box were shaken up and handled.

Q. Could you tell that Republican ticket from the Democratic ticket by sight?—A. I could tell every one without seeing them.

Q. Could you tell it by touch?—A. Yes, sir.

Q. What position did you say you held?—A. Inspector.

Q. Could persons looking on at the polls tell thsee Republican tickets when the voters handed them to the inspector, and the inspector placed them in the ballot-box, even when carefully folded with the names inside?

(Objected to as immaterial and for the reason that the witness cannot tell what the crowd would do.)

A. I made a few observations about it, and I saw that the outside were always looking——

Q. Could they tell the ticket?—A. My opinion they could tell every one.

Q. Was the secrecy of the ballot destroyed or impaired at that election at the precinct where you acted as inspector—— A. No, sir.

Q. (Question continued.) by the use of said Republican ticket?—A. Was it impaired?

Q. Was the secrecy of the ballot destroyed or impaired by the use of said ticket?—A. I took notice that the challengers took good care when they saw a stiff ticket they would not challenge.

Q. What challenger?—A. Mr. Porter, son of Governor Porter.

Q. What party does he belong to?—A. I think he belongs to the Republican party. I never asked him. I took notice that they commenced to challenge the other frequently when there was a little trouble, and I kept my hand around the ticket before I dropped it in the box and my hand covered the ticket, and sometimes a man would hand up his ticket and I would hold my hand in front, but I took notice that there was little trouble whether they would challenge when the name was not on the poll-book after

that, but that only lasted a little while. We had a little squabble, about half an hour, and everything went off pleasantly again.

Q. How many Republican tickets were voted for Mr. Peelle, if you know?—A. I do not know as I could tell you. He had a majority there.

Q. What was the Republican vote; can you recollect?—A. I cannot tell you. I have got a poor head for figures. I know the vote in the precinct; I have got it down.

Q. How many of the Republican tickets were of the character of this; all of them? (Objected to as leading.)

A. The Republican tickets were all printed like this, but some were scratched.

Cross-examination by Mr. PEELLE:

Q. What is your politics?—A. I am a Democrat.

Q. You are the present Democratic township trustee in this city?—A. Yes, sir.

Q. You were inspector at your precinct in the eleventh ward at the last election?—A. Yes, sir; appointed by law.

Q. I will ask you if there was any complaint made to the board there about the character of the Republican ticket that you have spoken of on that day?—A. Yes, sir.

Q. By whom?—A. Mr. McDonald was the first one. He came and objected and called the attention to it.

Q. State now if you know of any one that was misled or deceived in voting there at that poll in consequence of the Republican ticket being on the kind of paper it was?—A. I could not say that, not being outside where the tickets were handled. I can tell you one case where some one deposited two tickets.

Q. They were not deposited in the ballot-box, were they?—A. I did not deposit them.

Q. Could you not more readily detect two Republican tickets folded together than two Democratic tickets?—A. I could in this case, because he did not have them folded very hard.

Q. Could you not, anyhow, detect two tickets of the Republicans folded together better than the Democrats?—A. I could if they were not folded out enough to get through the slit in the box. The slit would admit three.

Q. Was the Republican ticket on heavier paper?—A. Yes, sir.

Q. It made a larger bulk when folded?—A. Yes, sir.

Q. Is it not true that two Democratic tickets folded together would be more liable to be voted at that precinct or any other precinct by the familiarity you would have in feeling the tickets?—A. I can tell just two Republican tickets when they were folded. I could see four corners. If I could not tell by the touch I could tell by the looks. I could not tell any of them by the touch. By folding two tickets there would be four single corners.

Q. I will come back to the plain question again: if in consequence of the weight of the Republican ticket, if two Democratic tickets would not have been more likely to have been folded together and voted without detection than two Republican tickets?—A. I suppose two Republican tickets would have weighed heavier. You could easily tell by the weight.

Q. By the thickness?—A. It might be by the thickness.

Q. Could you not tell that by the Republican ticket much quicker than the Democratic?—A. I could if I paid attention.

Q. You were paying attention?—A. I was paying attention looking at it, not to touch, to see if I could see four corners sticking out of it.

Q. What would be the difference between two Democratic tickets folded together and one Republican ticket folded by itself; what would be the difference when handed to you, as inspector, in the feeling?—A. I suppose the two Democratic tickets would not be as heavy as the Republican.

Q. I am speaking about one single Republican ticket.—A. I cannot tell without scales. I suppose two of them would weigh about as much as one Republican.

Q. In consequence of that would not two Democratic tickets be more likely to be voted at the poll than two Republican tickets folded together?—A. I would not trust my sense of weight. I would trust my eyes, because, in such a small weight, you cannot tell by your hand.

Q. You can tell by the bulk?—A. You can tell by the thickness.

Q. If you take two Republican tickets and fold them together in eight folds or any other number of folds, and take two Democratic tickets and fold them in the same manner, would not the Republican ticket be less liable to be voted than the Democratic ticket, by feeling?—A. By bulk; it is plain enough to be seen that it would make more of a bulk.

Q. You do not know of any other Republican ticket that was voted there that day that had another folded inside of it?—A. No other; only except that I had it half in, and I must say that the weight did not tell me, or the touch either. It was half in,

and I saw those sharp corners, and the bulk did not keep me from putting it in, and the other judges were looking on, and I saw the four corners sticking out.

Q. Could you not as readily distinguish the Democratic from the Republican ticket?—A. Certainly I could.

Q. You say the heading of the Republican ticket is printed?—A. I think it is printed. Of course I am not an expert, but I have had a little experience in it.

Q. You know nothing about the quality of the paper?—A. I know it is almost equal to bristol-board. Bristol-board has got a better finish.

Q. Have you any knowledge of the subject at all?—A. Yes, sir; I have bought a great deal of paper.

Q. For what?—A. For the city directory, in printing cards in Philadelphia.

Q. If you know what kind of paper it is printed on state what it is.—A. I cannot say that it is such, but I should call it thin bristol-board, unfinished. The bristol-board is smoother. It has a smooth finish. It is not glazed by smooth finish.

Q. Are they all paper?—A. They are all made out of rags, I suppose.

Q. I am asking you if that is paper that the Republican ticket is printed on?—A. I suppose it is the same material of paper.

Q. What is the color of the Republican ticket?—A. White.

Q. Plain white?—A. It is not very white.

Q. It is what you understand to be plain white?—A. It is plain white; yes, sir.

Q. Is it the same color as the Democratic ticket would be?—A. The color is the same. I think it is about the same color. It looks like a little more intensely white because it is thicker.

Q. Look at the head of that Democratic ticket that you have in your hands that has been made an exhibit; is that plain type?—A. There are so many types I do not know as you could call it plain or not.

Q. Is that plain type?—A. There is no embellishment about it except a few dashes there.

Q. Look in the body of the ticket and say if you see any dashes there.—A. I do not see any there.

Q. Do you not see some dashes down in that ticket with some little rings about them?—A. That is dividing the different parts of the ticket.

Q. There are dashes there with little circles in the center part of the ticket?—A. Yes, sir; I don't call that an embellishment.

Q. You say that that ticket in the words "Democratic Ticket" is plain type?—A. I do not say it is plain type. There is no cut made for this. It is the plain type, but this type (Republican ticket) is cast this way. And this is made from the cut.

Q. I am not asking you how that is cast. I am asking you whether those letters there indicate plain type?—A. I should call them plain, because they are printed that way and set together in the stick.

Q. Take this National ticket and see if the words "National Ticket" at the head, if they are plain type.—A. Yes, sir.

Q. What is the difference between that and the National?—A. There is no difference there, only one is called——. I do not know the difference. One might be called "pica" and the other something else, but they are plain and set up in letters as they are taken out of the box, while the Republican is made of cast. It is made after a cut, and the others are taken out of the box and set together in the composing-stick.

Q. I am asking you to state whether or not that "Democratic Ticket" is plain type?—A. I should call it plain type; none of it has a finish to the "C."

Q. If that is plain type, state whether or not the words "National Ticket" on that National ticket are plain type?—A. It is the same shape, too.

Q. Are they the same kind of letters?—A. No, sir.

Q. What is the difference?—A. If I could get the samples from the foundery I could tell you the difference.

Q. State from that ticket the difference between those tickets?—A. The type is a little fatter, and they have a light stroke, and there are no shades on the Democratic ticket.

Q. What are those little dashes there?—A. Just finishing the letter; one man makes his "O" with a dash and another does not.

Q. That indicates it is not plain type?—A. I do not see any embellishment to it. Instead of making a straight finish it is turned around. I think I write a plain hand; sometimes I make my letters different from another style. I would not call it fancy writing, because I cannot do fancy writing.

Q. Don't you say that "Democratic Ticket" there is embellished type?—A. No, sir.

Q. Shaded?—A. There is no shades there.

Q. What is the difference between that lettering and the National ticket?—A. There is a difference in the small letters in the letters of the National ticket.

Q. Don't you see in that Democratic ticket there are shades?—A. There are some shades.

Q. Curls?—A. The finish of it is curled instead of straight, but there is no superfluous dashes. It is only——

Q. Don't that necessarily make it uncommon type?—A. I should not call it uncommon type, because it is type that is in the market. I would not call it uncommon type, though it is finished different from the other. If either one was uncommon I would call the other uncommon.

Q. Now you say, notwithstanding the dots and dashes in the letters, the finish of the Democratic ticket is plain type?—A. I should call it plain type. I should not call it "pica," or "pearl," or whatever the different denominations are. It has got its name, and you may find it among the common type in the printers' sample-book, but you will not find anything like the Republican ticket. I have got a little printing office myself; it cost me about fifty or sixty dollars.

Q. I am not asking you about the different quality or kinds of type?—A. I understand you. I should not call it fancy, because it is commonly sold for plain type.

Q. That is what you understand as plain type?—A. I should call it plain type, just as well finished, though that has a shade.

ERNEST KITZ.

JOHN MALONEY. being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Question. State your name, age, and residence.—Answer. I am in the neighborhood of 55 years of age, and I reside in Indianapolis, in the seventeenth ward.

Q. How long have you lived in this city?—A. I have lived here since 1854.

Q. How long have you lived in this State?—A. I have been out once or twice in La Fayette, and I worked here before I made it my residence, but I have lived in this State since about 1855.

Q. Were you in the city of Indianapolis at the time of the Congressional election, November 7, 1882?—A. Yes, sir.

Q. Did you attend the same?—A. I was judge on the board in the seventeenth ward.

Q. Which precinct?—A. The lower one, on South street.

Q. Did you see the Republican ticket that was voted for Stanton J. Peelle for Congress?—A. I ought to. I handled them.

Q. I show you ticket marked Exhibit B to the deposition of Mr. De Vay, and ask you if that was the ticket that was voted and used by the Republicans on that day?—A. Yes, sir.

Q. Has that Republican ticket any distinguishing mark or embellishment on it?

(Objected to as incompetent and immaterial, and that the ticket will show for itself.)

A. The face of it shows what it is. It is distinguished, of course. Anybody can see at once, when it is folded up, what it is. I could tell every one that was voted there as quick as they came up.

Q. How would you tell them?—A. By the stiffness of the board, and also by this heading here.

Q. When lightly folded would that ticket remain folded or would it spring open?—A. Spring open. I had kicked half a dozen times about the ticket where they have been lapped together, and they would spring open and come down when they were dropped in the box. It would be regularly folded, and I got this inspector there—he keeps a boiler and machine-shop. Hetherington, he was inspector, and I kicked against him for the way he acted with the tickets. He would take them corner-ways, and some of them would lap out. He made it a point where they were lapped out that way. One was smaller than the other. [Illustrating.] That is generally the way they were, and they would go down in the box where they would be stuck in that way. [Illustrating.] He would take them, and they would drop out, and as a general it dropped out—give them a shake and they would drop out.

Q. Could you distinguish that Republican ticket by touching it?—A. Yes, sir.

Q. Could you by sight?—A. By sight as well.

Q. Did you see the Democratic ticket voted there?—A. Yes, sir.

Q. I show you this Democratic ticket marked Exhibit C to the deposition of Mr. De Vay, and ask you if that was the ticket used at that election by the Democrats?—A. Yes, sir.

Q. Could you distinguish the Republican ticket by sight and touch from that Democratic ticket?—A. Yes, sir; very easy. Any man could do that. Any one that has been around elections could see it; not me alone, but any other person could tell.

Q. How many votes were cast at that precinct?—A. I cannot say exactly; it was somewhere in the neighborhood or close to 700. A fellow cannot keep these things in his head all the time.

Q. And this Republican ticket that has been shown you was the Republican ticket that was voted there?—A. Yes, sir.

Q. You do not know how many were voted?—A. Somewhere close on in the neighborhood of 700 is the total vote.

Q. Did the Democrats or Republicans have a majority?—A. The Democrats had a majority.

Q. How much?—A. I think something like between 40 or 50 majority.

Cross-examination by Mr. PEELLE:

Q. What is your politics?—A. I am a Democrat, sir.

Q. Had you any wager on the result of the Congressional election last November?—A. No, sir; I had none at all. I have often bet on elections, but not then.

Q. You were judge of what precinct in the seventeenth ward?—A. At the southern or lower precinct.

Q. How many names were there recorded on the poll-list there by the clerk?—A. To the best of my recollection there was more votes I think really on the poll than there was names, to the best of my recollection.

Q. Do you remember anything about it? State how it was.—A. I cannot exactly state how it was, but to the best of my opinion there was some more votes in the box than there was names for.

Q. Have you ever been judge of elections before?—A. Yes, sir.

Q. That frequently occurs, does it not, that there are more tickets in the box than there are names?—A. Sometimes it occurs.

Q. There was nothing remarkable about it this time, was there, from what it usually is?—A. There was more of it then than at any other time.

Q. It frequently occurs?—A. Yes, sir.

Q. Was there any complaint made by any one to the board of election there that day about the character of the Republican ticket that was voted?—A. They were all complaining about the quality of the ticket, and it was so much more remarkable than the Democratic ticket; the paper distinguished it.

Q. Was there any complaint made to the board of which you were a member about the character of that ticket?—A. They were complaining there outside.

Q. I am asking about the board. I am not asking about what occurred outside. Was there any one came to the board and complained about the character of this Republican ticket?—A. Yes, sir; they said it was not legal.

Q. Give the names.—A. I cannot give the names. There was several parties there said that the ticket was not legal.

Q. Give the names of them.—A. I cannot give you the names.

Q. Could you give the name of one of them?—A. I do not think I could, sir; but there was several came there. I know they made several complaints that the ticket was not legal.

Q. Do you know of any one who voted at that precinct who voted the Republican ticket with another ticket folded inside of it?—A. I did not tumble to those kind of things at the start or else I would have paid more attention, and I might have noticed. I did not at once form an idea that that ticket was gotten up for that purpose.

Q. You spoke about the folding of that ticket together there, and you spoke about the Republican ticket being folded together, and you instanced here the manner in which they were folded together.—A. I have seen them in the box lapped in on each other.

Q. Now, do you say that any man voted two Republican tickets down in that precinct?—A. I could not say, sir, that I seen any doing it. If I did, I would check it up.

Q. You know nothing about it?—A. No, sir; I do not.

Q. How many Republican tickets did you see folded together in the box?—A. I had a fuss about four or five different ones where they were folded separate and they were lapped in on each other.

Q. Let me ask you this: Is it not quite common for tickets put into a ballot-box in that way to be found folded together and lapped in together in the way in which you have described here?—A. Not as a common thing. On the Democratic ticket you cannot get them that way, and you cannot get them lapping in on each other.

Q. Is it not quite a frequent thing for the Democratic tickets to be folded together when you shake up a box, and don't you frequently find them so?—A. Not frequently. Where we took up two tickets in together we did not count them where they were folded together.

Q. I understand you to say that all the tickets that were found folded together you did not count.—A. Where they were lapped together we did not.

Q. So if they were voted together you did not count them; whether they were or not they were not counted?—A. They were not counted where they were lapped together.

Q. I will ask you whether there were any two Republican tickets in the box that

were folded together?—A. No; not folded together. Not both together. They were folded separately and lapped in on each other, because if they were folded together there would be no chance for them to escape at all; they would be sure to be condemned. They were folded separately and lapped in on each other, and when the tickets went down—they were heavy tickets, and of course when they went down—I will show you how it was done; it was done very scientifically. When the tickets would come down they would get out of the——

Q. Would not the inspector more readily detect two Republican tickets folded together that way than he would two Democratic tickets, for the reason that the Republican ticket was more bulky?—A. The inspector down there was a Republican.

Q. I am not asking you about that. I am asking you if it is not a fact that two Republican tickets folded together in the way you have described would be more readily detected in consequence of their bulk than two Democratic tickets?—A. Yes, sir; certainly they would, because the size would be more noticed. When you get a big, large, bulky ticket, don't you know it can cover up more of anything inside of it than a smaller ticket can, because it has a heavier back and body to it? Then it will cover up anything folded inside of it.

Q. Was there any other kind of Republican tickets voted at that poll?—A. No, sir; but the one kind.

Q. None found in the ballot-box?—A. No, sir.

Q. All of the same kind?—A. Yes, sir. I mean all the same kind of Republican tickets.

Q. How many Democratic tickets did you find folded together down there?—A. Whatever went in there the inspector sent out.

Q. How many of them?—A. I believe there was one or two. I believe there was one there to my best recollection that was lapped in together.

Q. You do not recollect how many more?—A. No, sir. That was all that there was. There was only one thrown out.

Re-examination by Mr. WILSON:

Q. You say that a Democratic ticket folded that way with another was not counted?—A. No. This Democratic ticket was not—I suppose probably some greenhorn fellow that did not know that they were wrapped together.

Q. Were they counted?—A. No, sir; they were not counted.

Questions by Mr. PEELLE:

Q. I thought you said they were folded together?—A. The Democratic ticket was folded, doubled together. Some fellow had taken it through ignorance in voting in not seeing; probably some Irishman or Dutchman. It was my poll, and he had two of them all together wrapped up.

Questions by Mr. WILSON:

Q. You say that the Republican tickets that were folded together were not counted?—A. No, sir; they were not counted.

Q. How many of them were there?—A. There was four or five of them.

Questions by Mr. PEELLE:

Q. You say it was some greenhorn Democrat that voted those two Democratic tickets?—A. It was wrapped double together.

Q. If a Republican ticket had been voted that way would he have been some greenhorn Republican?—A. I believe he would be if it was wrapped up double.

Q. Could you not more readily detect two Republican tickets than two Democratic tickets thus folded from the weight of them?—A. Yes, sir; from the weight of them.

Mr. WILSON. Folding the two Republican tickets together, would it not be more apt to spring open and separate than the Democratic tickets?—A. Yes, sir; that is what it was done for. That was the object it was done for.

JOHN MALONEY.

The further taking of these depositions was, by consent of both parties, adjourned until to-morrow (Thursday, October 4, 1883) at 2 o'clock p. m.

THURSDAY, *October* 4, 1883—2 p. m.

Parties met pursuant to adjournment.

ALBERT F. AYRES, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Question. State your name, age, and residence.—Answer. Albert F. Ayres; 34 years old; residence, Indianapolis.

Q. How long have you resided in Indiana?—A. All my life.

Q. Were you in the city of Indianapolis at the time of the Congressional election, November 7, 1882?—A. Yes, sir; I was.

Q. Did you attend that election?—A. I did.

Q. Did you act in any official capacity at that election; and, if so, what, and where?—A. I was clerk of the election board at the second precinct in the thirteenth ward in the city of Indianapolis.

Q. Did you se the Republican ticket voted for Stanton J. Peelle for Congress at that election?—A. I did.

Q. I will call your attention to the Republican ticket marked as Exhibit B to the deposition of Mr. De Vay. Look at that and say if that is the ticket that was used and voted by the Republicans in your precinct.—A. Yes, sir. I think it is similar to the tickets that were voted at that election.

Q. Who were the candidates for Congress at that election on the Democratic, Republican, and Greenback tickets?—A. Mr. Stanton J. Peelle was the candidate on the Republican ticket and William E. English was the candidate on the Democratic ticket, and on the Greenback ticket I do not remember.

Q. Was it Mr. Medkirk?—A. Yes, sir; I think that is the name.

Q. I will call your attention now to the ticket headed "Democratic Ticket," and marked as Exhibit C to Mr. D. De Vay's deposition. I will ask you if that is the ticket that was voted at that election by the Democrats for Mr. English for Congress in that precinct?—A. Yes, sir; I think tickets similar to that were voted in that precinct up there.

Q. Is that Republican ticket, to which I have called your attention, and the ticket that you say was used by the Republicans—has it any distinguishing mark or embellishment except the name of the candidate, and the office for which they were voted?

(Objected to as immaterial and incompetent, and for the reason that the ticket will show for itself.)

A. Well, I should say that it had, from the quality of the paper used, more than anything else. The paper is stiff, and cannot be folded in so small a bulk as the Democratic ticket. It is not the same kind of paper by any means.

Q. The question was, has that any embellishment?—A. There is an embellishment on the head of the ticket. (Objected to as incompetent and immaterial, and for the reason that the ticket will speak for itself.) That distinguishing mark on the head of the ticket will not show when the ticket is folded, but when it is open it will.

Q. I will ask you to look at the back of the ticket. Does not that distinguishing mark show through there?

(Objected to as immaterial and incompetent.)

A. Yes; it shows slightly.

Q. Does the material on which that ticket is printed designate it or distinguish it from the Democratic ticket?—A. You mean the paper?

Q. Yes, sir.—A. Yes, sir; I should say that it did.

Q. Could you distinguish that Republican ticket from the Democratic ticket by sight?—A. Well, I never had any experience in trying it, but to look at the two of them I believe I can, because I can see the difference in the paper here. The style of the paper is different from the ticket that was voted at that time and the Republican ticket. Those two tickets are not made of the same paper, and I think I can distinguish them. The Democratic ticket and the Republican ticket were not both printed on the same paper; and I think the paper that the Republican ticket was printed on was a great deal heavier paper.

Q. What would you call that material upon which the Republican ticket was printed?

(Objected to as incompetent and immaterial.)

A. I could not answer that, because I am not sufficiently acquainted with the paper.

Q. I do not ask you as an expert, but what do you call it proper?

(Objected to as immaterial.)

A. It is more like pasteboard than paper to me.

Q. Did you ever know such material to be used for tickets before, at any election, as that upon which the Republican ticket is printed?

(Objected to as immaterial.)

A. I don't remember whether it was or not. I do not have any recollection upon that subject as to whether this kind of paper was ever used or not. It seems to me like it was used in former elections. My recollection is that that paper has been used before, but I am not positive about that, because my attention was not called to it directly. I was not on the board at any election. I simply went and voted, and was about the polls, and worked around there at former elections.

Q. You say you have some idea that that ticket was used at former elections. By what party?—A. It was used by the Republican party.

Q. When lightly folded, would that Republican ticket remain folded, or would it be apt to spring open?—A. I would say, from the texture of the paper, that it would spring open.

Q. If another ticket were folded inside that Republican ticket, and, thus folded, the tickets were dropped into the ballot-box, would the ticket be liable to spring open and separate so as to release the inclosed ticket?

(Objected to as immaterial and incompetent, for the reason that there is no evidence that such is the case.)

A. I should think it would be liable to spring open.

Q. Could you, as an officer at that election, at your precinct, tell by the character and appearance of the tickets from the outside, as folded, the Republican from the Democratic?—A. I could hardly answer that question, because, in the first place, I was clerk of that election board, and was sitting back at the table, and I was not out where I could see those things. The clerk occupies a position back five or six feet from the inspector, who was standing at the window, and the Democratic judge was sitting by the side of him with his hand over the ballot-box, and I was sitting down there writing the names of each voter. I did not notice those tickets that were handed up, and I have had no experience in that, any more than what you might say that I could distinguish them by seeing those now. As I said a while ago, by taking the two together I think a man could do it, but at that election I did not notice it, because I was not in a position to notice it. I did not notice it then.

Q. Could you distinguish that Republican ticket from a ticket printed on ordinary book paper, ordinary writing paper, or ordinary print paper?

(Objected to as immaterial, for the reason that the witness has not testified that he had any knowledge of the different qualities of paper at all.)

A. Yes; I think that a person could distinguish it.

Q. How many of such Republican tickets were voted at your precinct, if you recollect?

(Objected to for the reason that the returns will show for themselves.)

A. I do not recollect now how many there were. I believe there was something in the neighborhood of 600 votes polled in the second precinct of that ward, and the majority was something less than 100 in that precinct. There must have been something over 300 or 400 Republican votes in that precinct.

Q. When voted, the tickets were of that character?—A. Yes, sir; that is my recollection now about it; that that is the same ticket that was used that day out there. I did not count the ballots out of the box. I simply tallied them as they were counted.

Q. Was the secrecy of the ballot impaired at that election by the use of that ticket by the Republican party?

(Objected to as a conclusion of law, and as leading.)

A. Well, I should say that it was.

Q. What is your business?—A. I am an attorney at law.

Q. Did you ever hold any official position in this State?—A. I was deputy attorney-general of this State at one time under Mr. Buskirk and Judge Woollen—about five years.

Cross-examination by Mr. PEELLE:

Q. What is your politics?—A. I am a Democrat.

Q. State if you are at present a candidate on the Democratic ticket for councilman in the thirteenth ward in this city.—A. I am.

Q. I understood you to say that there was no distinguishing mark on that ticket, on the back of the ticket?—A. No; except the heading of the front side.

Q. I am speaking of the back of the ticket. There is no distinguishing mark on the back of the ticket?—A. I can see by close inspection the marks from the Republican ticket on the front side.

Q. I will ask you to look at the Democratic ticket that you hold in your hand, and see if you cannot do the same thing. Hold it up between you and the light?—A. Yes; I can just see that.

Q. Now, is it not a fact that there are no distinguishing marks on the back of that Republican ticket?—A. There are no distinguishing marks on the back of that ticket that a man could see if that ticket was folded up.

Q. State if you have any knowledge as to the quality of paper—different kinds of paper.—A. No, sir; I never dealt in paper enough to have very much knowledge of it.

Q. You do not know what kind of paper that Republican ticket was printed on?—A. I don't know what kind of paper they call that. Papermen have a name for it. I do not know what it is.

Q. Do you know what kind of paper that Democratic ticket is printed on?—A. No, sir.

Q. Do you know what difference there is between the two tickets?—A. I know the difference is this: that the Republican ticket is printed on much heavier paper than the Democratic ticket.

Q. That is all you know about it?—A. Yes, sir.

Q. The Republican ticket is a little heavier paper than the Democratic ticket?—A. Yes, sir; it more resembles pasteboard. The Democratic ticket resembles softer paper.

Q. You say you were one of the clerks at the second election precinct in the thirteenth ward.—A. Yes, sir.

Q. You did not notice the tickets as they came in that day?—A. No, sir; I did not have time to; I was sitting back.

Q. Did you at any time distinguish a Republican ticket from a Democratic ticket as they were handed in?—A. No, sir; I did not at that time.

Q. Was your attention at that time called to the difference in the tickets at all?—A. I think not; there was nobody spoke to me at that time.

Q. I will ask you to state whether or not any complaint was made to the election board by any one at the election last November, where you were clerk, as to the character of the Republican ticket.—A. I heard none.

Q. If any had been made to the board would you not have heard it?—A. I think I would; I was inside of the room all the time that the vote was going on, from the time the polls were opened in the morning until 6 o'clock in the evening, and then commenced counting.

Q. Could you distinguish that Democratic ticket from the Republican ticket?—A. You mean could I at that time from where I was?

Q. Yes, sir.—A. No, sir; I don't know that I could from where I was in the room; I could not tell it that far off.

Q. Could you distinguish the Republican ticket from the Democratic ticket two or three paces off, folded?—A. I don't know that I could; not two or three paces off.

Q. Do you know of any one who was deceived or misled in voting that day in consequence of the Republican ticket being printed on that kind of paper?—A. No, sir.

Q. Do you know of any one who would have voted differently if the Republican ticket had been printed on the same kind of paper that the Democratic ticket was printed on?—A. No, sir.

Q. Then when you say the secrecy of the ballot you think was disturbed, what do you mean?—A. I mean this: that the inspector of the election could tell something about what kind of a vote was being handed up to him, and when the challenge would be made I know there was some sign passed out there; I was informed some signs were made by the inspector of the ward; that he could tell when he took the ticket whether it was a Democratic ticket or a Republican ticket, and he held it in a certain position.

Q. Do you say now that the inspector of the precinct gave out any signs to any one?—A. I don't say that he did, because I do not know it, but I know it was said that he did. I know they said that he held tickets up this way [indicating]. I may get that wrong. I cannot tell about that positively. I was told if it was a Republican ticket it was held up that way [indicating], and if it was a Democratic ticket it was turned down that way [indicating], or *vice versa*, so that the inspector would know from the feeling of the paper. Anybody can tell by feeling these two papers what ticket it is. Anybody can tell that.

Mr. WILSON. You mean this Republican ticket.

The WITNESS. Yes, sir.

Q. You can tell which piece of paper is the heaviest?—A. Yes, sir. Now, just what might have occurred from the inspector holding that ticket in that particular way, I do not know. Of course I cannot tell what the result might be. I don't know whether it was for the purpose of giving his friends a chance to know what the ticket was, and the Democrats to understand—of course they did not understand anything about it until late in the day, when they began to notice it. I know it was talked about afterwards. I did not notice it.

Q. Who was the inspector at that precinct?—A. Mr. James Isgrigg. Understand me, I do not say that Mr. Isgrigg done that, because I did not see it. I heard that in the ward. I do not know as I could tell you who said it. I heard it.

Q. You were one of the clerks there, and you did not see it.—A. No, sir; I did not see it.

Q. Do you know Mr. Ernest Kitz, the present township trustee?—A. Yes, sir.

Q. He was inspector at one of the precincts in the eleventh ward?—A. I do not know anything about that. I do not know where Mr. Kitz lives. I know he is township trustee.

Q. Do you know that when he received tickets he received them and concealed them from the crowd outside by putting his hand between the audience and the ticket?—A. No, sir; I do not know anything about that. I did not hear of it. He is not in my ward.

Q. If he did that, how much difference would there be between that and the way the inspector you spoke of did?—A. I don't know what the difference would be. The difference would be in the intention of the party that did it, and what that intention was I do not know. The parties themselves would have to answer that, if they had any intention.

Q. I will ask you to take that Democratic ticket there in your hand and look at the heading "Democratic Ticket" and state whether or not that ticket is in plain type?—A. Well, sir; I think it is plain type.

Q. I now hand you the ticket purporting to be the National ticket voted at that election and marked "Exhibit D" in the testimony of Mr. De Vay, and ask you to state whether the heading of that ticket, "National Ticket," is in plain type—A. Yes, sir; they are; both of them.

Q. Is there any difference between the type in the heading of the Democratic and National tickets?—A. Yes, sir; there is some difference in the type.

Q. Do you notice some dots and dashes in the heading "Democratic Ticket?"—A. Yes, sir; there are some quirls in the letters there.

Q. Would you call a letter that had curls in it and dots and dashes in it a plain letter?—A. It is plain. For instance, there is the name "William R. Myers;" that is a plainer letter than the words "Democratic Ticket" up there at the head, but not very much; a letter that is more commonly used, perhaps.

Q. I understood you to say you could not give the names of any persons who spoke about the manner in which this inspector held the tickets.—A. No. I do not believe I can. I remember of these things having been charged on Mr. Isgrigg, but I cannot tell you who said it now, and I do not know whether he did it or not.

Q. Rumors and charges are frequent about election times?—A. Yes, sir; of course.

Re-examination by Mr. WILSON:

Q. You say you have no knowledge of paper; do you mean you have no knowledge at all, or no knowledge as an expert?—A. No knowledge as an expert; that is what I mean. Of course I have knowledge of writing paper and book paper.

Q. When you say you don't know what kind of paper the Democratic ticket is printed on, you spoke from the stand-point of an expert?—A. Yes, sir; that is what I mean. I never handled any of it or dealt in it.

(Objected to as incompetent and immaterial.)

Q. I understand you to say you were sitting back and could not see the tickets as they were put in the box, and the inspector's back was turned to you?—A. Yes, sir. He was standing up on a box; that is my recollection; and they had the ballot-box up in the window, and the ballot-box came way up on his breast, and I was down on the floor, back five or six feet from him, sitting down by a table, really with my back to him, and he with his back to me, and the gentleman sitting opposite me was the clerk on the Republican side, and he was facing the window and nearly right in front of the window, and I was at the side of the room with my back to the gentleman that was taking in the tickets. If I had turned around and looked back I could not have seen probably, because the Democratic judge and the Republican inspector were both of them with their backs to us taking in the votes, and as fast as they would take them in I had to record the name of the voter, and I had no time to pay any attention.

Q. In answer to Mr. Peelle's question in reference to complaints about this ticket by any one, do I understand you answer in reference to complaints to the board, or with reference to no complaints at all?—A. There were no complaints made to the board at all. I did not hear any.

Q. You said from where you sat you could not distinguish the Republican ticket from any other ticket. Could the challenger distinguish those tickets? [Objected to as immaterial.] Could the challenger and inspector distinguish these tickets, standing right by the box where they were deposited, by seeing them?

(Objected to as incompetent and immaterial, for the reason that the witness cannot tell what the inspector or bystander would see or do.)

A. Well, I should say this: If I had been the challenger or inspector, knowing where the challenger stood there, and knowing the position and the place where the inspector was, I think I could have distinguished them, and by the quality of the paper that the Republican ticket was printed on. As I said a while ago, if the ticket was folded the distinguishing mark could not be seen at all.

Q. When you say "distinguishing mark" you refer to the heading on the inside of the ticket?—A. I mean the heading, and if that was folded inside, as it might be very easily, and the ticket folded from the top, in.

Q. What were the politics of the inspector?—A. Republican.

Q. Was there any Republican tickets folded in together found in the ballot-box in your precinct of this same character as the ticket marked Exhibit B, which has been

shown you?—A. Yes, sir; there was two of them folded together. I will state that when the inspector was taking the tickets out and counting them, while the gentleman that was called in that night to witness the count—the Democrat—was sitting at the side of the ballot-box, this witness discovered two tickets folded together—Republican tickets, such as these are. I do not know how they were folded, only they were found together, and the Democratic judge that was called in spoke about it, and said: "There, Mr. Isgrigg, look out there, there are two tickets folded together. That won't do. You can't count them." And Mr. Isgrigg said that was all right; they were together, and he laid the tickets out, and they were not counted, either one of them. That is the only case that was found in the box.

Questions by Mr. PEELLE:

Q. You do not remember whether the tickets were folded together or whether they were lapped in together by the shaking of the box?—A. That was the decision of the Republican inspector, that they were folded in.

Q. Therefore they were not counted?—A. No, sir. They considered that it was an attempt to vote two tickets.

Q. I will ask you whether there were any Democratic tickets folded together?—A. There was no question raised about them, and the inspector did not charge that any person attempted to vote two Democratic tickets at once.

Q. But, nevertheless, you would frequently find Democratic and Republican tickets folded in together by shaking up the box?—A. I don't know as there were any folded together. They were stuck together.

Q. And might look suspiciously, folded together, when in fact they became stuck together by shaking?—A. The inspector laid them out and he considered that they were actually folded. One ticket was laid on top of the other and they were lapped down together.

Q. And they were not counted?—A. No, sir. They considered that some man had attempted to vote two tickets at the same time.

ALBERT F. AYRES.

W. F. CHRISTIAN, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Question. Your age and residence?—Answer. I am 44 years old. I reside at No. 124 East Vermont street, Indianapolis.

Q. How long have you resided in Indiana?—A. About 19 years.

Q. Were you in the city of Indianapolis at the time of the Congressional election, November 7, 1882, and did you attend that election?—A. I did; yes, sir.

Q. Did you act in any official capacity at that election; and, if so, what and where?—A. I was the Democratic judge of the tenth ward.

Q. Did you see the Republican ticket voted at that election for Stanton J. Peelle for Congress?—A. Yes, sir.

Q. I will call your attention to the ticket marked as Exhibit B to the deposition of Mr. De Vay, and I will ask you if that is the ticket that was voted by the Republicans at the election?—A. Yes, sir; I think it was.

Q. Looking at the face of that ticket, I will ask you whether it has any distinguishing mark or embellishment upon it, or at the head of it?—A. Well; what do you mean? The letters, or the way it is headed? The heading of it is. [Objected to as immaterial and incompetent for the reason that the ticket will show for itself.] The lettering of it is a little different from what tickets are generally lettered. They are generally lettered in plain black letters, but the most distinguishing feature of it is the thickness of it.

Q. I call your attention to the Democratic ticket which is marked as Exhibit C as a part of the deposition of Mr. De Vay; and I will ask you if that is the ticket voted by the Democrats for Mr. English at that election?—A. Yes, sir; that is the ticket.

Q. Does the material on which that Republican ticket is printed designate the ticket, or discriminate the ticket from the Democratic ticket?—A. Yes, sir.

Q. Does it designate or discriminate that ticket from any other ticket of a like size printed on plain white paper?

(Objected to as immaterial and incompetent, and as assuming that this ticket is not printed on plain white paper.)

Q. Are you an expert in the paper business?—A. No, sir.

Q. I will ask you, as a non-expert, what is the character of the material upon which that Republican ticket is printed?

(Objected to as immaterial, for the reason that the witness has stated that he does not know.)

A. It is very easily distinguished. That is, any one within four or five feet of me I could distinguish the ticket as he brought up his hand. I could tell what ticket it was.

Q. Do you know what the material is upon which the Republican ticket is printed?—A. No, sir; I don't know. It is different from any other paper. I have had no experience in paper.

Q. When lightly folded would that Republican ticket remain folded or would it be apt to spring open?—A. Spring open.

Q. If another ticket were folded in it, under such circumstances, would they be apt to come apart?—A. Yes, sir; they would.

(Objected to as leading and immaterial, for the reason that there is no evidence of tickets being thus folded.)

Q. You say you attended at that election. Could you tell that Republican ticket by sight when it was voted from the Democratic ticket?—A. Yes, sir; every one of them.

Q. Could you tell it by handling?—A. Yes, sir.

Q. Could the inspector and other election officers tell by these Republican tickets when folded with the names of the candidates inside whether or not the person voting them was voting the Republican ticket?—A. They knew the Republican ticket. They could not tell whether they were scratched or not. We knew they were Republican tickets. We could not tell anything about the scratching until we opened them.

Q. Could persons looking on at the polls standing away from the box tell those tickets?

(Objected to as incompetent and immaterial, for the reason that the witness cannot tell what persons could see.)

A. Yes, sir. They seemed to have them all counted up pretty well.

Q. Was the secrecy of the ballot destroyed or impaired at that precinct where you acted as judge by the use of that Republican ticket?

(Objected to as immaterial and incompetent, for the reason that it is a conclusion of law.)

A. I thought it was partially.

Q. How many such tickets, if you know, were voted by the Republicans at that precinct?—A. I do not know; I could not say that they were all; I think the majority of them were.

Q. I will ask you how many votes were cast there, if you know—both sides?—A. I forget now; I know about; we had between 600 and 700.

Q. The majority Democratic?—A. The majority is Republican.

Cross-examination by Mr. PEELLE:

Q. What precinct and ward were you one of the judges in?—A. The second precinct of the tenth ward.

Q. Did you receive any of the tickets as they were handed in by the voters?—A. Yes, sir.

Q. State if any complaints were made to the board there that day by any one as to the character of the Republican ticket?—A. We were all talking of it; there was no complaint made to us; the board talked about it themselves, and the men outside were talking about the tickets being so thick.

Q. There was no complaint came to the board from any one concerning the character of the Republican ticket?—A. There was in the afternoon. Mr. English's son-in-law came up and asked one or two questions about the ticket.

Q. What is his name?—A. Doctor Walling.

Q. What did he say?—A. He came up and asked the judges if we knew that the Democratic tickets were being copied. That is, if Mr. Peelle's name had been printed on Mr. English's ticket.

Q. I am not asking you about anything except these Republican tickets. I am asking you if any complaint was made to the board by any one about the character of these Republican tickets.—A. No, sir. No outsider made any complaint. They were all talking about it; the challengers outside.

Q. You say you have no knowledge as to the different qualities of paper?—A. No, sir.

Q. You do not know what that Republican ticket is printed on?—A. No, sir. I know it is thick paper. I don't know what the character of the paper is.

Q. You don't know what the Democratic ticket is on?—A. No, sir.

Q. Do you know of any one who was misled or deceived in voting at that precinct on account of the Republican ticket being printed on that kind of paper?—A. No, sir. I believe not at present.

Q. Do you know of any one who would have voted differently if the Republican ticket had been printed on the same kind of paper that the Democratic ticket was printed on?—A. I don't know that I do.

Q. Were you there when they were counted?—A. Yes, sir.

Q. Did you find Republican tickets that had been folded together and two tickets voted by any one person?—A. I don't think I did last year. I do not remember now.

Q. Then there was no double voting at that precinct?—A. I don't think there was.

Q. All the Republican tickets were the same kind, were they not?—A. I think they were. I will not say positively about that. I know the majority of them were these thick tickets, and I think perhaps all of them were.

Q. There was no tissue ballots there, or anything of that kind?—A. No, sir.

Re-examination by Mr. WILSON:

Q. Were you ever judge of an election before?—A. Yes, sir. I have been there about ten or twelve years.

Q. Did you ever see tickets printed on material like this Republican ticket before? (Objected to as immaterial.)

A. No, sir. Not that thick.

W. F. CHRISTIAN.

The further taking of these depositions was, by consent of both parties, adjourned until to-morrow (Friday, October 5, 1883), at 2 p. m.

FRIDAY, *October* 5, 1883.

The parties met pursuant to adjournment, and the further taking of these depositions was, by consent of both parties, adjourned until to-morrow (Saturday, October 6, 1883), at 10 o'clock a. m.

SATURDAY, *October* 6—10 a. m.

Parties met pursuant to adjournment.

JOHN JOHNSON, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Question. State your name, age, and residence.—Answer. I was 53 years old on the 16th day of last April. I lived in Wayne Township, in this county, pretty nearly 53 years. I now live in this city, at 276 North West street.

Q. Were you in the city on the day of the Congressional election, November 7, 1882, and did you attend the same?—A. I was at the election, out in Wayne Township.

Q. Did you occupy any official position?—A. I was one of the judges of that election at a voting precinct in that township.

Q. Which precinct was that?—A. That is precinct No. 4. It was cut out of what was called the Mount Jackson precinct, and was located on the Crawfordsville road, on a cross-road right across from the asylum to the poor farm.

Q. I will ask you who were the candidates for Congress at that election in this district?—A. William E. English on the Democratic, and Stanton J. Peelle on the Republican.

Q. Who was the National candidate for Congress?—A. I forget him. I don't think there was more than three or four votes cast there for him.

Q. I call your attention to this ticket, marked as Exhibit B to the deposition of W. O. De Vay, and I will ask you if the Republican ticket voted at that election was on material of that character?—A. I think it was. I know we could designate them very distinctly from the Democratic ticket, because the inspector laid them out to one side, and we counted by fives and tens—probably by fives, and he would lay out five Republican tickets when he would come to them, and lay them to one side, and that is the way we designated them. We could tell by the material they were on.

Q. Could you do that without opening them?—A. Yes, sir; I laid them aside that way without opening them. You could tell them very readily.

Q. I will call your attention to the ticket as marked Exhibit C to the deposition of Mr. De Vay, and I will ask you if that is the Democratic ticket you refer to as having been voted at that election?—A. I think it is the same ticket, as near as I could tell now.

Q. When lightly folded would that Republican ticket remain folded or be apt to spring open?

(Objected to as immaterial and incompetent, for the reason that there is no evidence that the ticket was lightly folded when voted.)

A. Yes, sir; it would.

Q. If another ticket was folded inside of it——A. [Interrupting.] I did not see any other tickets folded inside of it.

Q. If another ticket were folded inside of it, and they were dropped into the box after being thus folded together, would they be apt to spring open and thus release the inclosed ticket?

(Objected to as incompetent and immaterial.)

A. Yes, sir; I think it would.

Q. Could you distinguish the Republican ticket by sight?—A. Yes, sir.

Q. Could you distinguish it by handling it?—A. Yes, sir.

Q. You were one of the judges of that election?—A. Yes, sir.

Q. When I say by sight and touch, I mean you could distinguish them that way when folded.—A. The inspector and judges and all could distinguish them, or lay them to one side. We could tell them by the feeling of them.

Q. Without opening them?—A. Yes, sir; they were different from the paper our tickets were on. They were on heavier paper.

Q. Did you ever know a ticket similar to that that the Republicans used to be used at any election in this State before?

(Objected to as immaterial.)

A. I do not know as I ever saw any before.

Q. How many tickets were voted at that precinct, Democratic, Republican, and National?—A. I think there was a little over 300. We divided our voting places to Mount Jackson. We had 600 and something in the precinct and we divided. Ours was not quite as large as theirs. It was something in the neighborhood of 300.

Q. How many of those tickets were Republican, if you know?—I could not say that. I did not give it much thought after the election.

Q. Which has the majority, the Democrats or the Republicans?—A. In our precinct I think the Democrats have a majority on a close vote, but how the Congressional vote was I could not say now. I have not thought much about it since.

Cross-examination by Mr. PEELLE.

Q. What are your politics?—A. I am a Democrat, sir.

Q. You are living in the city now?—A. Yes, sir.

Q. What is your business now?—A. I am manufacturing brick, and farming, and doing a little of everything that a man can to keep out of mischief.

Q. You were one of the judges at precinct No. 4, in Wayne Township, last November?—A. Yes, sir.

Q. You say there were none of the Republican tickets that were folded together; you said you saw none of them voted that were folded together?—A. I said I saw none with the tickets inside of them.

Q. Did you see any Democratic tickets that were that way?—A. No, sir.

Q. You saw none of either kind?—A. No, sir.

Q. Was there any complaint made to the board by any one upon the outside as to the character of the Republican tickets?—A. There was some comment upon it.

Q. Was there any complaint?—No, sir; I do not think there was.

Q. Do the Democrats have a majority in that precinct?—A. I think they have a small majority.

Q. Do they have any majority in the township?—A. I don't think we have a majority of Democratic voters. We have a good many good Republican votes with us that help us carry the township sometimes. It is not really done by Democrats.

Q. Is the precinct of which you were a judge the precinct at which the attendants voted from the insane asylum?—A. No, sir. The attendants voted at Mount Jackson precinct.

Q. You have no knowledge whatever as to the quality of paper?—A. Only what I see there.

Q. You can tell what is heavier from lighter paper?—A. We generally took it upon ourselves at the polls——

Q. I am not asking you that. I am asking you if you have any special knowledge as to the different qualities of paper.—A. The only knowledge I have is what I saw at the polls.

Q. Simply that one paper is heavier than the other?—A. Yes, sir; that is all; only what I see.

Re-examination by Mr. WILSON:

Q. Mr. Peelle's question, I believe, is that you have no particular knowledge of paper. You mean by that that you are not an expert?—A. No, sir; I am not an expert.

Q. You have the knowledge which the average citizen has?—A. I can tell when I see thick paper or thin paper. I am not a manufacturer of paper or anything of that kind, but I can tell when I take hold of a ticket or piece of paper if it is heavier than another. It does not take an expert to tell that.

Q. Who was the inspector out there?—A. William Watt.

Q. What are his politics?—A. A Republican.

Q. Was the number of votes in your precinct in excess of the number of names you had on your poll books?—A. Yes, sir.

Q. How many?—A. I think there was six tickets.

Recross-examination by Mr. PEELLE:

Q. Six more tickets than names on the poll-list?—A. Yes, sir.

Q. What is the Democratic majority in that precinct?—A. I could have told you a while ago. I cannot tell you now. I have forgotten it.

Q. How much larger was it than before?—A. It was not any larger.

Q. Was it not about 12 or 13 votes larger than it was before?—A. That precinct is a new precinct and——

Q. Was there not 12 or 13 votes more in that precinct at the election in last November than there was at the spring election before?—A. I do not recollect that.

Q. You frequently have been on election boards before, have you?—A. Yes, sir.

Q. I will ask you if it has not been a frequent occurrence, as shown by your observation, that there were frequently more tickets than there are names, and *vice versa*, at election precincts?—A. I don't think I have known more than one or two before, and those were voted doubled together. I was at the Mount Jackson precinct at one time and there was one Republican ticket and a Democratic ticket folded together.

Q. Do you know of any man who voted that day who voted more than one ballot?—A. No, sir; I do not.

Q. You heard of no such thing?—A. I did not hear of anything like that.

JOHN JOHNSON.

ELIHUE R. PAYNE, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Question. State your name, age, and residence.—Answer. Elihue R. Payne; my age is 38, and I reside No. 293 East New York street. Indianapolis, Indiana.

Q. How long have you lived in Indiana?—A. All my life.

Q. How long have you lived in this city?—A. I have lived here since 1871.

Q. Were you in the city of Indianapolis at the time of the Congressional election, November 7, 1882?—A. Yes, sir.

Q. Did you attend that election?—A. I was clerk of the poll up there in the second precinct of the ninth ward. I was the Democratic clerk, and Mr. Harvey was the Republican clerk.

Q. Did you see the Republican ticket voted at that election for Stanton J. Peelle for Congress?—A. Yes, sir; I saw the ticket that was voted.

Q. I call your attention to the ticket marked Exhibit B to the deposition of Mr. De Vay, and headed Republican Ticket—was that the ticket that was voted at that election for Stanton J. Peelle for Congress?—A. Yes, sir; that is the Republican ticket.

Q. Mr. Peelle was the candidate on that ticket for Congress?—A. Yes, sir.

Q. I will ask you, when lightly folded would that Republican ticket remain folded, or would it spring open?

(Objected to as immaterial and incompetent, for the reason that there is no evidence that the tickets were lightly folded when voted.)

A. Well, when the inspector or the judges counted the ticket out, when they were laying there on the table they would kind o'fly up a little and open out.

Q. If another ticket were folded in one of those tickets, would it be apt to spring open and release the inclosed ticket when dropped into the ballot-box, or when shaken up?

(Objected to as immaterial, &c.)

A. Well, from the impression I had, or from the way I would look at the ticket, if they were to put tickets in there they could be shaken out.

Q. I call your attention to the ticket marked Exhibit C to the testimony of Mr. De Vay, and I will ask you if that is the ticket voted by the Democrats at that election for Mr. English for Congress?—A. Yes, sir; that is the original Democratic ticket.

Q. Could you distinguish the Republican tickets voted at that election from the Democratic tickets voted there?—A. Yes, sir.

Q. Could you distinguish it by sight?

(Objected to as leading.)

A. The Republican ticket was on thicker paper than the Democratic ticket and made a bigger bulk and looked larger together when they were counted out by fives.

Q. Could you distinguish it, then, by sight?

(Objected to as leading.)

A. Yes, sir.

Q. Could you distinguish it by handling and touching?

(Objected to as leading.)

A. Yes, sir; I could tell the difference between the tickets by the looks of them.

Q. You say you were clerk?—A. Yes, sir.

Q. As a clerk acting on that board did you in fact distinguish the Republican ticket from the Democratic ticket?—A. Well, the man would put the ticket in the box—I don't know what you call him, whether he was the inspector or not—and we could gen-

erally tell. When the ticket went into the box we would say to ourselves, "There goes"—one kind of a ticket or there goes another.

Q. How many votes were cast at your precinct at that election?

(Objected to as immaterial, for the reason that the returns will show for themselves.)

A. I don't recollect the exact number that was cast in that precinct. I think it was somewhere like 400—it was 431.

Q. Did the Democrats or Republicans have a majority?—A. The Democrats had a majority on the State ticket.

Q. How many votes were there for the Republican ticket at that precinct?—A. Well, I cannot exactly tell; it has been so long ago. They ran about 190, I think; somewhere along there, or 150 or 160 along up to 300. We had some majority there, but I forget now how much, but quite a difference in some of it.

Q. The ticket voted there was this Republican ticket that I have shown you?—A. Yes, sir.

Cross-examination by Mr. PEELLE:

Q. I believe you stated that you were a Democrat in politics?—A. Yes, sir; I am inclined that way.

Q. Had you any wager up on the result of the Congressional election last November?—A. No, sir; not a cent.

Q. You were clerk to the board?—A. Yes, sir.

Q. I understood you to say when the tickets were deposited you could tell the Democratic ticket from the Republican ticket, and *vice versa?*—A. Yes, sir; from the looks of them.

Q. You could distinguish the Democratic ticket from the Republican ticket?—A. Yes, sir.

Q. And in the same way you could the Republican ticket from the Democratic ticket, in consequence of the quality of the paper or the look and weight of the paper?—A. From the size of the ticket. The Democratic ticket was smaller than the Republican.

Q. If you were looking you could always tell when the Democratic ticket went in—distinguish it from the Republican ticket?—A. I could distinguish them. It was not the same kind of a ticket.

Q. My point is: You could distinguith one ticket from the other?—A. Yes, sir. I think anybody could by seeing them laying alongside of one another at any place.

Q. They were both plain white paper, were they not?—A. Yes, sir. One of them was heavier paper than the other. I saw tickets there with a kind of a glazed appearance, I thought.

Q. They were both plain white?—A. They were both plain white.

Q. The Democratic ticket would fly up very nearly as much as the Republican when it was lightly folded?—A. Well, I did not notice them particularly. They all laid out there together.

Q. You did not notice them particularly?—A. No, sir. You take that one thrown down, would fly up—that is, have the largest appearance—larger than the Democratic ticket, but they probably both looked the same.

Q. There are two tickets open now—the Democratic and Republican ticket. [Illustrating.] Is not that about the way they would be, one-half to three-quarters of an inch would be thrown up on both of them?—A. Yes, sir. They might both be laying just that way.

Q. You could not pretend to distinguish the tickets from flying open?—A. We could generally tell the tickets from the looks of them.

Q. You could not tell them from the open appearance of them?—A. Only from where the Republican ticket looked larger.

Q. I am speaking about the open space in the ticket where they would fly open. You could not distinguish that ticket from the other on that account?—A. I could tell them separately. I don't know how it would be if they were in the box together.

Re-examination by Mr. WILSON:

Q. Did you see the National ticket voted at that election?—A. Yes, sir. I think we only had four votes.

Q. I will call your attention to the ticket marked Exhibit D to the deposition of De Vay, headed "National Ticket."—A. The candidate for Congress on the National ticket, I think, only received a few votes in our precinct.

Q. Was that the ticket that was voted there?—A. Yes, sir.

Q. Could you distinguish the Democratic ticket from the National ticket folded up and put in the box, even in counting them?—A. Well, I do not know that I could.

Recross-examination by Mr. PEELLE:

Q. I will ask you to take that Democratic and National ticket in your hands now and

state if the Democratic ticket is not on heavier paper than the National ticket; if it is not a heavier quality of paper and a better quality of paper?—A. There does not seem to be much difference. The Democratic ticket seems to be the best paper.

Q. Has it not a little better finish to it?—A. Yes, sir; I think it is a better quality of paper.

Questions by Mr. WILSON:

Q. Was there an excess of votes over the number of votes on your poll-book in that precinct?—A. No, sir; we were 2 votes short of what we ought to have had on that count. There were 2 votes that the judge would not allow put in the box. On the tally-sheet I think it was 431 names on our roll, if I am not mistaken, and when we counted there was 429 votes and there was 2 votes that should have been counted to make the ballots in the box tally with the sheet. They were laid out to one side. He made some objections to the votes. They were thought to be Democratic votes. They were laid out to one side of the box, the inspector laid them where we all could see them during the whole time of the count, and about the time he knew the result of the election a great many came in there, and they conceded that the Democrats had carried the election, that they had carried everything, and we did not make much fuss about the 2 votes. We thought we had enough without them.

Question by Mr. PEELLE:

Q. Did you see the tickets that were laid out?—A. Yes, sir.

Q. The face of them?—A. No, sir; I did not look at the face of them.

Q. You don't know whose names were on the tickets?—A. No, sir; I could not tell who was on there for Congress.

Q. You don't know whether they were Democratic or Republican tickets.—A. No, sir; I don't know who was on the face of the tickets, only the face of the ticket was different from the Republican tickets.

Q. Different?—A. Yes, sir; they were similar. That is what I mean.

E. R. PAYNE.

WILLIAM D. BYNUM, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Question. Your name, age, and residence?—Answer. William D. Bynum; age, 37; I reside in Indianapolis, Marion County, Indiana.

Q. How long have you lived in Indiana?—A. All my life.

Q. Were you in the city of Indianapolis at the time of the Congressional election, November 7, 1882, and did you attend the same?—A. I was, and I attended the election almost the entire day.

Q. Did you ever hold any official positions in this State?—A. A few.

Q. Please state what they were.—A. I held the position of mayor of the city of Washington, and a member of the legislature.

Q. You were speaker of the house of representatives last session?—A. Yes, sir.

Q. Did you see the Republican ticket voted for Stanton J. Peelle at the last Congressional election in 1882?—A. I did, in the precincts in which I attended the election.

Q. I call your attention to the ticket headed "Republican Ticket" and marked on the back Exhibit B to the deposition of Mr. De Vay's testimony, and I will ask you if that is the ticket that was voted by the Republicans at that election, if you know?—A. Yes, sir; that is a similar ticket, except this is considerably soiled.

Q. Has that Republican ticket any distinguishing mark or embellishment on the face of it except the names of the candidates?

(Objected to as immaterial, because the ticket will show for itself.)

A. The heading of the ticket is rather attractive. I should not call that a distinguishing mark, however.

Q. Would you call it an embellishment?—A. Yes; I would call that an embellishment, but not such an embellishment as would be probably covered by our statute, because it is on the inside of the ticket and not upon the outside.

Q. I will ask you whether or not you saw the Democratic ticket voted at that election.—A. I did.

Q. I will call your attention to the ticket marked Exhibit C in the testimony of Mr. De Vay, and I will ask you if that was the ticket voted by the Democrats at that election?—A. In my opinion it was a ticket similar to that.

Q. I call your attention to the National ticket voted at that election, and marked on the back Exhibit D to the evidence of Mr. De Vay, and I will ask you if that is the ticket voted by the Nationals at that election.—A. I could not say. I do not recollect of seeing any of those tickets that day in that precinct.

Q. I will ask you, could you distinguish and did you distinguish the Republican ticket

from the Democratic ticket at that election.—A. I did, and could almost every one that was voted.

Q. Could you distinguish that ticket from all other tickets voted at that election?—A. I could.

Q. I will ask you how you managed to do that.—A. By reason of the fact that it was printed upon heavy, thick card-board paper that was peculiarly white and glazed.

Q. Could you distinguish it by handling it?—A. You could distinguish it without seeing it and you could distinguish it by seeing it without handling.

Q. Did you ever know such material to be used before for tickets at any election in this State?

(Objected to as immaterial.)

A. I never saw tickets printed on that kind of material before.

Q. Were you looking on as a bystander at that election, or were you inside of the room with the judges and clerk and inspector?—A. I was on the outside all day.

Q. As an outsider, looking on, did you in fact distinguish those tickets?

(Objected to as leading.)

A. I did, during all the time I stayed at the polls. Whenever the ticket was in sight I could very readily tell it.

Q. When lightly folded would that Republican ticket be apt to spring open?

(Objected to as immaterial and incompetent, for the reason that there is no evidence that the tickets were thus folded.)

A. It would spring open when doubled up in the ordinary manner in which the ticket was doubled up, even if doubled with considerable force.

Q. If another ticket were inclosed in it under such circumstances, would it be apt to release the inclosed ticket if shaken and moved?

(Objected to.)

A. It would, if not doubled entirely on the inside. If folded separately, and then stuck together, they would spring open and separate.

Q. Could you distinguish that Republican ticket from any ticket of like character, of like length and width, printed on plain white print paper, or plain white book paper, or plain white writing paper, the tickets being folded?

(Objected to as immaterial and incompetent, for the reason that there is no evidence that the tickets were folded in such a way.)

A. I could.

Q. What was the effect of the use of that Republican ticket, at your precinct, upon the secrecy of the ballot?

(Objected to as immaterial and as giving a conclusion of law.)

A. The practical effect of it was to destroy the secrecy of the ballot.

Cross-examination by Mr. PEELLE:

Q. What do you understand by destroying the secrecy of the ballot?—A. Anything which enabled the bystanders outside to tell what character of ticket the elector was voting.

Q. Could you distinguish the Democratic ticket from the Republican ticket voted at that election?—A. I could; and it was by reason of the fact that the Republican ticket was printed on that character of paper.

Q. And you could distinguish the Democratic from the Republican ticket from the fact that the Democratic ticket was printed on lighter paper?—A. Yes, sir.

Q. What is your politics?—A. Democrat.

Q. You were elected to the legislature last fall at the same election?—A. Yes, sir.

Q. And you were speaker of the house of representatives in this State?—A. Yes, sir.

Q. Did you ever do any handling of paper, or dealing in paper, as a dealer, wholesale or retail?—A. None whatever.

Q. Did you ever have any experience in the manufacture of paper?—A. No, sir.

Q. You have no knowledge, as a manufacturer or dealer in paper, as to the different qualities of paper?—A. No, sir.

Q. Do you know what character of paper that Republican ticket is printed on?—A. Only from investigation since the ticket was printed. I made some investigation in regard to some suits that I was engaged in as attorney, and learned from paper dealers that it was called lithographic card-board.

Q. Are you sure they said card-board?—A. I would not be certain about the exact language. That is the substance of what they said.

Q. Who did you converse with about that?—A. I conversed with a gentleman in Mr. Burford's store; not with Mr. Burford, but a gentleman in his store.

Mr. WILSON. Did not he say "lithograph plate?"

The WITNESS. It may have been lithograph plate, or lithograph card-board. That is the only man I recollect now of conversing with connected with a paper store.

Q. Do you know the quality of the paper the Democratic ticket is printed on?—A. It is what we call common print paper, or book paper.

Q. What is the National ticket printed on?—A. I do not know exactly.

Q. Is not that on print paper?—A. That is probably print paper. I cannot say as to that. It is a slightly different quality from the Democratic.

Q. Is it not much lighter and less polished than the Democratic ticket?—A. It is much lighter. I do not think it is less polished.

Q. See if the Democratic ticket is not polished much more than the National ticket, and more compact paper and heavier?—A. It is slightly heavier. I don't think it is more polished.

Q. Don't you think the Democratic ticket is polished smoother?—A. It is more compact, but it does not seem to be glazed quite as much as the other.

Q. You spoke about being the attorney for some contestants growing out of the election last November?—A. Yes, sir.

Q. They are Democrats, are they not—all of the contestants?—A. The one I was attorney for was a Democrat. He is not living now. It was Mr. McOuatt.

Q. That is the only one you were attorney for?—A. Yes, sir. There is one answer I intended to put in that question as to the character of the paper or the quality of the paper on which that Republican ticket was printed. I investigated, and I learned that the weight of the paper of that ticket was considerably more than that of common book paper such as is ordinarily used. The man weighed the paper and made his calculation, but I forget now what the figures were.

Q. You were attorney for Mr. McOuatt in a contest in which it was to the interest of your client that it should be shown that these tickets were distinguished from the Democratic tickets?—A. That was not a contest; it was a *quo warranto* proceeding brought. I think there was no trial. The allegation was that the ticket was an illegal ticket. That was the sole point in the case.

Q. As to the quality of the ticket?—A. Yes, sir.

Questions by Mr. WILSON:

Q. That proceeding abated by the death of the contestant, Mr. McOuatt, did it not?—A. I believe so.

Q. You are not attorney now for any one?—A. I would not be positive about that. I think there was a compromise of that proceeding before his death.

Q. You are not attorney now for any one in any contest?—A. No, sir.

Q. Or any *quo warranto* proceeding?—A. I am attorney for no one in which this question is now in issue.

WILLIAM D. BYNUM.

JAMES W. HARPER, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Question. Your name, age, and residence.—Answer. James W. Harper; age, 38; residence, Indianapolis, Ind.

Q. How long have you resided in Indiana?—A. Thirty-eight years.

Q. How long in the city of Indianapolis?—A. With the exception of about two years, I have resided here thirteen years.

Q. Were you in the city of Indianapolis at the time of the November election, 1882, and did you attend the same?—A. Yes, sir; both.

Q. Did you act in any official capacity at that election?—A. I was one of the judges on the election board.

Q. What precinct was that?—A. I do not know what precinct it was. It was one of the precincts of the second ward. There were two there.

Q. Was it at the engine-house?—A. Yes, sir.

Q. That is the upper precinct?—A. Yes, sir.

Q. Did you see the Republican ticket voted for Stanton J. Peelle for Congress at that election?—A. I did.

Q. I call your attention now to the ticket headed "Republican Ticket," marked Exhibit B, to the deposition of Mr. De Vay; and I will ask you if that was the ticket?—A. I should say that was the ticket.

Q. I call your attention now to the ticket headed "Democratic Ticket" and marked as Exhibit C, to the deposition of W. O. De Vay; and I will ask you if that was the ticket that was voted by the Democrats at that election?—A. I should say that that was similar to the tickets voted by them.

Q. When lightly folded would that Republican ticket remain folded, or be apt to spring open?

(Objected to as immaterial and incompetent, for the reason that there is no evidence showing that it was lightly folded.)

A. If lightly folded it would voluntarily open.

Q. If another ticket were folded and placed in the fold would the outside ticket be apt to spring open and release the inclosed tieket?—A. Yes, sir. The two would be very apt to spring on a slight movement if folded in that way.

Q. Could you distinguish that Republican ticket from the Democratic ticket voted in that precinct?—A. We could form a correct opinion as the tickets came in from the size of them which they were, Democratic or Republican, on account of the difference between the paper of the two tickets.

Q. Did you see the National ticket voted at that precinct?—A. There were very few National tickets voted. I cannot now recall what they were.

Q. I show you the ticket headed "National Ticket," and marked as Exhibit D to the testimony of Mr. De Vay, and ask you if that was the ticket voted at that election by the Nationals?—A. I would not be able to say.

Q. How could you distinguish the Republican ticket?—A. It was thicker and stiffer.

Q. Could you distinguish that Republican ticket from any other ticket of a like length and width printed on plain white book, or print, or writing paper?

(Objected to as immaterial and incompetent, for the reason that the witness has not testified that he knows whether it was book, print, or writing paper.)

A. I am not posted on the various kinds of paper. I know this to be the fact: as the tickets were handed in we could observe the difference between the Democratic and Republican tickets, and members of the board, by looking at the tickets, would often say, "That is a Republican ticket," or "That is a Democratic ticket," and we distinguished the two by the size and the thickness of the paper and the size of the tickets. When folded the Democratic ticket was thinner and smaller than the Republican ticket when folded.

Q. Was one on ordinary paper?

(Objected to as immaterial, for the reason that the witness has not testified that he knows what ordinary paper is.)

Mr. WILSON. I am using him in the popular sense; not as an expert.

A. Well, I would say that the Democratic ticket was on the kind of paper ordinarily used at election in my opinion [objected to as being an opinion], and so far as my knowledge of such things goes.

Q. And as to the Republican ticket, was that on ordinary paper, or what was the character of the material, so far as your knowledge goes?

(Objected to as immaterial, for the reason that the witness has said that he did not know what it was on.

A. The Republican ticket, as used at that election, was printed on paper that was stiffer and thicker than that which was used by the Democrats for the Democratic ticket, or than that which was used at elections before, if my memory serves me right.

Q. Did you ever know material like that upon which the Republican ticket was printed to be used for that purpose at any election?

(Objected to as immaterial and incompetent.)

A. I have been in the habit of attending elections ever since I was a voter in this State, and I do not believe I ever saw a ticket printed on the kind of paper that the Republican was printed on at that election.

Q. What was the effect of the use of that Republican ticket at that precinct upon the secrecy of the ballot?—A. The effect was as tickets were handed in, by looking at them pretty closely, we could form a pretty correct idea of the kind of a ticket that was being voted, whether Democratic or Republican.

Q. How many votes were cast at that precinct, if you know?—A. I think it was in the neighborhood of 800. I don't recollect the exact number.

Q. Were all the tickets voted by the Republicans of that character at that precinct?—A. I would say this: nearly one half of the Republican tickets voted at that precinct were scratched, and something over one-half of the Democratic tickets voted there at that time were scratched.

Q. I mean as to the character of the material.—A. Yes, sir; the Republican tickets used there were all of the same kind.

Q. The Republicans had a large majority of the votes cast at that precinct?—A. Yes, sir; the Republican vote amounted to between 600 and 700, and the Democratic vote I think about 160, to my recollection.

Cross-examination by Mr. PEELLE:

Q. You were one of the Democratic judges at that precinct?—A. Yes, sir.

Q. You never had any experience in the manufacture or dealing in paper?—A. None whatever, and I am as ignorant on the paper question as you can imagine a man to be

Q. All you have said is that you found the Republican ticket printed on a little heavier paper than the Democratic ticket was printed on?—A. That is about the amount of it.

Q. I will ask you to take that Democratic ticket in your hand, and I will also ask you to take the National ticket in your hand, and examine them and see if the Democratic ticket is not on a heavier paper and better quality of paper and finished better than the National ticket is?—A. The two have been handled a great deal, but I believe I can say yes to that question.

Q. That the Democratic ticket is on heavier paper and better quality and finer finish?—A. Yes; I think so.

Q. Now, as one of the judges of that election, I will ask you to state if any one complained to the board as to the character of the Republican ticket voted at that precinct?—A. I do not think any formal complaint was made to the board, and yet there were frequent remarks made by bystanders, as that the Republican ticket was on heavy pasteboard paper, or like that.

Q. There was no complaint made to the board by which those tickets were sought to be prevented from being voted?—A. There was not the slightest objection made by anybody to receiving those tickets, and so the board received them and counted them.

Re-examination by Mr. WILSON:

Q. When you say you are ignorant of paper, do you answer that question from the standpoint of an expert?—Yes; that is what I mean. I am not an expert.

Q. I will ask you if it does not require a careful examination and a close inspection in order to tell the difference between that National ticket and the Democratic ticket?—A. Yes, sir; it does.

Q. Could you, looking on at an election precinct as a bystander, the ticket being folded, tell that Democratic ticket from the National ticket?—A. No, sir; I do not believe the difference could be detected without taking them in your hands and closely comparing them and feeling them.

Recross-examination by Mr. PEELE:

Q. And you would answer the same thing as to the Republican and Democratic tickets if you were standing off looking on; you could not tell from the character of the paper and the color the difference between the Democratic and Republican tickets?—A. I could not tell from the color, because they were both plain white paper, but you could tell a difference, I will say, 5, or 6, or 7 feet away.

Q. You could not tell that by looking at the external appearance of the ticket folded up?—A. You could only tell it by the way the ticket was folded and the bulk of the ticket after folding.

Q. You would have to see the end and the bulk before you could distinguish it from the Democratic ticket?—A. You would have to see the ticket.

Q. You would have to see the end of the Republican ticket in order to get at the bulk of it before you could distinguish it from the Democratic ticket?—A. The ticket would have to be held in such a manner that you could see a portion or most of the ticket.

Q. If the ticket were held up and you simply looked at the external appearance of it you could not tell one from the other by the color of the tickets, could you—by external appearance?—A. Not by color; by size.

Q. And you could distinguish the Democratic from the Republican in the same way?—A. Yes, sir; the Democratic was just as plainly distinguishable from the Republican ticket as the Republican ticket was from the Democratic.

Q. I will ask you if it did not facilitate Democrats in double voting in consequence of it being lighter material than the Republican ticket?—A. No, I do not think it did.

Mr. WILSON. I understand you to say you could distinguish one ticket from the other because of the bulk, size, and weight of the Republican ticket?

The WITNESS. Yes, sir.

JAMES W. HARPER.

ROSS CLARKE, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Question. Your name, age, and place of residence.—Answer. Ross Clarke; 28 years old; residence, Indianapolis, Ind.

Q. How long have you resided in Indiana?—A. I have lived here seven years.

Q. Were you in the city of Indianapolis at the time of the last Congressional election, held on November 7, 1882?—A. Yes, sir.

Q. Did you attend that election?—A. I did; I was there all day.

Q. Were you an officer or did you in any way work in that election?—A. I was challenger on the Democratic side of the chute at the first precinct in the eleventh ward.

Q. Did you see the Republican ticket and the Democratic ticket and the National ticket voted at that election?—A. Yes, sir.

Q. I call your attention to the ticked headed "Republican Ticket," marked "Exhibit B" on the back, and part of the testimony of Mr. De Vay, and I will ask you if that is the ticket voted at that election by the Republicans?—A. Yes, sir.

Q. I call your attention also to the ticket marked "Exhibit C" on the back, and on the face "Democratic Ticket," and ask you if that is the ticket that was voted by the Democrats on that day?—A. Yes, sir; that is one of them.

Q. Now I call your attention to the ticket labeled on the front "National Ticket" and marked on the back "Exhibit D" to the testimony of Mr. De Vay, and I will ask you if that is the National ticket?—A. Yes, sir; there were a few of those voted at my precinct—four or five, or six or seven.

Q. When lightly folded would that Republican ticket be apt to spring open?

(Objected to as incompetent and immaterial.)

A. Yes, sir; it would.

Q. If two of those tickets were folded separate, and one were inclosed within the other and dropped into the ballot-box, would they be apt to spring open from a little shaking and release one from the other?

(Objected to as incompetent and immaterial.)

A. Yes, sir; they would.

Q. Could you distinguish that Republican ticket by sight at that election?—A. Yes, sir; I could distinguish it very handily.

Q. How could you distinguish it?—A. By the thickness of the paper and the general appearance of the ticket.

Q. You mean by sight?—A. Yes, sir.

Q. Could you distinguish it by handling?—A. Yes, sir; very readily.

Q. What sort of material was that Republican ticket on, if you know?—A. Well, from inquiries made of the paper men, it is card-board.

(Objected to as incompetent.)

Q. Could you distinguish that Republican ticket?

(Objected to as a conclusion of law.)

Q. Could you distinguish the Republican ticket from any ticket that was printed on paper of the same width and length, on plain white print paper, or plain white book paper, or plain white writing paper?—A. Yes, sir; I could and did readily. When I challenged there I could tell a man when he started up the chute by the ticket in his hand whether he was a Democrat or Republican, and so could our inspector. I would see him very frequently nod and wink at the Republican challengers on the Republican side when they would not be paying attention.

Q. Who was the Republican inspector at that precinct?—A. Mr. James C. Yohn.

Q. The tickets voted at that precinct by the Republicans you say were on that material?—A. Yes, sir; all of them that I saw.

Q. In your answer as to the character of the material do you answer as an expert, or do you answer as you understood it?—A. No, sir; I am not an expert. It is just my knowledge about the paper, my general knowledge of it from using it one time and another.

Q. Did you ever see such material used before as that upon which the Republican ticket was printed, by any party at any election?

(Objected to as immaterial and incompetent.)

A. No, sir.

Q. What was the effect of the use of that ticket by the Republicans upon the secrecy of the ballot?—A. The effect was to destroy the secrecy of the ballot. I saw persons (colored men) come there, and they would look at the two tickets, and if they had a desire to vote the Democratic ticket they would go away. In one or two instances I saw them go away and come back with their tickets in a little envelope and go to the window so that the Republican challengers could not see their tickets.

Cross-examination by Mr. PEELLE:

Q. I will ask you if that was not a Democratic trick, to put those tickets in those envelopes?—A. No, sir; it was not a Democratic trick.

Q. You are a Democrat in politics?—A. Yes, sir.

Q. You was the Democratic challenger there that day?—A. Yes, sir.

Q. You are at present the Democratic candidate for alderman in one of the districts in this city?—A. Yes, sir.

Q. Will you give the name of a single colored man that went to the polls and voted with his ticket in an envelope?—A. I don't know the names of the colored men that did it, but I know that myself and others witnessed it.

Q. Can you give the name of a colored man?—A. If I had thought about the matter at that time I could have done it.

Q. Could you give the location where any one lives?—A. They live in this precinct. This is in the eleventh ward.

Q. You say that James C. Yohn, the inspector at that precinct, would nod and wink?—A. Yes, sir; and I told him so.

Q. You say you told him that?—A. Yes, sir, I did, and he heard me himself. I asked him to stop winking at the challengers.

Q. Can you give me the names of any one that was standing by and heard you?—A. I do not remember who was standing there, but they all did. Mr. George W. Stout was a member of the board and he, no doubt, recollects it. I said that openly.

Q. Is he a Democrat or a Republican?—A. He was one of the judges there—a Democratic judge.

Q. State if you know of any one who was deceived or misled in voting at that precinct in consequence of the Republican ticket being on the character of paper it was?—A. I do not know that anybody was misled or deceived into voting that ticket.

Q. I will ask you if you know of any one who would have voted differently if the Republican ticket had been printed upon the same character of paper as the Democratic ticket was printed on?—A. No, sir. In answer to that I will say that I don't know any particular person, but I saw the effect of it; that men were afraid to show their tickets and afraid to let their hands be seen with them—certain men.

Q. How many of that kind were there there?—A. A good many of that kind.

Q. Can you name any one of them?—A. I don't know that I could now. If I had been called on the next day after, I might. It has passed out of my mind.

Q. Did you hear any one complain to the board of election that day about the character of the Republican tickets?—A. I complained myself when it was opened there. I got up in the window and proclaimed that it was an illegal ticket.

Q. Who gave you that information?—A. Nobody; I detected it myself.

Q. I will ask you if the Hon. Joseph E. McDonald had not been around to that poll before that?—A. No, sir; I did not see him.

Q. Was he at that poll there that day?—A. I think he voted there.

Q. You got up there at the poll yourself, and what did you say?—A. I said that that was in violation of law—that ticket.

Q. How many were standing around there at that time?—A. There were a good many there.

Q. About how many?—A. Thirty or forty.

Q. Were there fifty or one hundred there?—A. Thirty to fifty.

Q. And you proclaimed to the multitude that it was an illegal ticket?—A. Yes, sir.

Q. Did you go to the board and make any complaint, and ask to have the ticket rejected?—A. I went to the window and held the ticket up and told them that it was in violation of law. That is what I said.

Q. Who was there at the time?—A. All the Republican challengers were there.

Q. Give me the name of the Republican challenger?—A. I think Mr. McLain was one of them, the county clerk, and Ott Hasselman, and there were a good many there that stood on that side of the chute. Those I know were there.

Q. And you don't remember any others?—A. I could think them up, I think.

Q. You say you have no knowledge as an expert as to the different qualities of paper?—A. No, sir.

Q. You don't know what kind of material that Republican ticket is printed on?—A. I do know what kind of material it is.

Q. What kind of material is it?—A. It is a very heavy kind of card-board, I judge.

Q. Which is it? You say you know.—A. I mean I know what kind it is.

Q. What is it?—A. I say it is a very extraordinarily heavy kind of paper.

Q. What is the color of it?—A. White paper.

Q. Is it plain white?—A. Yes, sir.

Q. Then it is plain white paper?—A. Yes, sir.

Q. Did you have any bet on the result of the election last November?—A. No, sir; I did not; not a cent bet on it.

Q. Have you been around hunting up evidence on this question since the election?—A. No, sir.

Q. Didn't you say you had consulted with paper dealers?—A. I did then and there consult. They were right there at my polls. If I am not mistaken, Mr. De Vay was there and some other person.

Q. Mr. Hasselman was there, was he not?—A. Yes, sir.

Q. Did you consult with him about it?—A. There was not any use to consult with him.

Q. Why?—A. He was on the other side. I have no doubt that he was the man that got up the ticket and was in the scheme.

Q. What scheme do you refer to?—A. The scheme of using such a ticket as that.

Q. When you say it was no use to consult him, what do you mean?—A. I mean to say that so far as he was concerned he was of a different party from me, and I did not consult him about it, as a matter of course.

Q, Do you mean me to infer from that that a Republican shall not accept anything that is said by a Democrat, and *vice versa?*—A. No, sir; nothing of the kind. What information I sought about it I sought elsewhere. That is what I mean to say.

Q. What is your age?—A. I am 28 years old.

Re-examination by Mr. WILSON:

Q. Was not Mr. Hasselman the Republican challenger at that precinct?—A. Yes, sir.

Q. And he is a very active Republican, is he not?—A. Yes, sir; rampant.

Q. Was he not, in point of fact, a member of the Republican executive committee that had charge of that campaign?—A. Yes, sir.

(Last two questions objected to as incompetent and immaterial.)

Q. Was he not in the printing business?—A. Yes, sir; he said they were, and laughed, and said that that was a scheme that would work. He laughed and crowed there about it.

Q. Are you not an attorney?—A. I am, and practice here. I have been in the law business ever since I have been here, studying and practicing together, 7 years.

Q. Do you understand, in the popular sense, that the Republican ticket is on plain white paper?

(Objected to as immaterial.)

A. Well, I will say that I do not understand it to be on the kind of ticket contemplated by statute.

(Objected to as an opinion.)

Q. I will ask you whether it is on book paper, as you understand book paper?—A. No, sir.

Q. Or writing paper?—A. No, sir; neither writing paper or news paper.

Q. Or book paper.—A. No, sir.

Q. How many tickets, if you know, were voted at that precinct where you were?—A. There were 200 Republican tickets and 165 Democratic tickets, I think.

Q. Was the Republican ticket voted there like this ticket you have called attention to here?—A. They were all that kind of tickets.

Re cross-examination by Mr. PEELLE:

Q. State what kind of material that Democratic ticket is printed on?—A. It is upon ordinary white book print paper.

Q. How do you know?—A. I know by opening a book and looking at it.

Q. Where did you get the information that the Democratic ticket was printed on book paper? You say you are not an expert?—A. I am not an expert, but I know different kinds of paper that are used. I write every day on paper and have read books all my life, and I know that much about it.

Q. You know there are different qualities of book paper?—A. Yes, sir.

Q. Can you tell what the quality of that is?—A. I cannot tell it exactly, not what an expert would call it.

Mr. WILSON. You answer that question in a popular sense?

The WITNESS. Certainly I do.

ROSS CLARKE.

JACKSON LOUDERS, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Question. State your name, age, and residence.—Answer. Jackson Louders; 41 years old; residence, 622 North Pennsylvania street, Indianapolis, Indiana.

Q. How long have you resided in this State?—A. Forty-one years.

Q. How long have you resided in this city?—A. Since the 4th day of October, 1873, about ten years.

Q. Have you ever held any official position in this county?—A. I was County Treasurer.

Q. Were you in this city, and, if so, did you attend the election held on November 7, 1882?—A. Yes, sir.

Q. Who were the candidates for Congress, if you know, on the Democratic, Republican, and National tickets at that election?—A. Mr. English was the Democratic, Mr. Peelle was the Republican, and the National I could not tell.

Q. Did you act in any official capacity on that day in that election?—A. I was judge, I think.

Q. At what precinct and ward?—A. Precinct No. 1, second ward.

Q. Did you see the Republican ticket voted for Stanton J. Peelle at that election?—A. Yes, sir.

Q. Did you see the Democratic ticket voted for Mr. English at that election?—A. Yes, sir.

Q. I will call your attention to the ticket marked Exhibit B to the deposition of Mr. De Vay and headed, "Republican Ticket." I will ask you if that was the ticket voted at that election by the Republicans?—A. As I remember now, it was.

Q. I will call your attention to the ticket marked Exhibit C to the deposition of Mr. De Vay, headed "Democratic Ticket," and I will ask you if that was the ticket voted by the Democrats at that election?—A. I think so.

Q. When that Republican ticket is lightly folded, would it remain folded, or would it be liable to spring open?

(Objected to as immaterial and incompetent, for the reason there is no evidence that it was so folded.)

A. My opinion would be it would be inclined to fly open.

Q. If another ticket was placed inside of it after being folded, that other ticket being folded, would they remain together, or would they be apt to come apart by shaking?

(Objected to as incompetent and immaterial, for the reason that there is no evidence the tickets were voted so.)

A. That I cannot tell; I never practiced it.

Q. What do you think about it?

(Objected to as incompetent and immaterial.)

A. I suppose if an expert had hold of it it might shake out.

Q. Could you distinguish that Republican ticket voted at that election?

(Objected to as a conclusion of law.)

A. You mean, I suppose, at the time they were being voted?

Q. Yes, sir.—A. I think as a rule it could be done.

Q. How would you do it; and if you did, how did you do it?—A. By the thickness of the paper.

Q. By the appearance?—A. Yes, sir.

Q. As a matter of fact did you, and could you, at that election at that precinct, tell the Republican ticket when you saw it or when you caught hold of it in your hand without opening it?—A. As a rule we could.

Q. Did you ever see a ticket, voted at any election, printed on material of that character that the Republican ticket is printed on?

(Objected to as immaterial and incompetent.)

A. I do not remember that I have ever seen one printed on as heavy paper as that.

Q. What was the effect of the use of that ticket at your precinct upon the secrecy of the ballot?

(Objected to as a conclusion of law.)

Q. Was it impaired?

(Objected to as leading.)

A. To a great extent I would think it was.

Q. Do you know what the number of votes of that precinct at that election in the aggregate were?—A. No, sir; I do not.

Q. Which had the majority at that precinct, Democrats or Republicans?—A. The Republicans were vastly in the majority.

Q. What, approximately, was the result at that precinct?

(Objected to as incompetent, for the reason that the return will show for itself.)

A. I could not say, to get at it exactly.

Q. Was there 100 Republican votes?

(Objected to as leading.)

A. Yes, sir.

Q. Were the tickets voted there of the character that you have looked at here?

(Objected to as leading.)

A. I think that is the ticket. Yes, sir.

Cross-examination by Mr. PEELLE:

Q. What is your politics?—A. I am a Democrat.

Q. You were one of the Democratic judges at the first precinct in the second ward?—A. Yes, sir.

Q. I will ask you as a matter of fact if you know of any voter at that precinct who did distinguish the Republican from the Democratic ticket?—A. As a matter of fact I could not say that I did.

Q. Do you know of any one who was misled or deceived in voting at that precinct in consequence of the Republican ticket being on the material it was?—A. My recollection is that we found in the box one ticket of this Republican ticket with the Democratic ticket pasted right over it and voted that way. Pasted right over the Republican ticket on the face of it.

Q. That would make the ticket still heavier?—A. Yes, sir.
Q. Do you know who voted that ticket?—A. No, sir.
Q. Do you know of any one that would have voted differently had the Republican ticket been upon the same kind of paper that the Democratic ticket was printed on?—A. I don't.
Q. Was there any complaint made to you, or to the board, I should say, about the character of the Republican ticket on that day?—A. No, sir; not that I remember of.
Q. State if the ballots were all counted there by the board without objection from anywhere.—A. They were all counted except one ballot.
Q. Without objection?—A. Without objection. There was one Democratic ticket thrown out.
Q. And one Republican ticket?—A. I do not think we threw out any Republican that I remember of.
Q. Was it the ticket you threw out that was pasted upon the Republican ticket?—A. No, sir. I think that was a Democratic ticket that was cut out of the Sentinel as it was published in the Sentinel, and they ruled it out on that ground because there was printing on the back side of it; also it was cut out of a newspaper.
Q. Could you distinguish the Democratic ticket from the Republican ticket?—A. Well, we thought we could at the time.
Q. As readily as you could the Republican from the Democratic ticket?—A. Oh, no.
Q. Did you have any wager on the result of the Congressional election last fall. That you are at liberty to answer or not as you please?—A. I will not answer it then.
Q. Take that Democratic ticket and National ticket in your hand that you had a moment ago, and examine the two tickets, and I will ask you to state if the Democratic ticket is not printed on heavier paper than the National, if it is not more compact, and if it has not a better finish on it?—A. The Democratic?
Q. Yes, sir.—A. It is slightly heavier paper.
Q. Has it a better finish?—A. I think the Democratic part of it has.
Q. I say the Democratic ticket, is not the paper better finished?—A. I am no expert on paper.
Q. You can see by looking, and tell that it has a better, finer finish and polish on it?—A. It is slightly heavier; that is all I can say.
Q. Has it not a smoother surface?—A. Yes, sir; it is smoother.
Q. State if you cannot tell the difference between those two tickets in the weight of the paper that the tickets are printed on.—A. By handling them and looking at them closely you can.
Q. Could you by sight?—A. I do not think I could.
Q. Could you tell the Republican from the Democratic ticket by sight?—A. I think so.
Q. Are they both plain white?—A. I think so.
Q. How can you distinguish between the color of the tickets so as to tell one from the other?—A. I could not tell from the color.
Q. I am speaking about the external appearance of the tickets when they are folded.—A. I could not tell by the color; they are both on white paper.
Q. By sight?—A. I did not say by sight.
Q. Can you tell the Republican from the Democratic ticket, when folded, by sight?—A. I think I could.
Q. From its external appearance?—A. From the size of it.
Q. Supposing you did not get to see the end of the ticket, then could you tell the Republican from the Democratic ticket?—A. I do not think that I could.
Q. It would be necessary to see the end of the ticket and its bulk to distinguish them?—A. Yes, sir.
Q. When you do that you could distinguish the Democratic from the Republican as quick?—A. Yes, sir,
Q. Could you not distinguish the Democratic ticket from the National ticket if you could get at the bulk of it?—A. Not so readily.
Q. You could distinguish it, could you not?—A. I do not think I could. I would not think there was as much difference in the weight to tell that.
Q. It is not in the weight. It is in the bulk?—A. There is not so much difference as there is in the others.
Q. There is a difference, is there not?—A. A slight difference.

Re-examination by Mr. WILSON:

Q. Can you tell the difference between that Democratic ticket and the National ticket except by a very careful inspection?
(Objected to as leading, and not examination in chief.)
Mr. WILSON. It is not examination in chief.
A. I think it would take a close examination to tell.

Q. Could you tell the difference between those tickets folded as they went in the box; standing and looking on, could you tell that one was a Democratic ticket and another a National ticket folded in that way?—A. No, sir.

Q. Could you tell the difference between the Republican ticket and the Democratic ticket folded and voted in that way, standing and looking at the inspector putting them in the box?

(Objected to.)

A. As a rule, we could.

Recross-examination by Mr. PEELLE:

Q. Do you remember an instance in which you detected it?—A. I remember talking about it all the time.

Q. As a matter of fact, is it not frequent on election boards that you are surmising and say "There goes a good Republican ticket," or "a good Democratic ticket?"—A. Yes, sir.

Q. That is frequent?—A. Yes, sir.

Q. Has not that happened always heretofore?—A. I never knew so much of it before.

Q. Is it not of frequent occurrence?—A. Yes, sir.

Question by Mr. WILSON:

Q. I will ask you as a physical fact, and not a surmise, if you could not distinguish these tickets as they were dropped in the box and as they went down, from their bulk and size and general appearance?

(Objected to as leading.)

A. As a rule we thought we could.

Mr. PEELLE. Especially when you saw the man that handed in the ballot. What do you say about that?

A. I do not know a great many of them.

JACKSON LANDERS.

CHARLES G. STEWART, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Question. Your name, age, and residence.—Answer. Charles G. Stewart; nearly 48 years old; residence, 495 North East street, in the city of Indianapolis.

Q. Were you in the city of Indianapolis in November and December, 1882?—A. Yes, sir.

Q. I call your attention to this notice, and upon the back of it there is an acknowledgment of service by Stanton J. Peelle, and I ask you if you at any time mailed a copy of such notice——

Mr. PEELLE. I admit I got the notice and that is my indorsement upon the back of it. This notice came in time so far as that is concerned.

Q. I will ask you if you mailed a printed notice similar to the one you have in your hand to Mr. Peelle?—A. Yes, sir.

Q. Where did you direct the letter to?—A. I directed one to Washington and one to Indianapolis, and I believe I went around to his boarding house to give him one; I went there and they told me that Mr. Peelle had gone to some funeral of some Congressman.

Q. The notice you directed to Washington was directed to Stanton J. Peelle?—A. Yes, sir; that is my recollection.

Q. The letter was sealed up, stamped, and put in the office here?—A. Yes, sir; I put it in the office myself.

Q. You took a copy of the notice and carried it where?—A. I think it is right back of the city library; I forget the lady's name, but she told me Mr. Peelle had been boarding there and he had gone to the funeral of some Congressman up in Ohio.

Q. Did you leave a copy of the notice there?—A. Yes, sir; I left a copy of the notice there.

Q. You say you were in the city of Indianapolis at the time of the November election in 1882?—A. Yes, sir.

Q. Did you attend that election?—A. Yes, sir.

Q. Did you act in any official capacity?—A. No, sir; simply a voter.

Q. I will ask you if you have ever had any experience in handling paper, buying or selling paper, or in the book business?—A. Yes, sir; I was in that business for about twenty years.

Q. Did you see the Republican ticket voted at that election?—A. Yes, sir.

Q. I call your attention to the ticket marked Exhibit B to Mr. De Vay's evidence, and on the face headed "Republican Ticket," and I will ask you if that was the ticket that

was used by the Republicans at that election?—A. To the best of my recollection it is; yes, sir.

Q. I call your attention to the ticket marked Exhibit C to Mr. De Vay's testimony, and I will ask you if that was the ticket used by the Democrats at that election?—A. Yes, sir.

Q. I call your attention also to the ticket marked Exhibit D to Mr. De Vay's testimony.—A. I did not see the National ticket at that election. I do not think I saw one of them. I did not get down town until late. I stay up all night and it was three o'clock or later when I got down there, and I did not stay around there very long then.

Q. Look at the heading on the front of the Republican ticket and state what is the character of that printing at the head of it. Is it an engraving, is it a lithograph, or is it a print with type, or what is it?—A. I suppose that might be a print. It might be set up in print, type, or lithograph. I am not familiar enough with type to tell you anything about it. Type I do not know anything about.

Q. State what the character of the material is upon which the Republican ticket is printed.—A. Well, if that had been handed to me when I was in the book business I would call that a kind of card-board. (Objected to as immaterial.) I have not been in it for ten years now.

Q. Did you ever know of such material to be used for tickets before at any election?

(Objected to as immaterial and incompetent.)

A. I do not recollect. They have had so many tickets about here at these elections, and sometimes they are very thin and sometimes very thick.

Q. Could you distinguish that Republican ticket folded with the names inside from any other ticket printed on paper the same size and width, if the other paper was plain white book paper, plain white writing paper, or plain white print paper?

(Objected to as incompetent, as a conclusion of law.)

Q. Take it folded up between the fingers and look at it.—A. Why, certainly I could.

Q. Could you by looking at it?—A. It would depend upon what sort of a look I had. My eyesight is not very strong. I believe I could, for it is so much bulkier and heavier, and this [indicating] is so thin.

Cross-examination by Mr. PEELLE:

Q. Could you tell from the external appearance of the tickets when folded?—A. Just lying in that way? [Indicating.]

Q. Yes, sir.—A. Yes, sir; I believe I could.

Q. They are both plain white?—A. Yes, sir; but a man that has been in the business regards that as a very superior grade of material—I mean that Republican ticket. It looks like a finer job all the way along. It has got a heavier, finer look to it in every way. This paper here on which the Democratic ticket is printed is just simply common white paper.

Q. Now take the National ticket in your hand and see the difference between that and the Democratic ticket. See if there is not as much difference between the quality of the National and Democratic ticket in its finish and appearance, as much as in the weight.—A. The finish is simply, perhaps, run through what they call a calender—I believe that is the term for it—but I would have some trouble in telling the difference between those.

Q. See if there is not a material difference in the finish of the two tickets.—A. It is a little bit whiter.

Q. Has not the Democratic ticket a much finer finish and more compact paper?—A. No, sir; I do not believe it has. The National ticket looks like a good sort of paper. There is not much difference between those two tickets.

Q. There is some difference, is there not?—A. I can tell the difference almost between any two pieces of paper unless they are identically the same, because I handled them so long.

Q. Between any kind of paper?—A. Almost; I think I could. I do not want to stretch the assertion, but I think I could. You see that is a different sort of thing.

Q. What is your politics?—A. Democratic, sir.

Q. Had you any wager on the result of the last election?—A. No, sir; I did not bet a cent. I never do.

Q. You did not go to the polls until 3 o'clock?—A. No, sir; I stay up all night, and it is generally late when I get down.

Q. What is your business?—A. I am managing editor of the Indianapolis Sentinel.

Q. The leading Democratic paper in this city?—A. Yes, sir; we try to make it so.

Q. You say you have been out of the paper business so long you cannot tell the difference between qualities of paper?—A. I did not say that at all, because I was in twenty years, the best years of my life.

Q. Can you tell the kind of paper that Republican ticket is printed on?—A. Trade

names fluctuate. I know what they are calling it now, for I have heard; but I would not know of my own knowledge. When I was in the business that was known as a kind of card-board.

Q. How long ago?—A. I left in 1873.

Q. Do you know what it is called now?—A. I heard it simply stated it was plate paper, or lithograph paper; I heard that. I do not know anything about that. I heard that is what they are calling it in the trade, but that is what we would call a bristol-board or card-board. We cut them up into visiting cards and business cards. I used to have a machine to do it, and they would come in great sheets 22 by 28 inches.

Q. You would not say of your own knowledge what kind of paper it was?—A. I say that is what we would call it.

Q. I am speaking about it now?—A. No, sir; not of my own knowledge; that is, the technical name for it. I would not call that paper.

Q. What is it made out of?—A. Fine linen rags, I guess.

Q. Is it not paper?—A. The heaviest kind of paper. Card-board is made out of that.

Q. And it is paper, is it not?—A. I do not think you would call it paper. I would call it a species of card-board.

Q. Is not that paper?—A. It is made out of the same material as paper, but you would not call it paper.

Q. What kind of paper is that the Democratic ticket is printed on?—A. I would call that paper, but there are different kinds of paper.

Q. What kind of paper is that Democratic ticket printed on?—A. Either news or book paper. Either light book paper or good quality of news paper.

Q. Why would you call that book paper and the other card-board?—A. There are different styles of paper, but that gets beyond paper and gets into a species of board.

Q. That is all paper, I understand you to say?—A. It is made out of the same material, but they put more rags into it and more pulp, and put a finer finish on it and call it something else. They even make car-wheels out of that now.

Q. Car-wheels out of what?—A. Out of pulp, out or paper. You could not call that paper when it gets into a car-wheel.

Q. Your best judgment would be, then, that the Democratic ticket is printed on book paper?—A. Book or newspaper, and the other is on card-board.

Q. I understand your position to be that the Democratic ticket is printed on book paper, and that the Republican ticket is printed on card-board paper, and it is not paper?—A. Yes, sir. If it was a car-wheel I would say it was upon a car-wheel, but not on paper. They make buckets out of it and all that sort of thing now.

The notice referred to was made a part of this deposition, and will be found attached hereto, marked Exhibit E.

CHARLES G. STEWART.

Exhibit E to deposition of Charles G. Stewart.—P. C. H., N. P.

Contested election of Representative in Congress, seventh Congressional district of Indiana

NOTICE OF CONTEST.

To Hon. Stanton J. Peelle:

You are hereby notified that I shall, and do hereby, contest your election to the office of Representative in the Congress of the United States for the seventh Congressional district, in the State of Indiana, as declared by the official canvass of the election therefor held on 7th day of November, 1882.

I contest your said election on the following grounds:

That the official returns legally made by the election boards of the several election precincts of said seventh Congressional district of Indiana show that the contestor, William E. English, received a greater number of legal votes at said election held November 7, 1882, for Representative in Congress for said Congressional district than did the said contestee, Stanton J. Peelle.

That the claim that said Stanton J. Peelle received a plurality of eighty-seven votes at the said election is not correct, for said William E. English in fact received a greater number of the legal votes cast at said election for Representative in Congress for said district than did the said Stanton J. Peelle.

That 12,551 ballots were received and counted for said Peelle at said election in the city of Indianapolis and county of Marion, in said seventh Congressional district, that were illegal and void because in violation of the following law of the State of Indiana, viz:

"All ballots which may be cast at any election hereafter holden in this State shall be written or printed on plain white paper of a uniform width of three (3) inches, without any distinguishing marks or other embellishments thereon except the names of the can-

didates and the offices for which they were voted for."—(Section 4701 Revised Statutes of 1881.)

That said 12,551 ballots so counted for Peelle were not on "plain white paper," "without any distinguishing marks or embellishments," but were, in fact, on the material known as lithographic, plate or cardboard, so thick, sized and supercalendered as to be easily distinguished both by sight and touch, and so constructed as to come unfolded in the ballot-box, thus facilitating the voting of double ballots and commonly called on these accounts, spring-back tickets, or cardboard tickets.

The said tickets had other "distinguishing marks or embellishments," and were designed for the purpose, and, in fact, did destroy the secrecy of the ballot, intended to be secured by the above recited law, and by the constitution of Indiana, and were, therefore, clearly illegal and void.

That the effect of destroying the secrecy of the ballot by the use of these cardboard spring-back tickets was greatly to the injury of this contestor, aside from the counting of such illegal ballots for said Peelle, as all of the Federal office-holders, all the county and city officials, the police force, and most of the officers of wealthy corporations in said city and county were and are Republicans and supporters of said Peelle, and hundreds of colored men, laborers, employés and others were prevented from voting for this contestor by reason that the secrecy of the ballot was destroyed by the use of these cardboard spring-back tickets that could be easily and certainly distinguished to be Republican tickets by either sight or touch.

That said cardboard spring-back tickets were intended to and did promote frauds in double voting, there being over 100 more ballots voted at said election than persons voting, most of said ballots being wrongfully counted for said Peelle.

That said cardboard spring-back tickets were further designed to and did prevent persons from voting for this contestor, who desired to do so, because said tickets were not printed on "plain white paper," as required by law, but on cardboard so sized and supercalendered, that the name of this contestor could not be securely placed over the name of said Peelle, by reason of which 100 votes were lost to this contestor.

That Republican inspectors of said election, supporters of said Peelle, refused to receive the votes of 200 qualified voters at said election who presented legal ballots, containing the name of this contestor for Representative in Congress from said district, by reason of which unlawful and unjust refusal, 200 votes were lost to this contestor.

That in all, or nearly all, the election precincts in said district the supporters and agents of said Stanton J. Peelle circulated spurious and fraudulent tickets, being in exact similitude of the Democratic ticket on which said William E. English's name appeared for Representative in Congress, except that said counterfeit tickets had the name of Stanton J. Peelle printed in the place of the name of this contestor, and in some instances the name of other Republican candidates for other offices were printed in place of the Democratic candidate, but in all cases such fraudulent tickets so circulated by the supporters and agents of said Peelle were headed "Democratic ticket," with the names of the Democratic candidates for State offices thereon, and in many cases with the names of all the Democratic candidates thereon except the name of said English, for which the name of said Peelle was substituted, by reason of which fraudulent devices and practices 300 electors voted at said election for said Peelle who in truth and in fact intended to vote for said English, and actually supposed they had so voted until said fraudulent and spurious tickets were discovered.

That in the city of Indianapolis, in said district, a number of persons, who were qualified electors in said city, who desired and intended to vote for this contestor in the precincts in which they were entitled to vote, were deterred and prevented from so doing by the threats, menaces and intimidation of Republican policemen, United States deputy marshals and others, working in the interests of said Stanton J. Peelle at said election, and that by reason of said wrongful and unlawful threats, menaces and intimidations used in behalf of said Peelle by his supporters at said election a large number of votes, to wit, 200 votes, were at said election, in said precincts, cast for said Peelle by the electors so threatened, menaced and intimidated, which votes would have been cast and counted for this contestor but for such threats and menaces; and 200 other legal voters were deterred from voting for this contestor by reason of said threats, menaces and intimidations, and did not, by reason thereof, vote at all.

That Republican officials or others, working in the interest of said Stanton J. Peelle, took from the Marion County jail and the station house of the city of Indianapolis 100 prisoners, and caused them to vote 100 ballots for said Stanton J. Peelle for Congress at said election, the said 100 persons so voting not being qualified voters, or voting for said Peelle because of the threats, intimidations and undue influences of said Republican officials or others.

That Republican officials or others working in the interest of said Stanton J. Peelle took fifty-seven paupers out of the Marion County poorhouse, and by threats, intimida-

tion and undue influence caused them to vote for the said Stanton J. Peelle for Congress at said election, which they would not have done but for the wrongful acts of said Republican officials or others.

That Republican officials or others working in the interest of said Stanton J. Peelle took thirty-five persons out of the city hospital of said city of Indianapolis, and by threats, intimidations and undue influence caused them to vote for said Peelle for Congress at said election, which they would not have done but for the wrongful acts aforesaid.

That persons working in the interest of Stanton J. Peelle imported persons into said district who were not entitled to vote therein, but who voted at said election for said Peelle to the number of 200 ballots, which ballots were wrongfully counted for said Peelle, and 100 other persons voted for said Peelle in election precincts in said district in which they were not entitled to vote, and such votes were wrongfully counted for said Peelle.

That said election was wrongfully interfered with by Republican officials of the United States Government, who, under the pay of the General Government, came from Washington City and elsewhere in large numbers, to wit, the number of 100, to control and overawe the lawful electors of said district to elect the said Stanton J. Peelle; and to further that end a large fund was raised by assessments upon Federal office-holders by J. A. Hubbell's committee, and by other parties, and brought into said district by the said Stanton J. Peele, or his agents or supporters, and was, with other moneys, unlawfully and corruptly used to promote the election of the said Stanton J. Peele, whereby he received 500 more votes than he would have received but for such corrupt and wrongful interference.

That in several of the election precincts in said district, ballots that were for this contestor for Congress, or intended by the person voting to be for him, were wrongfully rejected and not counted for him because they contained the wrong middle initial letter of his name, and for other insufficient causes, and in several precincts the return made is not a true and correct return of the legal ballots voted at such precincts.

Wherefore, this contestor alleges that said Stanton J. Peelle was not, but that the said William E. English was, duly and lawfully elected Representative in Congress from said district at the election aforesaid.

November 29, 1882. WILLIAM E. ENGLISH.

UNITED STATES,
District of Columbia:

Before me, the undersigned, a notary public within and for said District, on this day personally came ———, to me well known, who being duly sworn, upon his oath says that on the ——— day of December, 1882, at said District, he personally served the within notice on the within-named Stanton J. Peelle by delivering to him a true copy thereof.

Witness my hand and notarial seal this ——— day of December, 1882.

———— ————,
————.

I accept service of the within notice of contest this 7th day of December, A. D. 1882. I have received a copy of the same, but waive no right by virtue of this acceptance.

STANTON J. PEELLE.

(In pencil:) Be sure and fill dates in the above and insert name of person serving the notice; and when completed, please mail this to

WM. E. ENGLISH,
Indianapolis, Ind.

THOMAS B. MESSICK, being first duly swqrn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Question. State your name, age, and residence.—Answer. Thomas B. Messick; my age, at my nearest birthday, 42; my residence, 218 Blackford street, in this city.

Q. Were you in the city of Indianapolis on the 7th day of November, the day of the last Congressional election?—A. Yes, sir.

Q. Did you attend that election that day?—A. Yes, sir; I did, sir.

Q. Did you act in any capacity that day at the polls?—A. No, sir; not officially. I held the poll-book; that is the book of the poll of the ward.

Q. You were challenger?—A. Yes, sir; I acted in that capacity part of the time.

Q. What precinct was this in which you acted?—A. Precinct No. 1, thirteenth ward.

Q. Did you see the Republican ticket voted at that precinct?—A. Yes, sir.

Q. I will call your attention now to the ticket headed "Republican Ticket," and on the back indorsed Exhibit B to Mr. De Vay's testimony, and I will ask you if that was the ticket that was voted on that day by the Republicans?—A. Yes, sir.

Q. I also call your attention to the ticket labeled at the head "Democratic Ticket" and indorsed on the back Exhibit C to Mr. DeVay's testimony, and I will ask you if it was the ticket used by the Democrats that day?—A. Yes, sir.

Q. I call your attention to the ticket headed "National Ticket" and marked Exhibit D on the back, to Mr. De Vay's testimony, and I will ask you if you know whether or not that is the ticket voted and used by the Nationals at that precinct?—A. I do not recollect of having seen that ticket at all, in fact there was very few of them there.

Q. Could you at that precinct tell from the appearance when a Republican ticket was put in the box that it was a Republican ticket?—A. Yes, sir; most generally I could. I stood right up close to the window.

Q. Could you tell that ticket from the Democratic ticket, watching them as they went into the box?—A. Yes, sir.

Q. What kind of material, if you know, is that Republican ticket printed on?

(Objected to for the reason that the witness has not shown himself competent to tell.)

Q. I ask your the question in the popular sense, not of you as an expert?

(Objected to as immaterial and incompetent.)

A. I should judge that the ticket is what has been generally termed card-board.

Q. Could you tell that ticket from any ticket of a similar size and width of fold if that other ticket were printed on plain white book paper, plain white print paper, or plain white writing paper—ordinary plain white paper of that character?

(Objected to as immaterial and incompetent for the reason he has not said that he knew what plain white book paper or print paper was.)

A. Yes, sir.

Q. You have seen plain white book paper, have you?—A. Yes, sir.

Q. You have seen plain white print paper?—A. Yes, sir.

Q. You have seen plain white writing paper, have you not?—A. Yes, sir.

Q. Have you any official position now?—A. Yes, sir.

Q. What is that?—A. Assessor for Center Township, Marion County.

Q. Do you handle paper in that capacity?—A. Not a great deal; no, sir.

Q. What effect did the use of that Republican ticket printed on that material have, if any, on the secrecy of the ballot at that precinct?

(Objected to as immaterial and incompetent, and as a conclusion of law.)

A. I think it had some, from the fact that there was a number of colored people in that precinct over there that had signified their intention of voting the Democratic ticket, and when they came to the election that morning and saw the style of the paper and the kind and quality of the paper that the Republican ticket was printed on, they were almost afraid to risk it.

(Objected to for the reason that the testimony of the colored man is the best evidence.)

Q. Where were you standing in relation to the ballot-box at your precinct, and how far from it?—A. I suppose I was not more than three feet from it.

Q. Could you see the tickets as they were dropped in?—A. Yes, sir. Not all the time; but part of the time.

Q. When you could see them plainly could you tell what was the character of the tickets, as between the two parties?—A. Yes, sir.

Q. How many votes were cast at that precinct, if you know?—A. That I do not remember.

Q. Were all the Republican tickets voted there of that character?—A. Yes, sir.

Q. Approximately, how many Republican votes were there?—A. I suppose 150.

Cross-examination by Mr. PEELLE:

Q. You say there was 150 votes in that precinct?—A. No, sir. I think there was 150 Republican tickets voted; 100 at least.

Q. What is your politics?—A. I am a Democrat.

Q. You are a Democrat and assessor?—A. Yes, sir.

Q. City or township?—A. Township.

Q. Did you have any wager on the result of the last election?—A. Not a cent.

Q. You have no knowledge of paper as an expert?—A. No, sir.

Q. Was there any complaint made to the board that day as to the character of the Republican tickets?—A. No, sir. I think not.

Q. Do you know of any man who was misled or deceived in voting that day in consequence of the Republican ticket being on the kind of paper it was?—A. No, sir. I did not hear of any.

Q. Do you know of any man that would have voted differently if the Republican

ticket had been printed on the same kind of paper that the Democratic ticket was?—A. Nothing, except as I said a while ago, several colored men had expressed a desire to vote the Democratic ticket.

Q. When did they express that desire?—A. Prior to the election.

Q. To whom?—A. A number of Democrats in the ward.

Q. That was before the day of the election?—A. Yes, sir,

Q. What are the names of those colored men?—A. I cannot say now.

Q. Can you give the name of one of them?—A. No, sir.

Q. The only thing is that some days prior to the election some of those men expressed a desire to vote the Democratic ticket?—A. Yes, sir.

Q. And when the time came they voted the Republican ticket?—A. Yes, sir.

Q. Did they say anything on the day of the election about it?—A. One or two of them said they desired to vote it, but they were too closely watched by the Republicans there, and Ben Thornton in particular. Ben Thornton was the policeman there.

Q. Who were the colored men that said that?—A. That I cannot say.

THOMAS B. MESSICK.

JESSE S. WHITSIT, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Question. Your name, age, and residence?—Answer. Jesse S. Whitsit; I am thirty-seven years old; I reside in Indianapolis.

Q. How long have you resided in this city?—A. Between twenty-six and twenty-seven years.

Q. Were you in this city on November 7, 1882, the day of the last election?—A. Yes, sir.

Q. Did you attend that election?—A. I did.

Q. Have you held any official position in this county?—A. Representative to the General Assembly.

Q. You were one of the members elected to the last Legislature?—A. Yes, sir.

Q. I call your attention to the ticket marked on the back Exhibit B to the deposition of Mr. De Vay, and on the front "Republican Ticket," and I will ask you if that was the ticket used by the Republicans at that election at your precinct?—A. It was a very similar ticket as near as I can recollect. I expect that would be the same style of ticket used on that day.

Q. Which is your precinct?—A. First precinct, twenty-second ward.

Q. I call your attention to the ticket marked Exhibit C on the back, and on the front headed "Democratic Ticket," and I will ask you if that was the ticket voted by the Democrats at your precinct?—A. I think it was a similar ticket.

Q. Did you see the National ticket that day?—A. Yes, sir; but I did not notice it particularly.

Q. I will ask you to look at the ticket marked Exhibit D on the back, to the deposition of Mr. De Vay and headed "National Ticket," and state, if you can, if that is the ticket that was used.—A. I think it is a similar ticket, although, as I said, I did not notice particularly. I think probably the same class of ticket that was used, but I did not handle any of them at all.

Q. You were about the polls all day?—A. Yes, sir.

Q. Were you at any time posted about the ballot-box watching the vote?—A. Yes, sir; I was there at the box most of the time when any one voted.

Q. I will ask you if you could distinguish the Republican ticket used that day at that election when it was folded; if you could tell which was the Republican ticket when it was folded up and voted and held close to you?

(Objected to as a conclusion of law.)

A. Yes, sir; I could.

Q. Did you do it?—A. Yes, sir; a number of times.

Q. Could you tell that ticket from the Democratic ticket when folded?—A. Yes, sir; easily.

Q. How could you do it?—A. By the bulk of the ticket and the stiffness of the look of the paper. It made a bulk about twice as large as the ordinary ticket, almost, and the general appearance of the ticket was easily distinguished from any other ticket there.

Q. I will ask you what effect did it have at your precinct upon the secrecy of the ballot—the use of that Republican ticket, I mean?

(Objected to as a conclusion of law and leading.)

Q. What effect, if any, did it have?—A. I do not know as I can say that it had any particular effect in my precinct.

Q. As to the secrecy, whether or not it was known?—A. It was well known that it could be distinguished from any other ticket; that no man could secretly vote the Republican ticket or Democratic ticket on that day.

Cross-examination by Mr. PEELLE:

Q. You say it was well known?—A. A man could tell very easily which ticket a man was voting without any trouble.

Q. What are your politics?—A. I am a Democrat.

Q. You are the present chairman of the city central committee on the Democratic side?—A. No, sir; it is my brother.

Q. You are the Democratic member from this county in the legislature?—A. Yes, sir.

Q. You have frequently been at the polls on election day?—A. Yes, sir.

Q. I will ask you as a matter of fact if it is not frequent that you can tell when men are going to the polls what kind of a ticket they are going to vote?—A. I never noticed it before. I understand you ask as to the tickets.

Q. I am asking you if it has not been frequently the case at the polls where you were; you have been frequently at election polls on election day?—A. Yes, sir.

Q. That you could tell when men were going to the polls with tickets in their hands what party they were going to vote for?—A. No, sir.

Q. Have you not said with other men: "There goes a good Republican vote" or "a good Democratic vote?"—A. We might tell what the man had heretofore voted, but we could not tell by the ticket in his hand.

Q. Do you say you can tell that Republican ticket from the Democratic ticket from its external appearance?—A. Yes, sir.

Q. What is the difference?—A. The difference is in the bulk of the ticket.

Q. You would have to see the end of the ticket. I ask you, as I hold them up one in each hand before me, to state if you can tell, looking at the size of those tickets folded together, the difference in the bulk?—A. Yes, sir.

Q. How can you see it?—A. How can I see that pile of books?

Q. I hold now in my hands two books. Can you say from the size of those books which one is the heaviest?—A. I do not know as I could if I saw the side. If I saw the end I could say. I could tell that the book on the north side was the heaviest.

Q. When two tickets are taken and folded together, I will ask you if you can tell the two tickets from the external appearance unless you can see the end of the tickets, to see the thickness of the tickets?—A. You can almost always see the ends and sides when a man has hold of the ticket. It is sometimes impossible to see the side.

Q. Can you from here? There is a distance of about seven feet between you and myself, and those two tickets are folded, and can you tell the difference between the two tickets I hold now in my hand from the external appearance, folded?—A. I could if it was out in perfect light. I cannot see them plainly the way I set.

Q. Can you see any external difference in those two tickets?—A. Not a great deal.

Q. Then you would have to get at the end of the tickets in order to see the difference and in order to get at the bulk; is not that true?—A. Yes, sir; end or side; you would have to see one or the other.

Re-examination by Mr. WILSON:

Q. I understand you to say, Mr. Whitsit, that the fact of the use of these two tickets so contrasted was that anybody standing there could distinguish when the Democratic or Republican ticket was voted.

(Objected to.)

Q. Could the challengers where they were standing see the votes as they were put in the box?

(Objected to, for the reason that the distance at which the challengers stood has not been shown.)

A. Yes, sir.

Q. How far were these challengers standing from the box?—A. Not above four feet.

Q. How were they located with reference to the box?—A. The box stood just inside of the window, and the challengers stood just outside. The challengers stood on each side of the chute.

Q. Then there was a chute there up which the voters walked?—A. Yes, sir.

Q. Could the challengers see, if the voter held the ticket in his hand, the ticket as he walked up to vote?—A. Yes, sir.

Q. Could they see that ticket from where they were?

(Objected to as incompetent and immaterial.)

A. Yes, sir.

Q. They could see what ticket the man was voting in that way?—A. I should think there was no question about it.

Q. How many tickets were voted at that precinct, if you know?—A. I do not know.

Q. Was the majority Democratic or Republican?—A. Democratic. The majority in the ward was 224.

Q. Do you know of any one that was prevented from voting by the use of that ticket?—A. Not in that ward.

JESSE S. WHITSIT.

VICTOR M. BACKUS, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Question. Your name, age, and residence?—Answer. Victor M. Backus; my age, 34; I reside 190 North West street.

Q. Were you in the city of Indianapolis at the time of the Congressional election, November 7, 1882?—A. Yes, sir.

Q. Did you attend that election?—A. Yes, sir.

Q. Did you act in any official capacity?—A. Not until night.

Q. What did you do that night?—A. I was a watcher. I was put on there by the county central committee.

Q. What was your duty there—to watch that count?—A. Yes, sir.

Q. Did you see the Republican ticket voted for Stanton J. Peelle at that election?—A. I saw the Republican ticket; I suppose his name was on it.

Q. Mr. Peelle was a candidate for Congress on the Republican ticket, Mr. English on the Democratic ticket?—A. Yes, sir.

Q. I call your attention now to ticket marked Exhibit B to Mr. De Vay's testimony, and headed "Republican Ticket." Please look at it and see if that was the ticket used at your precinct by the Republicans at that election?—A. I believe it was.

Q. What precinct were you in?—A. The south precinct of the thirteenth ward.

Q. I call your attention now to the ticket marked Exhibit C to Mr. De Vay's testimony and headed "Democratic Ticket," and I will ask you if that was the ticket used by the Democrats at that election?—A. Yes, sir; it looks like it.

Q. How close were you to the box from which the count was being made while they were being counted?—A. I stood right at the side like this [indicating], and the men that had charge, Mr. Isgrigg stood right in front of it, and another gentleman on the other side.

Q. Did you attend the poll on the outside that day?—A. Yes, sir.

Q. Were you there all day?—A. I was away about an hour and a half in the morning, or two hours.

Q. With that exception you were there all day?—A. Yes, sir.

Q. Did you take any interest in what was going on?—A. I was one of the workers.

Q. I will ask you if in watching the count you could tell the Democratic from the Republican ticket when they were taken out of the box and unfolded?

(Objected to as immaterial and incompetent.)

A. I could if they were anyways open in this shape [indicating]. If they were up tight and close together I do not suppose I could, unless they opened them up.

Q. Could you tell the Republican tickets when they were voted, that they were Republican tickets?—A. They were. I watched right close. We had what I counted as doubtful votes, and I watched right close. I saw them come to the polls, and if I saw a Democratic ticket I would go and tell them it was a Democrat; and if he had a Republican ticket I would tell them it was a Republican ticket. Of course, I could not tell everything, and if a man had a ticket in his hand and holding it right close nobody could tell it, but if he should swing it out loose I could tell it. If he held it out loose it would spring out.

Q. I will ask you if that Republican ticket was folded lightly, would it be apt to spring open when it was in the ballot-box?

(Objected to as immaterial.)

A. I do not understand you quite.

Q. Take these tickets as they stood originally, and fold them together without springing them or without creasing them, and would they spring open?—A. We would go right along and take them out as quick as we like in 5's or 100 of them—the inspector could, or the men that were there that had charge of the ballot-box; he would go right along and take them out and call them Republican, and he would take them right out, and he could generally tell them. They seemed to be larger and heavier.

Q. Could he tell them without reading them?—A. I did not say that he could.

Q. When these tickets were lightly folded without being creased, state if they were apt to spring open.—A. Yes, sir; I think they are.

Q. Did you see any tickets that had partially come open in the ballot-box in that way?—A. Oh, yes.

Q. If two Republican tickets were folded separately and one placed within the other, and the one on the outside was lightly folded without creasing, would they spring open when dropped in?

(Objected to as incompetent and immaterial.)

A. I should think they would. I would not say they would positively, but I think they would.

Cross-examination by Mr. PEELLE:

Q. What is your politics?—A. Democrat.

Q. I understood you to say if those tickets were folded closely, as they usually are when voted, it would be difficult to tell one from the other.—A. As you come up to the polls?

Q. Yes, sir.—A. I think it would.

Q. I will ask you, when tickets are folded when voted, if they do not usually fold them pretty close and hold them in their hand pretty close when they vote.—A. Yes, sir; some of them do.

Q. Is it not a general thing that they fold them pretty close?—A. Yes, sir; as a general thing. I have seen some hold them right up open and others pretty close.

Q. Democratic tickets were as liable to come together and run together in the box as Republican tickets?—A. At this special election I saw two tickets folded, but I do not recollect what one of them was. One of them was the Republican ticket, and he brought them out, and I said that is double right there and made it stop, and he said it was not, and I made a kick and our other man made a kick, and he insisted that it was, and he made a little fuss about it.

Mr. WILSON. Who were those parties, do you know?

The WITNESS. I forget this other man's name. He was a judge, and Mr. Isgrigg and Mr. Ayres.

Q. That was not counted?—A. No, sir; that was not counted; we made them throw it out.

Q. If that Democratic ticket should be lightly folded, would it not be liable to spring open?—A. I am not an expert about paper. I do not know anything about it. I do not think it would be as apt as the other.

Q. I ask you, if that Democratic ticket should be lightly folded, if it would not be likely to spring open.—A. I must say I did not see any of them folded.

Q. I do not ask you about that. You saw some of the Republican tickets?—A. I saw it spring open.

Q. I am asking you if that Democratic ticket, when you fold them up lightly, if they are not liable to spring open?—A. I would not say they would be as liable as the others.

Q. I ask you if that Democratic ticket, when lightly folded, is not liable to spring open?—A. I do not think it would spring open as easily.

Q. I ask you again, when the Democratic ticket that you have in your hand is lightly folded, if it would not be liable to spring open?—A. I presume it would.

Q. I will ask you if any other ticket folded partly in there, when slipped in the box, if they would not be liable to separate when you shook the box up?—A. I presume they would.

Q. Just the same as a Republican ticket?—A. I do not think they would unfold as easily as the Republican ticket, because it is a stiffer ticker; it is stronger; it has got more of a spring in it.

Mr. WILSON. You mean in the Republican ticket?

The WITNESS. Yes, sir.

Q. I will ask you if, in consequence of that Democratic ticket being on a little lighter paper, if it would be more liable to spring out when shaken than the Republican ticket?—A. I should not think it would.

Q. Do you know of anybody who would have voted differently at that poll on that day if the Republican ticket had been printed on the same kind of paper the Democratic was on?—A. No, sir; I do not.

Q. What is your business?—A. I used to be a carriage-maker.

Q. You were the Democratic watcher there that night?—A. I was appointed that night. I worked at the polls all day, and some one brought an appointment there, and I did not want to go in.

Q. Were you appointed there as the Democratic watcher that night?—A. Yes, sir; I was.

Q. By the Democratic central committee?—A. Yes, sir.

Q. The tickets are plain white, are they not, both of them?—A. Yes, sir; I should think they were.

Re-examination by Mr. WILSON:

Q. I understand you to say when he held them in his hand that way [indicating] you mean that the ticket must be concealed from view?—A. As a general thing when a man comes to vote he has his ticket pretty close.

Q. I will ask you when he hands it to the inspector, and the inspector puts it in the box, if you do not have a close view of that ticket?—A. Yes, sir.

Questions by Mr. PEELLE:

Q. Did you have any bet on the result of the election?—A. On you? No, sir.

Q. Did you on any one else?—A. No, sir.
Q. You had no bet on the result of the election last fall?—A. No, sir.

V. M. BACKUS.

HARRY O. THUDIUM, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Question. Your name, age, and residence.—Answer. Harry O. Thudium; age, 29; residence, 195 North East street, city of Indianapolis.

Q. Were you in the city of Indianapolis, November 7, 1882, the day of the Congressional election?—A. Yes, sir.

Q. Did you attend that election?—A. Yes, sir.

Q. Whereabouts?—A. First precinct, tenth ward.

Q. I will call your attention to the ticket marked Exhibit B to Mr. De Vay's testimony, and at the head, on the front, "Republican Ticket," and I will ask you if that was the ticket voted and used at that election by the Republicans at your precinct?—A. That is the same kind. I have some over at the office that I saved.

Q. I will ask you to look at the ticket marked Exhibit C to the evidence of Mr. De Vay, and at the head "Democratic Ticket," and I will ask you if that was the ticket voted and used by the Democrats?—A. Yes, sir.

Q. Who were the candidates for Congress at that election?—A. William E. English and Stanton J. Peelle.

Q. Who was the candidate on the National ticket?—A. I do not know.

Q. Were you close to the ballot-box during the balloting that day?—A. I was there most of the day.

Q. How close to the box?—A. Within four feet.

Q. Were you inside of the room at all where the ballot-box was?—A. I was just outside, the first man at the chute, that is, the nearest man from the box to the chute.

Q. Then you must have been a little closer than four feet?—A. Well, say three feet.

Q. I will ask you if you saw the tickets that were handed in by the voters to the inspector as they were handed in and put in the box.—A. Yes, sir.

Q. Could you tell the Republican ticket when you saw it voted? Did you have a chance to see?—A. Yes, sir.

Q. Could you tell the Democratic ticket?—A. Yes, sir.

Q. You could not tell the National ticket?—A. No, sir.

Q. How could you discriminate? How could you tell one ticket from another?—A. The Republican ticket would not fold up properly.

Q. Was there any other difference in their appearance?—A. I considered that so much difference in that particular thing that we knew all day exactly how the thing was going.

Q. Did you ever have any experience in the paper business?—A. Yes, sir. I have been in the paper business fourteen or fifteen years.

Q. Do you know the character of the material upon which that Republican ticket is printed?—A. It is paper made especially for a purpose, as much as I know about paper.

Q. For what purpose?—A. For a special purpose. It is not paper that is carried by dealers or by houses generally.

Q. Do you know what is the name of it?—A. I would consider that it was machine bristol, but a very thin quality of machine bristol. It is what I would take it for. It is stuff we ordinarily use for cards, but it is somewhat thinner than that.

Q. I will ask you what is the material upon which that Democratic ticket is printed?—A. That is ordinary book paper. What we call Western book paper.

Q. What was the effect of that Republican ticket upou the secrecy of the ballot or the vote?—A. We did not find much secrecy about it. I had to or did inform the Republican inspector that it was against the law, as much as I knew about it, to let anybody know how a man voted.

Cross-examination by Mr. PEELLE:

Q. Your name?—A. Thudium.
Q. What nationality are you?—A. I am an American, born in Philadelphia.
Q. What is your politics?—A. My politics were Republican; I am a Democrat now.
Q. Were you a Democrat in that last election?—A. Yes, sir; I was.
Q. Where is your place of business?—A. Twenty-Seven south Delaware street.
Q. What is your business now?—A. Newspaper publisher.
Q. What is the paper?—A. Gutenberg Co. German Telegraph.
Q. How long have you been employed there?—A. I have been in that business about ten years.

Q. You say that that paper upon which the Republican ticket is printed there is not the kind of paper that is kept at all in stock?—A. Not, as much as I know about the paper business.

Q. You claim that it is not kept in stock here in town?—A. I never found it in town at any dealers.

Q. Do you know the name of that paper?—A. As I said before, it is what I would consider thin bristol-board.

Q. Did you have any wager or bet upon the result of the election last fall?—A. No, sir.

Q. Not on any one?—A. No, sir.

Q. You stood at the polls all day?—A. I do not think I left them five minutes all day.

Q. You were challenger there?—A. Part of the time.

Q. Do you know of any one who was deceived or misled in voting in consequence of the Republican ticket being on that kind of paper?—A. I cannot say as to that, because I was right at the chute there, and such exclamations, if there were any made, were made outside.

Q. Do you know of any one who would have voted different if the Republican ticket had been printed on the same kind of paper as the Democratic ticket was printed on?—A. No, sir.

Q. What was the name of the inspector of that precinct?—A. Barton W. Cole.

Q. You say you called his attention to the ticket?—A. I called his attention to the fact that he was letting his friends, his Republican friends, know how the people were voting. I did call his attention to it because he was letting his Republican friends know how they were voting.

Q. How was he doing it?—A. Part of the time by nodding, and partly open, if he was asked.

Q. I understand you to say you called his attention to the fact that these tickets were illegal?—A. No, sir; I said that his manner was illegal.

Q. Was there any complaint made to the board there that day about the character of the Republican ticket?—A. There was some talk, but nothing official.

Q. They were counted without objection?—A. I was not inside.

HARRY O. THUDIUM.

The further taking of these depositions was, by consent of both parties, adjourned until Monday, October 8, at 10 o'clock a. m.

MONDAY, *October* 8, 1883.

Parties met pursuant to adjournment.

CALVIN F. DARNELL, being first duly sworn, testifies as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Question. Your name and age?—Answer. Calvin F. Darnell; my age is 50 years.

Q. Where do you reside?—A. No. 738 North Illinois street, Indianapolis.

Q. How long have you lived in Indiana?—A. Fifty years.

Q. Have you held any office?—A. Yes, sir.

Q. State what office.—A. I have held the office of county recorder, and, I guess it would be called an office, as councilman.

Q. Were you at the last election here for Congress that took place on November 7, 1882, in this city?—A. Yes, sir.

Q. Did you attend that election?—A. Yes, sir; I was at that election.

Q. Did you act in any official capacity at that election; were you on the board?—A. No, sir; I was not on the board.

Q. Did you stay at the polls all day?—A. Yes, sir.

Q. Was you a challenger?—A. Yes, sir.

Q. What precinct was that?—A. It was precinct No. 1, in the third ward.

Q. Did you see the ticket voted by the Democrats and Republicans on that day?—A. Yes, sir.

Q. I call your attention to Exhibit B to the deposition of Mr. De Vay, and I ask you if that was the ticket used by the Republicans at that precinct on that day.—A. It is; or one similar to it.

Q. I call your attention to the ticket headed "Democratic Ticket," and indorsed on the back as Exhibit C to the deposition of Mr. De Vay, and will ask you if that is the ticket that was used by the Democrats on that same election.—A. I should say that it was, or one similar.

Q. You say you were challenger?—A. Yes, sir.

Q. How far were you standing from the ballot-box; how many feet?—A. Two or three feet.

Q. You had a chute up there for voters to pass up?—A. Yes, sir.

Q. How close did the voters pass to you as they would go up the chute to vote?—A. It was a chute I guess about that wide—about two feet. I made the chutes and I think they were about two feet wide, and it had a side right along it, and we rested our elbows on it, and the Democrats on the other side.

Q. When the voter would pass up and hand his ticket to the inspector and the inspector would place it in the box, standing where you were could you see the ticket?—A. Yes, sir.

Q. Could you tell whether the ticket was a Democratic or Republican ticket as you saw him go to the box and hand it to the inspector and the inspector put it into the box?—A. I guess I could.

Q. How?—A. In the first place, I thought the Republican ticket was a little wider than the Democratic ticket; secondly, I judged it by the thickness of the paper.

Q. What are your politics?—A. I am a Republican.

Q. Were you acting as challenger for the Republicans that day?—A. Yes, sir.

Cross-examination by Mr. PEELLE:

Q. Did you vote for a candidate for Congress at the last election?—A. Yes, sir; I think I did. I voted the ticket without being scratched.

Q. I do not ask you to state how you voted. You have frequently been challenger up there in that precinct in the third ward?—A. Yes, sir.

Q. I will ask you if you have not always been able to tell the Democratic from the Republican ticket up there as a challenger and as a close observer?—A. Yes, sir; on several occasions I could. There was one time in particular I recollect, because the Democratic ticket was so very thin.

Q. When was that?—A. I disremember when that was.

Q. Can you state about how long ago it was?—A. No; I cannot.

Q. Was it in 1878?—A. I would not be positive about that.

Q. The Democratic ticket was so thin that the print could be seen through it when it was folded?—A. I don't recollect how that was now. It has been so long ago. That was one of the signs I had to go by.

Q. You, as a challenger there, have always been very active and very scrutinizing of the tickets when they went in?—A. Yes, sir.

Q. And by that close examination you have always been able to tell, have you not, very nearly every ticket that went to the inspector, and how they were voted?—A. I could not say at all times. I remember that one time in particular, but to say when that was I could not.

Q. You say that the Republican ticket was a little wider than the Democratic ticket.—A. I thought it was. I never measured them in my life, but I thought so.

Q. What was the color of the Republican ticket?—A. White.

Q. Plain white?—A. I guess so.

Q. I will ask you to take that ticket, marked Exhibit D and made a part of the deposition of Mr. De Vay, and headed "National Ticket," and I will ask you to take the Democratic ticket also, and state if there is not some difference between those two tickets.—A. One appears to be a little firmer in the paper.

Q. I will ask you if that Democratic ticket is not heavier than the National, and if it is not a finer-finished paper.—A. I am not a judge of paper, but I would think it was heavier paper.

Q. I will ask you if you would not be able, as challenger, with your close examination and observation, to detect those tickets when they went into the box.—A. I cannot answer that question.

Q. When they were folded?—A. I knew every Greenbacker there was in my ward, and did not pay any attention to scrutinize those tickets particularly as I would the Democrats.

Q. Don't you know every Republican that votes at your precinct?—A. I come very near it.

Q. I will ask you if you did not judge of the Republican tickets more by the men that were voting them than you did by the ticket itself?—A. No; I could not say that I did, because there were some that had moved into our ward that I did not get acquainted with. I know pretty near all the Democrats in the ward, but there were some few Democrats that day that I did not know.

By Mr. WILSON:

Q. Was there any doubt in your mind that day as to how the colored people might vote at your precinct?

(Objected to as leading.)

A. Oh, there always has been doubts.

CALVIN F. DARNELL.

AUSTIN H. BROWN, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Question. State your name, age, and residence.—Answer. Austin H. Brown; 55 years years of age; I reside in Indianapolis.

Q. How long have you lived in Indianapolis?—A. I have lived here for the last thirty-three years; I came here forty-six years ago, and I was absent five years.

Q. Have you held any official positions; if so, what?—A. Yes, several. I was State printer, printer to the last constitutional convention, county auditor and county clerk, collector of internal revenue, and I was in the city council for thirteen years prior to 1876, and am now a member of the school board, of which I have been a member for the past twelve years. I believe that is all.

Q. Were you in the city of Indianapolis at the time of the Congressional election, November 7, 1882; and if so, did you attend that election?—A. Yes, sir; I was, and I attended that election and voted.

Q. State, if you know, how many election precincts there were in Indianapolis at that election.—A. There were fifty-six in Indianapolis.

Q. State, if you know, in how many of these precincts the inspectors of the election were Republican in politics, and how many Democratic.

(Objected to as immaterial.)

A. There were fifty-four that had Republican inspectors, and there was one at which the township trustee was inspector—that is all that was Democratic; and there was one at which there was a National inspector, one of the precincts in the seventeenth ward.

Q. State, if you know, at how many of these precincts a majority of the election board were Republican in politics?

(Objected to as immaterial.)

A. All but two. The one at which the National inspector was was equally divided. Mr. Kitz's had one Democrat, which gave them the majority.

Q. If you know, please state whether there were many persons in the city on the day of said election who were office-holders under the General Government?

(Objected to as immaterial and incompetent.)

A. There were between eighty-five and ninety United States officers, including employés, clerks, and mail-carriers.

Q. Do you know what their politics were?—A. They were all Republicans.

(Objected to.)

Q. State, if you know, what was the politics or what were the politics of the governor of Indiana and the State officers residing in Indianapolis at the time of the election.

(Objected to as immaterial.)

Mr. PEELLE. I want to ask the purpose of this testimony. I want the purpose stated in the deposition itself.

Mr. WILSON. It speaks for itself.

Mr. PEELLE. I want to know your purpose. I insist that you shall state the purpose for which you introduce this testimony, so I shall know what I have to meet.

Mr. WILSON. I decline to state that any further than it speaks for itself.

Mr. PEELLE. Then I shall anticipate it and meet it in the making of my case.

A. The governor was a Republican and so were all the State officers and all the appointees except the quartermaster-general, who was a Democrat.

Q. State, if you know, what the politics of the county officers of Marion County were at the time of the election.

(Objected to as immaterial.)

A. They were all Republicans.

Q. State, if you know, what were the politics of the mayor and other city officers of the city of Indianapolis at the time of said election.

(Objected to as immaterial and incompetent.)

A. If you exclude the council and board of aldermen they were all Republicans.

Q. Do you know what the politics of the majority of the council and board of aldermen were at the time of the election?

(Objected to as incompetent.)

A. Republican.

Q. State, if you know, about the number of men on the police force of the city of Indianapolis at the time of that election and their politics.

(Objected to as immaterial and incompetent.)

A. There were 74, and on the day of the election there was 150 extra policemen in addition.

Q. State, if you know, what the politics of those policemen were.—A. They were all Republicans.

(Objected to as immaterial.)

Q. State, if you know, who were the candidates for Congress voted for at that election from this district, the seventh Congressional district, on the Democratic, Republican, and National tickets, respectively.—A. William E. English on the Democratic, Stanton J. Peelle on the Republican, and Robert W. Medkirk on the National.

Q. Have you had any experience in the paper and publishing business?—A. I am a printer, and learned my trade, and published a newspaper for five years, and had a book and job office connected with it, and am now interested in a monthly periodical for which I buy the paper regularly.

Q. Did you see the Republican ticket voted for Stanton J. Peelle for Congress at that election?—A. Yes, sir.

Q. Did you see the Democratic ticket voted at that election?—A. I did.

Q. Did you see the "Greenback" or National ticket voted at that election?—A. I did.

Q. I call your attention to the ticket headed "Republican Ticket," and I will ask you if that is the character of the ticket or the ticket that was voted or used by the Republicans at that election?—A. Yes, sir.

Mr. WILSON. We offer that as an exhibit to the deposition of Mr. Brown and as part of the same, and ask that it be marked and identified.

(The ticket was marked Exhibit F to deposition of Austin H. Brown, P. C. H., notary public, and will be found attached to this deposition as a part thereof.)

Q. I show you the ticket headed "Democratic Ticket," and ask you if that was the ticket that was voted and used by the Democrats at that election?—A. Yes, sir.

Mr. WILSON. We offer that as an exhibit to the deposition of Mr. Brown and as part of the same, and ask that it be marked and identified.

(The ticket was marked as Exhibit G to the deposition of Austin H. Brown, P. C. H., notary public, and will be found attached to this deposition as a part thereof.)

Q. I show you a ticket headed "National Ticket," and ask you if that is the ticket used by the Nationals at that election?—A. Yes, sir.

Mr. WILSON. I ask that that be made a part of his deposition and identified.

(The ticket was marked as Exhibit H to the deposition of Austin H. Brown, P. C. H., notary public, and will be found attached to this deposition as a part thereof.)

Q. Did that Republican ticket have any distinguishing mark or other embellishment except the names of the candidates and the offices for which they were voted, and, if so, describe the same?

(Objected to as immaterial and as being a conclusion of law, and because the ticket will show for itself.)

A. It had; in the character of the paper it was printed on.

Q. I ask as to the distinguishing marks and embellishments, if any.

(Objected to as a conclusion of law and immaterial.)

A. The head was engraved a large size with a big R, and with a tail to it and a dash underneath it that distinguished it from the head of the other tickets.

Q. You spoke of the character of the paper. Is that plain white paper?

(Objected to as a conclusion of law.)

A. It is not, as known to the trade.

Q. What is the character of the material?—A. Well, it is known as lithographic plate paper, used for printing and engraving mainly.

Q. Could you distinguish that ticket as the Republican ticket?

(Objected to as a conclusion of law.)

A. When voted?

Q. Yes, sir.—A. Clearly; yes, sir. It was much larger in size.

Q. When lightly folded would that Republican ticket remain folded, or was it liable to spring open?

(Objected to as leading.)

A. It would spring back when folded, held between the thumb and finger; it would spring back and the fold would open again, that is, lightly folded.

Q. If another ticket were folded inside that ticket, both being folded before placed together, and thus folded one in the other and dropped in the ballot-box, would the ticket be liable to spring open and separate so as to release the inclosed ticket?

(Objected to as immaterial and incompetent, for the reason that there is no evidence that tickets were so folded.)

A. It could be used that way.

Q. Could you distinguish by sight the Republican ticket, when folded with the names inside, from one printed on plain white paper?

(Objected to as leading, and a conclusion of law.)

A. I answered that before. Yes, sir; I could

Q. Could you distinguish it, when folded, by touching and handling it?

(Objected to.)

A. I think it was a smoother surface than the other, and distinguishable on that account.

Q. Did you ever know such tickets to be used before at any election?

(Objected to.)

A. I never did.

Q. Could you distinguish the Republican ticket voted for Stanton J. Peelle from the Democratic ticket voted at that election, said tickets being separately folded and with the names on the inside?

(Objected to.)

A. Yes, sir.

Q. How?—A. By its size and its smoothness.

Q. Could you distinguish that Republican ticket voted for Stanton J. Peelle from the National ticket voted at that election, both being folded with the names inside?

(Objected to as immaterial.)

A. Yes, sir. For the same reasons.

Q. Could you distinguish the Democratic ticket voted at that election from the National ticket, the tickets being folded with the names of the candidates inside?

(Objected to as immaterial.)

A. Yes, sir.

Q. The Democratic and National?—A. I could distinguish either. No; they were very nearly alike. When folded I could not tell the difference.

Q. Could you distinguish the Republican ticket from any ticket of like length and breadth that was on either plain white print paper, plain white writing paper, or plain white book paper?

(Objected to as immaterial, and a conclusion of law, and for the reason that there is no evidence that tickets were voted other than those which have been described and made part of the witness's deposition.)

A. I could.

Q. Could the inspector and other election officers tell these lithographic plate tickets even when folded with the names of the candidate on the inside, whether or not the person voting them at said election was voting the Republican ticket?

(Objected to as immaterial and incompetent, and as assuming that the tickets were on plate paper.)

A. They could and did distinguish them.

Q. Could you, when looking on at the polls, at that election, tell these Republican tickets when the voters handed them to the inspector and the inspector placed them in the ballot-box, even when carefully folded with the names inside?—A. They could be distinguished and were made a point in challenging.

Q. State, if you know, how many persons were on the board of canvassers of Marion County that compared and made return of the vote of that county at the election of November 7, 1882, and how many of said board were Republicans and how many were Democrats.

(Objected to as immaterial and incompetent, for the reason that the record will show for itself.)

A. There were 80 in all. There were 56 in the city and 24 in the country, and they were all Republicans except six. One of these was a National and the other five were Democrats—township trustees by virtue of their offices.

Q. Have you any knowledge whether the return of the vote of that election as made by said board of canvassers was correct?

(Objected to as incompetent and immaterial.)

A. I have.

Q. How did you obtain that information?—A. By having been a member of the board of commissioners appointed to recount the vote for sheriff on a contested election, and having during that service handled and counted every ballot.

Q. Who had the custody of the ballots from the time of said election until the time of the recount by said commissioners?—A. Under the law they were in the custody of the inspector after the election from the time of closing until the meeting of the board of canvassers on Wednesday, or 10 o'clock of that day, and then they were placed in charge of the clerk of the county, and they were then retained by him until this commission met, and they were turned over by the then clerk. In the mean time there had been a change in the office. Mr. Ransdell had gone out and Mr. McLain had succeeded him.

Q. What were the politics of these clerks?

(Objected to as immaterial.)

A. Republican.

Q. Were they the supporters of Stanton J. Peelle as a candidate for Congress at that election, if you know?

(Objected to as immaterial and incompetent.)

A. Yes. So far as I know, they were.

Q. Were the ballots sealed and put in bags, as required by law, at the time the commissioners received thom officially from the clerk?

(Objected to as immaterial.)

A. All that came into the possession of the commission were so sealed.

Q. Did you and the other commissioners count the ballots for the office of sheriff and compare the result of your count with the return of the vote as made by the board of canvassers.

(Objected to as incompetent and immaterial, and for the reason that the board were acting under an order of the circuit court of Marion County and enjoined to secrecy in the performance of their duty and not to divulge anything that was discovered or made known to any one, and that the report made by them to the court is the only evidence of what they did.)

A. My answer is that we did so count and compare, officially, the vote for sheriff.

Q. Did you find on that recount that the vote for sheriff, as made by said board of canvassers, was correct?

(Objected to as immaterial, for the reason that the return will speak for itself.)

A. We found that it was not.

Q. Was that the unanimous decision of the commission that made the recount?

(Objected to as divulging the record of the court.)

A. That is what we said in writing in our report. We agreed unanimously.

Q. Was or was not a majority of said commissioners Republicans and supporters of Mr. Peelle for Congress, at that election?

(Objected to as immaterial.)

A. They were. I can give you the names if you wish.

Q. Did you at that time count the ballots given in Marion County at said election for William E. English for Congress, and for Stanton J. Peelle for the same position?

(Objected to as immaterial and incompetent, and for the reason that it was outside of the duties for which the witness was appointed by the circuit court.)

A. I did this voluntarily. I kept account of every ballot and looked at the tickets and counted them over, first on sheriff, and then went over in the second count—they were handled by fives—and then I noted the vote on Congress.

Q. Did you carefully examine and count every ballot?

(Objected to as immaterial.)

A. I did.

Q. Did you, at the time, make any report of the result of that count?

(Objected to as immaterial.)

A. Yes. I made a statement in writing, which I have here.

Q. If you have that record please produce it, and read it, and attach it to your deposition as a part thereof.

(Objected to as immaterial and incompetent, and as an indirect attack upon the returns.)

A. (Reading): "In the election contest for sheriff of Marion County, Indiana, in the case of Lemon *vs.* Hess, I acted under appointment of the circuit court as a commissioner to recount the ballots received for that office at the general election held in that county November 7, 1882. The recount took place between the 23d and 27th of that month. At the same time I counted the vote for Congressman for that district, every ballot passing through my hands and being closely scanned by me, and of the ballots for Stanton J. Peelle for that office, 12,551 were of the kind commonly called card-board, or spring-back tickets; and the aggregate of all the ballots showed said Peelle's plurality over William E. English in that county to be 99 votes less than the number returned by the board of canvassers, making his plurality 443 without the vote of the second precinct of the twelfth ward of the city of Indianapolis, which precinct the board of canvassers returned as 98 majority for Peelle. My count embraced the ballots in all the election precincts of the county except the ballots in the second precinct of the twelfth ward, which could not be found; but the vote of that precinct was returned to the board of canvassers by the inspector of elections of that precinct as 98 majority for Peelle in said precinct. This 98 majority added to the aggregate of my count of the ballots of the other precincts would make Peelle's vote 541 more in Marion county than English's, being 99 less than the number returned by the board of canvassers November 9, 1882.

"INDIANAPOLIS, *November* 28, 1882.

"AUSTIN H. BROWN."

(The original will be found attached to this deposition as a part thereof and marked Exhibit I to the deposition of Austin H. Brown. P. C. H., notary public.)

(Answer continued). I made that statement out the day after the commissioners made their recount and made their official report, and have had it ever since.

Q. Is that a true statement of the vote cast in Marion County at said election as between William E. English and Stanton J. Peelle, as you found it at the time of the recount?

(Objected to as incompetent and immaterial.)

A. According to my count it is.

Q. Refreshing your recollection by that memorandum, what was the plurality of Stanton J. Peelle over William E. English in Marion County, as you found it by actual count of the ballots and of the return made of the second precinct of the twelfth ward, in Indianapolis, by said board of canvassers?

(Objected to as incompetent and immaterial.)

A. 541.

Q. Did any other person upon the occasion of that recount count all the ballots for Congress but yourself?—A. No other person counted all the ballots for Congress.

Q. Did you compare the number of the ballots with the number of votes returned on the poll lists?

(Objected to as immaterial.)

A. We did. We took the poll-lists and saw that there was a certain number of votes polled, and then we added the votes, counting the vote for sheriff and adding them together, and compared them with the book showing the total number of votes. We did that in the instance of every precinct; of course they would not agree because some of the tickets got the names scratched entirely off and it was counted as a full vote.

Q. Did you find them to agree? If not, what was the difference?—A. There were discrepancies in most all the precincts.

Q. Were there more tickets than names on the poll-books?—A. There were in some instances; not many.

Q. In that recount did you find any ballot for William H. English for Congress?—A. There was one; in one of the precincts of the sixth ward, if I remember right.

Q. How did you count that?—A. In my count I counted it for William E. English, supposing that to be the intention of the voter.

Q. In that recount did you find any ballots that purported to be Democratic tickets and contained the names of the Democratic candidates for the various offices, except that Stanton J. Peelle's name was printed for Congress in place of William E. English; and if so, how many?—A. Yes, sir; I think there were not more than a dozen in the whole county got in the box of that character.

Q. How did these tickets count in your recount, as given by you in your statement of the result of that vote?—A. They counted for Stanton J. Peelle.

Q. Is the ticket I now show you the ticket to which you refer?—A. I think so.

Mr. WILSON. I offer that as a part of his evidence. Let it be identified as an exhibit.

(The ticket was marked Exhibit J to the deposition of Austin H. Brown, P. C. H., notary public, and will be found attached to this deposition.)

Q. What effect did it have upon the secrecy of the ballot, the voting of that Republican ticket at your precinct, if you know?

(Objected to as a conclusion of law.)

A. It was noticeable when one of those tickets came up you could tell it from any other. It had that effect upon the secrecy. I think the inspector could tell when he took the ballot that he had a Republican ticket in his hand.

Q. I refer to the ticket headed "Republican Ticket," that I showed you some time ago.—A. That is the one you call the "spring-back," as I understand the question; not to this last ticket.

Cross-examination by Mr. PEELLE:

Q. State your politics?—A. I am a Democrat.

Q. Have you not been very active in the interests of the Democratic party in this State for years?—A. Yes; I was not very active last year.

Q. But you have been an active politician?—A. I did not work at the polls last year.

Q. I will ask you to state at whose instance you kept an account of the vote for Stanton J. Peelle during the time of the Lemon-Hess contest.—A. Mr. William H. English came to me, I think it was a day or two before we commenced our duties there, and asked me to take an account of all of the so-called "spring-back" tickets—that is, the character of the tickets that have been explained in this evidence as such—and offered to compensate me for it.

Q. Did he do it?—A. He did.

Q. You kept an account of the matter at the instance of Mr. English?—A. The matter of the vote between the two candidates I kept voluntarily myself. I did not ask a nickel for that.

Q. You kept the vote between Mr. Peelle and Mr. English?—A. I did that voluntarily.

Q. Did you keep the total number of votes cast for Mr. English?—A. Yes, sir; and the total number for Peelle, and the total number for Lemon, and the total number for Hess.

Q. What was the total number of votes, as counted by you, for Mr. English?—A. I cannot tell now.

Q. Have you not based in that statement simply the majority that was returned for Mr. Peelle as being 99 less by your count than was returned by Mr. English, as returned by the vote from the board for Mr. Peelle and Mr. English, basing it simply upon the vote as returned by the board of canvassers for Mr. English, and basing it upon the count for Mr. Peelle as made by yourself?—A. The board of canvassers showed a certain vote given for you and Mr. English. I took the vote and I counted and compared the two columns together and it showed there was 99 votes less, after deducting one from the other in the plurality than there was as shown by the board of canvassers. The count I made made that difference.

Q. Is it not a fact that you did not keep an account of the vote cast for Mr. English at all, but kept simply the account of the vote cast for Mr. Peelle?—A. I kept them both. There was scratches on both sides.

Q. You pretend to show by that statement you have made the vote cast for Mr. Peelle and Mr. English upon the basis of your count?—A. I do not understand the question.

Q. Is not this the fact: that the vote there that you claim that Mr. Peelle had less, was simply less than the vote as returned for Mr. English and not according to the vote, as counted by you, for Mr. English?—A. As reported by the board of canvassers, you mean?

Q. Yes, sir; is not that true?—A. It is just as I said. We would take up a precinct and we would count the vote for sheriff, and I would tally my votes for English as I went along; and when we got through that precinct I would refer to the tally-sheet and see what the vote was for Congressman and make a deduction, one from the other, showing the difference.

Q. Is it not a fact now that you did not detect or discover any mistakes in the vote of Mr. English, but accepted the vote as returned for him?—A. No, sir; I gave Mr. English and you the benefit of everything. Your name was on a great many Democratic tickets, and I found his on some Republican tickets, and those I counted for you and the others I counted for him.

Q. I ask you again, if you have not, in the statement you made, based your estimate upon the return made by the board for Mr. English and upon the count made by yourself for Mr. Peelle?—A. They failed in his case. I took the board of canvassers and they have failed, and I took the vote as I counted it for both.

Q. Did you discover any errors against Mr. English in counting those ballots?—A. Yes, sir.

Q. Is it not the fact that you did not take any note of them, but accepted the return as made?—A. No, sir; I took the vote both ways. The idea was to get at the correct vote.

Q. What was the difference in the return of the vote made for Mr. English and your count?—A. I cannot tell you the aggregate vote for Mr. English at all.

Q. Did you keep any account of the aggregate vote of Mr. English, or the mistakes made for or against him?—A. Yes, sir; I noted them as I went along, and that paper that I have presented gives the final result.

Q. I will ask you if it is not a fact that the paper you have read simply gives the errors that occurred to Mr. Peelle in the total vote cast for him upon which you give this estimate, and upon the return of the board of election for Mr. English?—A. That was not made of errors; that was the actual count of tickets.

Q. I ask you if the vote for Mr. English is not identically the vote you made your calculations from?—A. The identical vote as shown by the tickets counted?

Q. Yes, sir.—A. Yes, sir. And so of you.

Q. The identical vote, as returned for Mr. English, corresponds with your count, don't it?—A. I do not get at the point at all.

Q. I want to know if it is not the fact that in the count that you made there you noted the errors as you went along, and if, when you got through, you did not count the errors that were made for Mr. Peelle and accept the returns as they were made for Mr. English?—A. Do I understand your question, that I noted simply the discrepancies that were shown in the ballot and not the actual vote?

Q. The actual vote I am speaking of.—A. I did not put down losses and gains at all. I put down the facts as they were; the actual vote for Mr. English and yourself.

Q. What was the total vote, as counted by you, for Mr. English?—A. I could not give you that. I have not got it.

Q. Was it not the same as returned by the board?—A. No, sir.

Q. What was the difference?—A. There was some considerable difference, and both sides aggregated, as I have said.

Q. Didn't your count made of the vote cast for Mr. English correspond entirely with the vote as returned for Mr. English?—A. No, sir.

Q. By the board of canvassers?—A. No, sir.

Q. What was the difference?—A. I took the majorities, as you would call it, and I show by that statement—and that statement is based upon facts—that when counted up there were 99 votes; you were given 99 votes more by the board of canvassers than the actual tickets gave you that I counted.

Q. I will ask you this: If the 541 votes there that you speak of being for Mr. Peelle is not 541 votes over the return made by the board for Mr. English, instead of your count?—A. It is 541 on my count. In that, of course, is this twelfth ward ballot. I gave the board of canvassers for that. I took that for granted as being the vote he had there.

Q. You say that, according to your count, Mr. Peelle had 541 votes over Mr. English. Now, do you mean he had 541 votes over the vote as actually returned for Mr. English, or over his vote as actually counted by you?—A. According to the board of canvassers you had a plurality over Mr. English of 640, and my count gives that 541—a difference of 99.

Q. That is the majority simply over the vote as returned for Mr. English, is it not, by the board of canvassers?—A. Well, it is two different counts, I take it. If you take theirs it is one way, and if you take my statement of the count it is different.

Q. Is not that majority for Peelle based upon your count as compared with the actual return for Mr. English by the board of canvassers?—A. Yes, sir.

Q. I will ask you if it is not a fact that there was more than one hundred errors discovered in that count against Mr. Peelle?—A. In which count?

Q. That you discovered more than one hundred errors—errors in more than one hundred votes against Mr. Peelle on that count, as compared with the returns?—A. Well, there was some difference, of course. I suppose they showed errors of that amount.

Q. Against Mr. Peelle?—A. Yes, sir. The board of canvassers showed it differently. I wish to make a correction about the one hundred errors, because that is a mistake. The errors covered that number of votes. It would be 5 votes sometimes, and that would be one error only. I have a memorandum here of the exact difference in the count for sheriff. I know exactly what discrepancies were there and the number of them. It only goes to show that the thing was incorrect as a whole.

Q. I do not care anything about the vote for sheriff. I am getting at the vote for Congress. Do you remember what the total vote is?—A. There was not one hundred errors in the vote for Congress; I do not think there was that many.

Q. I will ask you if in that examination in the votes for sheriff for the Republican candidate, if the vote was not largely increased over the returns made by the board?—A. The Republican candidate got more votes.

Q. According to that count?—A. Yes, sir; I have it here exactly. Mr. Hess's vote was actually increased 7, and Mr. Lemon's was 35 of a loss.

Q. Making a difference of how much gain for the Republican candidate for sheriff?—A. The whole number of votes decreased. The ballots less were 35.

Q. How many gain would that make for the Republican candidate over the return of the board?—A. About 49, sir.

Q. Can you give me the total number of votes you counted as cast for Mr. Peelle for Congress?—A. I cannot, sir. I can give you the total number of a certain ticket, on the "spring-back" ticket, but your name was on some Democratic tickets and on a few National tickets.

Q. All the votes that were given for Mr. Peelle on any ticket were counted, were they not?—A. I have not that memorandum with me.

Q. Didn't you count all the ballots that were given for Mr. Peelle?—A. Yes, sir; but I have not the memorandum with me.

Q. Have you the memorandum of the total vote for Mr. English before you?—A. No, sir.

Q. Have you any way by which you can tell the total vote for Mr. Peelle as counted by you?—A. I think I have a memorandum somewhere unless it is mislaid.

Q. Can you state now what the difference was between the total vote cast for Mr. Peelle as counted by you and as reported by the board of canvassers?—A. As I said before, I only gave it as to majorities and plurality. I can give you the aggregate vote by each, and you can deduct one from the other.

Q. Can you for the vote for Mr. English as counted by you, and the return of the board?—A. No, sir.

Q. How did you get at it then?—A. I took it down at the time; I made that memorandum from the face of my notes.

Q. And the vote for Mr. Peelle was 541 majority over Mr. English as based upon the return made for Mr. English by the board of canvassers?—A. By comparison; yes, sir; it is my actual count.

Q. But you did not vary the total for Mr. English?—A. Yes, sir; and you too.

Q. Did you compare the total vote of Mr. English as counted by you with the return?—A. Yes, sir.

Q. What difference was there between the total vote for Mr. English as counted by you and the returns as made by the board?—A. You have got to take the two together and compare them.

Q. I will ask you if it is not a fact that Mr. English, according to your count, had 50 or 60 less votes than were actually returned to him by the board?—A. No, sir.

Y. Did he have 40?—A. No, sir.

Q. Did he have 30?—A. No, sir.

Q. Did he have 20?—A. Less than the aggregate vote?

Q. Yes, sir; as counted by you, than was returned by the board?—A. I could not say.

Q. Did he have a less vote as counted by you than was returned by the board?—A. I don't recollect about that.

Q. Do you remember whether Mr. Peelle had any less vote as counted by you than returned by the board of canvassers?—A. In the aggregate I think he had. I know he had.

Q. I will ask you if Mr. Peelle did not have a greater number of votes, according to the count as made by yourself, than returned by the board of canvassers?—A. No, sir; I have no recollection on that subject.

Q. Can you explain how you got at the difference in that vote?—A. Yes, sir; I counted the ballots, five at a time, and kept a tally on the vote for Congress, and I footed that up, and there was always a period after we got through one before we took up another, for the purpose of verifying, and I took advantage of that time to foot up and make my comparison with the tally-sheet, which I had before me, and then I made my note as to the difference in the vote. After we got entirely through I sat down with my notes on Friday and I footed them up, and I kept a memorandum of the difference in the majorities; no, the plurality; that is, the vote between yourself and Mr. English.

Q. You kept simply the difference in the plurality?—A. Yes, sir. And I footed that up and I made this statement. And that is the result of the count made in that way and noted in that way.

Q. I will ask you now if that is a fair way of arriving at the actual difference in the vote between Mr. English and Mr. Peelle on that election?—A. I think so; I think I got the facts.

Q. You made a comparison simply in the pluralities?—A. Yes, sir. I did not count the Greenback vote as anything in the contest, because it was so small.

Q. I ask you again if you did not accept the return made by the board of canvassers, so far as Mr. English was concerned, in arriving at that conclusion?—A. No, sir; except the figures of the missing precinct.

Q. You took your count of the vote for Mr. English, the total vote instead of the returns for Mr. English, did you?—A. Yes, sir; and Mr. Peelle the same way; and I added to it the report of the board of canvassers in the second precinct in the twelfth ward.

Q. I will ask you if at any time any one went over the figures with you in getting at this conclusion.—A. No, sir; I did that myself. I did not mention it to anybody.

Q. How long after you left the room there where you counted these ballots was it before you made this statement?—A. Well, I went home that afternoon. We quit at 3 o'clock. I went home about 4. I went to rest. I was very tired and I was worn out, and some time in the middle of the forenoon following, on the 28th of November, on Friday.

Q. What did you do with the figures that you made there in that room?—A. The impression I have is that they are home. I think I put that memorandum away some place. I am not sure about it.

Q. Do you think you could find those figures?—A. I will make the effort. I do not say I can. I have given you the facts as I understand them.

Q. I want to know what you made the total vote for Mr. Peelle and Mr. English at that election, according to your count?

(Objected to as having been asked several times before.)

A. I stated before that I could not tell you that, because I have not got the figures with me.

Re-examination by Mr. WILSON:

Q. I will ask you if you found errors against Mr. Peelle in the original count as made by the board of canvassers, and the return?—A. Yes, sir

Q. Did you find errors in his favor?—A. Yes, sir.

Q. This plurality which you have given here is the result of your count, taking into consideration errors in his favor and against him too?—A. That is as near the actual count as I could make it.

Q. Did you pursue the same method as to Mr. English?—A. Yes, sir.

Questions by Mr. PEELLE:

Q. But the basis of your calculations here is the return made of the vote for Mr. English in getting at the vote for Mr. Peelle?—A. You mean the board of canvassers?

Q. Yes, sir.—A. The comparison as to the errors was made, of course, with the board of canvassers.

Q. And the 541 votes which you say Mr. Peelle had in this county majority, was that much of a vote over the vote for Mr. English as returned by the election board?—A. It was that much as compared—it was that much according to my acuual count as compared with the board of canvassers.

Q. Did not your count of the vote for Mr. English correspond exactly with the vote as returned for Mr. English in the final conclusion?—A. No; I do not say that. I simply say that my vote shows 541 plurality in Marion County, and the board of canvassers shows 640.

Q. I want to know if you did not get that majority for Mr. Peelle from the return made by the election board instead of your own count?—A. I took that board of canvassers as the basis for comparison.

Q. Did your vote differ from the vote as cast for Mr. English as returned by the board?—A. You are getting at aggregates again?

Q. Yes, sir.—A. I could not tell you about that; I could not say.

Q. I will ask you if it was not the same?—A. No, sir.

Q. How much difference?—A. It is impossible to tell; there were too many errors in the count to make it the same.

Q. If there was any difference state what it was between your count and Mr. English's vote as returned for him.—A. You mean aggregate?

Q. Yes, sir.—A. I cannot do that because I have not got the memorandum with me; I will be glad to furnish it to you if I can find it.

Questions by Mr. WILSON:

Q. Didn't you find errors all along in that count as to all those other candidates?

(Objected to as immaterial.)

A. Yes, sir; I could give you an illustration if it is necessary, but it is not. I remember distinctly in one count for Congressman there were 3 votes—2 or 3—where Mr. English's name was pasted upon the Republican ticket and they were counted as straight Republican tickets. They were counted against him when the board of canvassers counted them.

Questions by Mr. PEELLE:

Q. You spoke about errors here. When there was a tally of 5 votes you counted that as one error. You don't mean by that that there were not more than 100 errors against Mr. Peelle in that count?—A. I mean it may have affected 100 votes, but not 100 distinct errors.

Q. I mean there was more than 100 errors discovered—amounting to more than 100 votes against Mr. Peelle.—A. Yes, sir; and English, both—the same way.

Q. Was there more than 100 votes errors against Mr. English?—A. In my count?

Q. Yes, sir.—A. No, sir.

Q. There were more errors in the vote as cast for Mr. Peelle than the one as cast for Mr. English?—A. The aggregate number of votes might do that.

AUSTIN H. BROWN.

Exhibit F to the deposition of Austin H. Brown.—P. C. H., Notary.

REPUBLICAN TICKET.

STATE TICKET.

For Secretary of State,
EMANUEL R. HAWN.
For Auditor of State,
EDWARD H. WOLFE.
For Treasurer of State,
ROSWELL S. HILL.
For Attorney-General,
DANIEL P. BALDWIN.
For Clerk of the Supreme Court,
JONATHAN W. GORDON.
For Superintendent of Public Instruction,
JOHN M. BLOSS.
For Judges of the Supreme Court,
First District—WILLIAM P. EDSON.
Second District—JOHN G. BERKSHIRE.
Fourth District—JOHN F. KIBBEY.

CONGRESSIONAL TICKET.

For Member of Congress, Seventh Congressional District,
STANTON J. PEELLE.

MARION COUNTY TICKET.

For Judges Superior Court—Term, 1882,
JOHN L. McMASTER.
DANIEL W. HOWE.
For Judge Superior Court—Term, 1884.
LEWIS C. WALKER.
For Judge Criminal Court,
JAMES E. HELLER.
For Judge Circuit Court, Nineteenth Judicial Circuit,
JOSHUA G. ADAMS.
For Prosecuting Attorney, Nineteenth Judicial Circuit,
WILLIAM T. BROWN.
For Clerk,
MOSES G. McLAIN
For Sheriff,
JAMES W. HESS.
For Treasurer,
WILLIAM G. WASSON.
For Auditor,
JUSTUS C. ADAMS.
For Recorder,
WILLIAM F. KEAY.
For Coroner,
ALLISON MAXWELL.
For County Surveyor,
HERVEY B. FATOUT.
For County Commissioners,
First District—WHARTON R. CLINTON.
Second District—FRIEDERICH OSTERMEYER.
Third District—ARCHIBALD GLENN.
For State Senator,
JOHN B. ELAM.
For Joint Representative Marion, Shelby and
Bartholomew Counties,
WILLIAM GILGOUR.
For Representatives,
RALPH HILL,
WILLIAM D. TOBIN,
WILLIAM T. FLETCHER,
DAVID B. SHIDELER,
SAMUEL A. ELBERT.

(Indorsed:) Exhibit F to deposition of Austin H. Brown.—*P. C. H., Notary Public.*

EXHIBIT G.—*To the deposition of Austin H. Brown—P. C. H., Notary.*

DEMOCRATIC TICKET.

Secretary of State,
WILLIAM R. MYERS.
Auditor of State,
JAMES H. RICE.
Treasurer of State,
JOHN J. COOPER.
Attorney-General,
FRANCIS T. HORD.
Clerk of the Supreme Court,
SIMON P. SHEERIN.
Superintendent of Public Instruction,
JOHN W. HOLCOMBE.
Judge of the Supreme Court,
1st Dist.—WILLIAM E. NIBLACK.
Judge of the Supreme Court,
2d Dist.—GEORGE V. HOWK.
Judge of the Supreme Court,
4th Dist.—ALLEN ZOLLARS.

Member of Congress—Seventh District,
WILLIAM E. ENGLISH.

Judge, Nineteenth Judicial Circuit,
ALEXANDER C. AYRES.
Judges Superior Court, Vacancies Occurring in 1882,
JOHN A. HOLMAN,
NAPOLEON B. TAYLOR.
Judge Superior Court, Vacancy to Occur in 1884,
FREDERICK HEINER.
Judge Criminal Court,
PIERCE NORTON.
Prosecuting Attorney, Nineteenth Judicial Circuit,
FRANCIS M. WRIGHT.
State Senator,
WILLIAM B. FLETCHER.
Representatives,
JESSE S. WHITSIT,
WILLIAM D. BYNUM,
JOHN C. FERRITER,
JOHN R. WILSON,
ELISHA J. HOWLAND.
Joint Representative Marion, Shelby and Bartholomew Counties,
BELLAMY S. SUTTON.
Clerk,
ROBERT L. McOUAT.
Sheriff,
DANIEL A. LEMON.
Auditor,
THOMAS H. LITZENBERG.
Treasurer,
ELI HEINEY.
Recorder,
CORNELIUS KELLY.
Coroner,
CHARLES N. METCALF.
Surveyor,
DANIEL B. HOSBROOK.
Commissioners,
First District—RICHARD SENOUR.
Second District—HENRY GIMBER.
Third District—JOSEPH LOFTIN.

(Indorsed.) Exhibit G to the deposition of Austin H. Brown—P. C. H., Notary Public.

Exhibit H to the deposition of Austin H. Brown.—P. C. H., Notary.

NATIONAL TICKET.

For Secretary of State,
HIRAM Z. LEONARD.
For Auditor of State,
JOSHUA N. ARMANTROUT.
For Treasurer of State,
JOHN STUDABAKER.
For Attorney-General,
MINES W. LEE.
For Clerk of the Supreme Court,
JARED SATER.
For Superintendent of Public Instruction,
CHARLTON BULL.
For Judge of the Supreme Court, 1st District,
WILLIAM E. NIBLACK.
For Judge of the Supreme Court, 2d District,
GEORGE V. HOWK.
For Judge of the Supreme Court, 4th District,
JOHN F. KIBBY.
For Representative in Congress, 7th District,
ROBERT W. MEDKIRK.
For Judges of Superior Court,
Term of 1882, -
DANIEL W. HOWE.
NAPOLEON B. TAYLOR.
For Judge of Superior Court,
Term of 1884,
LEWIS C. WALKER.
For Criminal Judge,
PIERCE NORTON.
For Judge, 19th Judicial Circuit,
JOSHUA G. ADAMS.
For Prosecuting Attorney, 19th Judicial Circuit,
WILLIAM T. BROWN.
For County Clerk,
ROBERT L. McOUAT.
For Sheriff,
DANIEL A. LEMON.
For Auditor,
THOMAS H. LITZENBERG.
For Treasurer,
ELI HEINEY.
For Recorder,
WILLIAM F. KEAY
For Coroner,
ALLISON MAXWELL.
For Surveyor,
HERVEY B. FATOUT.
For County Commissioner, First District,
WHARTON R. CLINTON.
For County Commissioner, Second District,
FREDERICK OSTERMEYER.
For County Commissioner, Third District,
JOSEPH LOFTIN.
For Senator,
WILLIAM H. HARTMAN.
For Representatives,
SCOTT A. TURNER.
HEZEKIAH W. ROBERTS.
WILLIAM HUBBARD.
ALFRED P. WILEY.
ALEXANDER S. STANTON.

(Indorsed:) Exhibit H to the deposition of Austin H. Brown.—*P. C. H., Notary Public.*

Exhibit I to the deposition of Austin H. Brown.—S. C. H., Notary Public.

In the election contest for sheriff of Marion County, Indiana, in the case of Lemon *vs.* Hess, I acted, under appointment of the circuit court, as a commissioner, to recount the ballots received for that office at the general election held in that county November 7, 1882. The recount took place between the 23d and 27th of that month. At the same time I counted the vote for Congressman for that district, every ballot passing through my hands and being closely scanned by me, and of the ballots for Stanton J. Peelle for that office 12,551 were of the kind commonly called card-board or spring-back tickets, and the aggregate of all the ballots showed said Peelle's plurality over William E. English in that county to be 99 votes less than the number returned by the board of canvassers, making his plurality 443 without the vote of the second precinct of the twelfth ward of the city of Indianapolis, which precinct the board of canvassers returned at 98 majority for Peelle. My count embraced the ballots in all the election precincts of the county except the ballots in the second precinct of the twelfth ward, which could not be found; but the vote of that precinct was returned to the board of canvassers by the inspector of elections of that precinct as 98 majority for Peelle in said precinct. This 98 majority added to the aggregate of my count of the ballots of the other precincts would make Peelle's vote 541 more in Marion county than English's, being 99 less than the number returned by the board of canvassers November 9, 1882.

AUSTIN H. BROWN.

INDIANAPOLIS, *November* 28, 1882.

(Indorsed:) Exhibit I to the deposition of Austin H. Brown.—S. C. H., notary public.

EXHIBIT J.—*To the deposition of Austin H. Brown—P. C. H., Notary.*

DEMOCRATIC TICKET.

For Secretary of State,
WILLIAM R. MYERS.
For Auditor of State,
JAMES H. RICE.
For Treasurer of State,
JOHN J. COOPER.
For Attorney-General,
FRANCIS T. HORD.
For Clerk of Supreme Court,
SIMON P. SHEERIN.
For State Superintendent,
JOHN W. HOLCOMBE.
For Judge Supreme Court—First District,
WILLIAM E. NIBLACK.
For Judge Supreme Court—Second District,
GEORGE V. HOWK.
For Judge Supreme Court—Fourth District,
ALLEN ZOLLARS.
For Judge Nineteenth Judicial Circuit,
ALEXANDER C. AYRES.
For Prosecuting Attorney Nineteenth Judicial Circuit,
FRANCIS M. WRIGHT.
For Congress—Seventh Congressional District,
STANTON J. PEELLE.
State Senator,
WILLIAM B. FLETCHER.
Representatives,
JOHN C. FERRITER,
JESSE WHITSIT,
JOHN R. WILSON,
ELISHA J. HOWLAND,
WILLIAM D. BYNUM.
For Joint Representative, Marion, Shelby and Bartholomew,
BELLAMY S. SUTTON.
County Commissioners,
First District—RICHARD SENOUR,
Second District—HENRY GIMBER,
Third District—JOSEPH LOFTIN.
Clerk,
ROBERT L. McOUAT.
Sheriff,
DANIEL A. LEMON.
Treasurer,
ELI HEINEY.
Auditor,
THOMAS H. LITZENBERG.
Recorder,
CORNELIUS KELLEY.
Coroner,
CHARLES N. METCALF.
Criminal Judge,
PIERCE NORTON.
For Judges Superior Court, Term of 1882.
NAPOLEON B. TAYLOR,
JOHN A. HOLMAN.
For Judge Superior Court, Term of 1884.
FREDERICK HEINER.
Surveyor,
DAVID B. HOSBROOK.

[Indorsed.] Exhibit J to the deposition of Austin H. Brown, P. C. H., Notary Public.

JOSEPH E. MCDONALD, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Question. Your name, age, and residence?—Answer. Joseph E. McDonald; age, 64 years; residence, Indianapolis, Ind.

Q. How long have you resided in this State?—A. Fifty-seven years.

Q. Did you ever represent this State in the United States Senate?—A. Yes, sir; from March 4, 1875, to March 4, 1881.

Q. Were you in the city of Indianapolis at the time of the Congressional election, November 7, 1882, and did you attend that election?—A. Yes, sir; I was here all day. I was chairman of the Democratic State Central Committee and was giving the matter of the election at that time my especial attention.

Q. Did you see the Republican ticket that was voted for Stanton J. Peelle at that election?—A. I saw a Republican ticket.

Q. I call your attention to the ticket marked Exhibit F to the deposition of Austin H. Brown. I will ask you if that is the ticket?—A. Yes, sir; that is the same print and the same ticket.

Q. Did you see the Democratic ticket voted at that election?—A. Yes, sir; and voted one of them myself.

Q. I call your attention to the ticket marked Exhibit C to the deposition of Mr. De Vay, and I will ask you if that is the Democratic ticket that was used and voted at that election?—A. I should say it was; it bears that appearance and has the heading.

Q. Has that Republican ticket that I have shown you any distinguishing mark or any embellishment?

(Objected to as incompetent and immaterial.)

A. The name at the top of the ticket, "Republican Ticket," is an engraved heading.

Q. Does the material on which that ticket is printed in any way distinguish or designate it?—A. It is much heavier and stiffer than ordinary plain white paper.

Q. Do you know what that material is?—A. I did not at the time. I have seen it since, and I have understood its trade name since.

Q. Did you ever know such material to be used as a ticket before?

(Objected to as immaterial.)

A. No, I don't know that I ever knew of any paper of that kind to be used for a ticket; I have heard of it being used.

Q. When lightly folded would that ticket remain folded or would it be apt to spring open?

(Objected to as immaterial.)

A. It would spring open.

Q. If another ticket were folded, and that one folded and placed within the other, the outside one being lightly folded, would they remain together; or, if shaken up, would they spring apart when deposited in the box?

(Objected to as immaterial.)

A. If folded with the intention of being allowed to spring apart, they would spring apart without being shaken. I had better explain how my attention was called to this ticket, and what I did myself in regard to it.

Q. Was your attention called to that ticket?—A. Yes, sir; I went down soon after breakfast to the Democratic headquarters, over the First National Bank, on the corner of Meridian and Washington streets, and I had been there but a short time until some of these tickets were brought in by some parties, and I examined them and folded two together so as not to place one inside of the other except as they were placed in the folds in this way [indicating], and I put them together and took a hat and tried voting them, the same as putting them in a ballot-box, and I found they would very readily spring apart. I then started and went to the Sentinel office and called the attention of some of our friends there to the ticket, and to the uses that I thought might be made of it, if persons were so disposed. I went from there to the precincts in the eleventh ward, and explained to the judges and showed them the ticket, and explained the effect of folding the ticket in that way; that the spring in the ticket was sufficient to throw it apart. I think I called them, in speaking to the judges, "spring-back" tickets. I had heard of tickets of that kind, but I had never seen one before, and I think I called them, in my explanation to the judges, "spring-back" tickets, and I asked them to give special attention to see that they were not voted double, because they could not tell after they got into the box whether they had ever been folded together or not, ordinarily. I went to all of the polls in the eleventh ward; I walked, and gave the same instructions and the same advice, and called the attention of the judges especially to it; and I then got my horse and buggy, shortly afterwards, and went to a number of wards in the northern part of the city, and gave out the same information in regard to it.

Q. Did you ever hear of a ticket of that character; you said you had heard of it, but did you ever hear of it being used in this State?—A. No, sir; I did not.

Q. Could you distinguish that Republican ticket from the Democratic ticket by sight?

(Objected to as a conclusion of law.)

A. I could distinguish them from any ticket of any kind printed on ordinary white paper, unless it was folded very tight so as to compress it much more than it would be ordinarily compressed in voting. I suppose you could fold it up very tightly, so when it was folded up it would not look differently from the ordinary ticket.

Q. What would be the effect upon the secrecy of the ballot, the use of a ticket of that character, if the other tickets were printed upon ordinary white paper?

(Objected to as a conclusion of law.)

A. I would say this: that after learning the character of the ticket by an examination before starting out of the room, and comparing it with the other tickets that were in use that day, I had no difficulty in distinguishing it at the polls in the hands of those who were peddling them or voting them.

Q. Could you do that when the tickets were folded as parties went up to vote?—A. Yes, sir; when they were folded as they ordinarily handle them in their hands. I was going around on purpose to check any effort at double voting more particularly. That was my purpose in going at that time to these different wards. I do not know how many I went to—probably a half dozen different polls. I went to all three in my own ward.

Cross-examination by Mr. PEELLE:

Q. That Republican ticket is heavier paper than the Democratic?—A. Yes, sir.

Q. Would it not be more difficult to vote two tickets of those at once than it would be of the Democratic ticket for that reason?—A. It would be more difficult to vote them. When folded as I have said and placed in the hand you could not, in all probability, detect the fact that they had been folded together.

Q. Would not any other tickets, folded together in the manner in which you have described, if shaken in the hat, come apart and make two tickets?—A. I did not shake them.

Q. Would not they open out?—A. You could probably shake them apart, but I did not in the experiments I made for the judges whose attention I was calling to this matter; I just took one of their hats and dropped the tickets in, the two together. I did not shake them. They flew apart as soon as they got out of my fingers.

Q. They were lightly folded?—A. They were folded as I supposed persons would be likely to fold them who were trying to vote two. My purpose simply was to prevent it if there was any such intention. I do not know, of course, what particular object there was in making those tickets peculiar.

Q. Do you know of any one, or did you ever hear it charged that any one had voted two of those tickets at that election?—A. I heard it charged that in five minutes after I left the first precinct——

Q. Do you know of a single party voting that way?—A. The party voting it was called back and they detected it. You asked me if I heard it charged; I had not been gone from that poll over five or ten minutes.

Q. Do you know of a single vote of that kind?—A. No, sir; except the one I have spoken of.

Q. Don't you know, as a matter of fact, that two of those ballots were not voted by any individual at that election?—A. No, sir; I do not know it as a matter of fact, because I had nothing to do with the counting of the vote.

Q. You never heard of any very great discrepancy between the names of the voters and the votes?—A. I did hear that in some of the precincts there was a discrepancy.

Q. You heard both ways?—A. You could not tell which way it was—one way or the other. There were more ballots in the box than names on the poll-books.

Q. And more names in some places than ballots?—A. I did not hear of anything of the kind. If such a thing occurred I did not hear of it. I did hear in some of the precincts that there were more ballots in the box than there were names on the poll-books; but as I had nothing to do with the count or canvass of the vote in any way I am not able to say.

Q. You never heard it charged that there was double voting there with those tickets, by which your party lost anything?—A. As I told you, at the first precinct of the eleventh ward I was told that a gentleman, a very few minutes after I had left there, came up and voted double tickets of that kind.

Q. What precinct was that?—A. It was up here on Ohio street.

Q. That was detected before it got into the box, was it not?—A. I don't know whether it got into the box. It was detected and he was called back and his ticket voted single, so I was told, and he did have them folded together.

Q. That was the precinct in which the Democratic township trustee was inspector?—A. I think he was the inspector. I have this recollection about it: that it was the first place I had given information about it, and it was very soon after I was there that this was done. That is what I was told. You asked me for what I had heard and I only know that from hearing it. I cannot tell you whether the ticket was voted or not. The officers of that poll can give you that information.

Q. Can you state the precincts you went to that day?—A. I can not tell you the number of the precincts, nor am I able to tell you the different wards they were in. I can tell you the district in the city that I went to. I went to the precincts in the northeastern part of the city; northeast of the eleventh ward.

Q. Where the strong Republican vote was supposed to be?—A. The wards I think I went to up there were Republican wards.

Q. Were you in the sixth ward?—A. I cannot tell you.

Q. Were you in the second ward?—A. Except my own, the eleventh ward, I am not very well posted on the geography of the other wards; but I took my horse and went to the polling precincts covering the northeast part of the city.

Q. And did you explain to any of the judges at the election precinct except in the eleventh ward?—A. Yes, sir; I think I did; to each one of them.

Q. Did you get out of your buggy after you left the eleventh ward at all?—A. Sometimes I got out of my buggy, and sometimes I would call a friend whom I saw standing there and explain the matter to him and ask him to go and explain it to the judges, and would wait and see that he did.

Q. Your object was to prevent double voting?—A. That was all that I had in view at that time.

Q. The Democratic ticket which you have in your hand, if you fold it in the same manner you described, would be likely to spring open and separate when shaken up?—A. Yes, sir. You take any ticket when it is printed on paper you can fold it so it might be shaken apart. You can fold two together so they will shake apart; but stiff paper of this kind [illustrating] will spring apart.

Q. Suppose this stiff paper you speak of is folded creased, would it be less liable to spring open than the Democratic ticket?—A. You could crease it down.

Q. It would be less liable?—A. Probably it would. You could break it down.

Q. And when so folded it would be difficult to detect it by its external appearance from the Democratic ticket similarly folded?—A. If it was folded down tight. You could take this Republican ticket and fold it down there, creasing it down there tight so it probably would not be distinguishable in my hand, but folded as they were ordinarily folded; of course, my attention being drawn to this ticket early in the morning when I went to these different precincts, I looked around me to see how they were being used, and I did not have much difficulty in determining the Republican from the other tickets.

Q. In the hands of those that were peddling them?—A. Yes, sir; and in the hands of those that were voting them at the polls; when they were going in, when a man holds up his ticket as he stops to give his name, I could tell. I remember of noticing that fact myself sitting in my buggy, off probably 15 or 20 feet. I would drive up to the sidewalk as close as I could conveniently get, and as a man would step up to the place to vote, and give their name, they generally had their tickets in their fingers, and I could tell the Republican ticket from the other tickets.

Q. That distance off you would have to know who it was voting?—A. No, sir; for there are a great many men that I do not know how they vote.

Q. Did you have your glasses on 15 or 20 feet away?—A. No, sir; I would not have seen as well with them. I wear glasses only on account of close observation. I can see better without glasses that distance—as far as from here to that brick wall. [Indicating.]

Questions by Mr. WILSON:

Q. I understood Mr. Peelle to ask this question: When creased and folded they were less liable to spring open than the Democratic ticket. Suppose the Democratic ticket is creased in the same way, would it be as likely to spring open?—A. No, sir; I think not.

J. E. McDONALD.

The further taking of these depositions was adjourned by consent of both parties until Wednesday, October 10, 1883, at 2 p. m.

WEDNESDAY, *October* 10, 1883.

Parties met pursuant to adjournment, and the further taking of these depositions was, by consent of both parties, adjourned until Saturday, October 13, 1883, at 10 a. m.

SATURDAY, *October* 13, 1883—10 a. m.

Parties met pursuant to adjournment.

THOMAS A. HENDRICKS, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Question. State your name, age, and residence.—Answer. Thomas A. Hendricks; 64; Indianapolis, Ind.

Q. How long have you been a resident of this State?—A. Sixty-two years, nearly.

Q. Have you been an observer of elections in this State since you were a voter?—A. I suppose I might say that I have observed the general course of things.

Q. You have taken an interest in politics?—A. Certainly, I have.

Q. An active interest?—A. Yes, sir.

Q. I call your attention to this ticket, marked Exhibit F to the deposition of Austin H. Brown, headed "Republican Ticket," and I will ask you whether, in your long experience, you have ever, before the election of November 7, 1882, known an election ticket to be on such material as that Republican ticket is printed on?

(Objected to as incompetent and immaterial.)

A. Well, I do not think I ever saw such a ticket as this, so thick and of the character of this. I do not know anything about the voting of these tickets. I was sick at the time of the election. I had no knowledge of it at that time, and this ticket is probably the first, but one, of the kind that I have seen. I have seen one before like this.

Q. Could you distinguish that ticket from any ticket of like width and length, printed on plain white writing paper, plain white print paper, or plain white book paper, said tickets being folded with the names inside?

(Objected to as immaterial and incompetent, for the reason that the witness said that he never saw this ticket but once before and has not said that he is familiar with plain white writing paper, or plain white print paper, or plain white book paper.)

A. I should think I certainly could.

Cross-examination by Mr. PEELLE.

Q. State your politics.—A. I am a Democrat.

Q. You have been, all your life, I believe?—A. Well, I suppose there was a period when I did not have any politics hardly; since the time I have been a voter I have been a Democrat.

Q. And have been quite active in the political counsels of the Democratic party in this State?—A. Yes, sir.

Q. Have you any knowledge as to the different character or qualities of paper?—A. I think I have. I use paper, and then I know what kind of paper tickets are generally printed on. I know that more from the ticket I vote myself.

Q. Are you a sufficient judge of the quality of paper to tell what kind of paper that Republican ticket that you have in your hand is printed on?—A. I could not give any particular name. It is a stiff, heavy paper, if it is called paper at all.

Q. You could not give any name for that paper, then?—A. No; I do not believe I know the technical name for it.

Q. You were not at the election last November?—A. I was sick at the time.

Q. And you was not able to be out.—A. No, sir.

Q. And you never saw but one of these tickets before?—A. I recollect distinctly of seeing one, and I am not sure but another. I think not more than two before this. The one that I saw before had been folded, and it was folded for the purpose of showing that it did not remain compact when folded.

Q. Lightly folded, was it?—A. I don't know about that. I had not done it myself.

Re-examination by Mr. WILSON:

Q. In answer to Mr. Peelle's question as to the character of this paper, you do not answer as an expert, but answer from your popular understanding?—A. Yes, sir; that is it exactly. I never was in a business that called me to know particularly the differences or distinctions between paper, or anything representing it.

Q. In a popular sense what would you call that material upon which that Republican ticket is printed?

(Objected to as incompetent and immaterial.)

A. It does not seem to me to be paper, nor yet hardly pasteboard; so I do not believe I can tell you what it is. I do not know the names of those classes of paper or the uses to which they are put well enough to answer your question.

T. A. HENDRICKS.

W. P. FISHBACK, being first duly sworn, testified as follows:

Direct-examination by Mr. WILSON, attorney for Mr. English:

Question. Your name, age, and residence?—Answer. William P. Fishback; age, 51; Indianapolis, Ind.

Q. How long have you resided in this State?—A. A little over twenty-six years.

Q. Were you in the city on November 7, 1882, the day that the Congressional election took place?—A. Yes, sir.

Q. Did you attend that election?—A. Yes, sir.

Q. What precinct?—A. I think it is one of the precincts of the second ward. I think they vote at the corner of Ash street and Home avenue. It was either there or at the engine-house.

Q. Did you see the tickets voted at that election by the Democrats and Republicans?—A. Yes, sir.

Q. I call your attention to this ticket, indorsed on the back as Exhibit F to the deposition of Austin H. Brown, and headed "Republican Ticket." I will ask you if that is the ticket that was used there that day, if you know?—A. It was a ticket like this. Yes, sir; I remember. I think I saw the tickets, before I went to the polls, in Judge Gresham's office. I was there when Senator McDonald was exhibiting them. I do not think I voted until noon—at any rate, I saw the ticket there either before or after I voted, when he was speaking about the ticket and making some exhibitions about folding and dropping it into a hat. There was a number of gentlemen present.

Q. Where was that?—A. I think it was in Judge Gresham's room in the post-office building.

Q. Judge Gresham's room?—A. Yes, sir.

Q. I call your attention now to a ticket marked Exhibit C to the deposition of W. O. De Vay, headed "Democratic Ticket." I will ask you if that was the ticket that was voted by the Democrats on that day?—A. I am not so familiar with that; I could not say; I do not remember. I saw them, but I did not have them in my hand. I saw that they were different that day. I noticed that.

Q. What was the difference?—A. Well, the bulk of the tickets when voted was so much greater. I noticed that when the voter would pass me. I was up at the fourth ward or some place on Indiana avenue during the day, and I stood at the chute and saw them voting, and there was no difficulty in telling the tickets by the bulk of them; that is, those who kept tally did not seem to have any difficulty in doing so.

Q. What was the effect of the use of that Republican ticket that day at that election so far as secrecy in voting was concerned, in your estimation?

(Objected to as a conclusion of law.)

A. All I could say is this: they were easily distinguishable by their bulk.

Q. When that Republican ticket was lightly folded would it remain folded, or would it be apt to spring open?

(Objected to for the reason that there has been no evidence that the tickets were so voted.)

A. I saw these experiments tried with it.

Q. What was the result?—A. Senator McDonald took one and folded it up, or I took one and folded it up. We were talking about the tissue-paper-ballot voting in South Carolina and the facilities for folding, and I alluded to what was once done in this city, as I heard, the use of tissue tickets long before we had heard of South Carolina, and I said this would be a good ticket for that sort of business. It did not occur to me then about distinguishing them to the eyes. We saw them spring open after folding and putting them in the hat. We would press them pretty tight, and make a trial and drop them into the hat, and they would spring open so if there had been anything in it it would disengage itself; and if it was pretty freely entered into and followed it would enable a man to cast more than one vote in many instances. We called attention to it, and it was folded frequently, and it was called the "spring-back" ticket. Senator McDonald spoke of reading in the testimony in that contest of what was called "spring-back" tickets, and spoke of these as "spring-back" tickets.

Q. Do you know what material this ticket is printed on?—A. I called it card-board that day, but it is not that, of course; and it is not like newspaper. I have been in the newspaper business. It is a little coarser than book paper. There is paper that is called news paper, and then there is book paper. What is known as book paper is the paper that is used in printing our reports and the official documents. This is coarser than book paper.

Q. It is not plain white news paper?—A. I never saw newspaper, unless it was advertising cards, printed on paper as close as that.

Q. That is not plain white writing paper, as you understand it?—A. I would not say it was writing paper. I have not tried it with ink.

Q. You were in the newspaper business for some years?—A. Four years.

Q. You acquired some knowledge of newspaper paper?—A. We bought a good deal of it.

Q. Did you have any job printing establishment connected with the paper?—A. Yes, sir.

Q. I believe you are a Republican?—A. Yes, sir. I do not know whether I am in good standing or not. I have always voted the Republican ticket.

Q. You voted one of these tickets that day, did you?

(Objected to as incompetent and immaterial.)

A. Not entirely. I voted one of that kind of tickets.

Q. Did you have some compunctions of conscience as a lawyer when you voted a ticket on that material?—A. I had not changed my opinion about the ticket, which I had expressed to Senator McDonald.

Q. What was that opinion that you expressed? [Objected to as incompetent.] What did you say when you voted?—A. I said before I voted, when I saw it, that it was a fraudulent ticket, and it was probably designed for fraudulent purposes. I think I said that in the presence of Senator McDonald and Judge Gresham.

Cross-examination by Mr. PEELLE:

Q. You came here voluntarily as a witness?—A. Mr. English came after me.

Q. You were not summoned here; you came at the request of Mr. English?—A. At the request of Mr. English and Mr. Wilson. Mr. Wilson kindly came after me.

Q. You say you had a conversation in which Senator McDonald and Judge Gresham were present?—A. Yes, sir.

Q. And the conversation came up in the presence of Judge Gresham?—A. I am not certain whether Judge Gresham was there. He was there in the morning; the office was open I know, and Senator McDonald was indignant; that is, he talked like a man that was indignant, and he was making these exhibitions I speak of.

Q. You were never engaged in the manufacture of paper or in dealing in paper?—A. Only as our firm bought; I am no expert.

Q. That was no part of your business as connected with the paper?—A. No, sir; Mr. Hasselman had charge of that.

Q. You were simply managing editor of the paper?—A. Yes, sir.

Q. And you had no business with that part of it?—A. I was excluded from that part of it, as he was from the editorial department.

Q. Do you know of anybody that was deceived or misled in voting at that election in consequence of the Republican ticket being on the material it was?—A. No, sir.

Q. Do you know of anybody that would have voted differently if that Republican ticket had been printed on the same kind of paper that the Democratic ticket was printed on?—A. No, sir.

Q. Did you know anybody personally or by hearsay that voted two tickets of that Republican ticket?—A. No, sir.

Re-examination by Mr. WILSON:

Q. Mr. Peelle asked you about the effect of that ticket. Did you watch the voting at any precinct where that ticket was used?—A. I went over where the colored men were voting. I had some hint that there was some obstruction to voting at Indiana avenue, and as I had nothing to do in the afternoon, and it was a short walk, I went out with some one and stood by the chute.

Q. What did you observe there as to the effect of that ticket being used there upon those electors?—A. I do not know that I saw them voted. Of course, each party had their poll-book, and they stood by the side of the chute, and they went by the size of the ticket, and would say "Democrat," and our boys "Republican," when a man would put in a ticket, and they would mark it down.

Q. Was that at a precinct where a good many colored people voted?—A. Yes, sir.

Q. Was the ticket folded when they were making these memorandums?—A. I saw no tickets except folded tickets voted.

Q. What official position, if any, do you hold now?—A. I am master in chancery in the United States courts here.

Q. Did you ever hold any other official position in this State?—A. I was prosecuting attorney for four years—about three years. I resigned in the middle of the second term.

Q. Your are an attorney and practice law?—A. Yes, sir.

WILLIAM P. FISHBACK.

GEORGE A. HARDESTY, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Question. Your name, age, and residence.—Answer. George A. Hardesty; age, 34; Indianapolis, Ind.

Q. How long have you resided in this State?—A. Ten years.

Q. Were you in this city on the 7th of November, 1882, the date of the Congressional election?—A. I was.

Q. Did you attend that election?—A. Yes, sir.

Q. Did you act in any official capacity there?—A. I used the poll-books at the ward.

Q. You were challenged.—A. Yes, sir.

Q. You held the poll-book?—A. Yes, sir.

Q. Did you see the tickets voted there by the Republicans and Democrats at your precinct where you were challenged?—A. Yes, sir.

Q. What precinct was that?—A. I think I was in the second precinct.

Q. What ward?—A. In the seventh.

Q. I call your attention to this ticket headed "Republican Ticket," and marked as Exhibit B to the deposition of Mr. W. O. De Vay, and I will ask you if that is the ticket that was used by the Republicans on that day at your precinct?—A. It does not look hardly as stiff as the ticket that was used. It may be that this has been handled a good deal.

Q. I will call your attention to Exhibit F to the deposition of Austin H. Brown, and I will ask you if that is the ticket?—A. I think that would be the ticket.

Q. They are substantially the same ticket; the only difference is, one was folded and the other was not?—A. Yes, sir.

Q. I call your attention to the ticket marked Exhibit B to the deposition of Mr. De Vay, and will ask you if that is the ticket that was used by the Democrats that day?—A. Yes, sir.

Q. Did you see the National ticket voted that day at that election?—A. Yes, sir.

Q. I call your attention to the ticket indorsed Exhibit D to the deposition of Mr. De Vay, and headed "National Ticket," and I will ask you if that is the ticket that was used by the Nationals that day?—A. Yes, sir.

Q. Could you, as challenger at that precinct, when the Democratic ticket was folded and voted, and the Republican ticket was folded and voted, tell which was the Democratic and which was the Republican by watching carefully and looking on?—A. Oh, yes. I could tell which way a man voted by the ticket he put in the box.

Q. I will ask you what effect would you say the use of that Republican ticket had on the secrecy of the ballot, if any, at your precinct?

(Objected to as incompetent and being a conclusion of law.)

A. I should think it would make men that were timid, that did not care to let us know how they voted; it would rather intimidate them, or rather make them afraid at least.

(Objection to the answer as a supposition, and for the reason that there is no evidence that such was the case.)

Q. I will ask you would this Republican ticket when lightly folded be apt to spring open, or would it remain folded?

(Objected to as incompetent and immaterial, for the reason that there is no evidence that the tickets were so voted.)

A. It would spring open.

Q. How could you tell this Republican ticket from the Democratic?—A. I could tell it if I was anywhere close, by the thickness of the paper. It does not fold as close as the Democratic ticket, and I think it is a little whiter; if I am not mistaken, a shade whiter than the Democratic ticket.

Cross-examination by Mr. PEELLE;

Q. What is your politics?—A. I am a Democrat.

Q. You were challenging in the interest of the Democratic party that day, were you not?—A. Yes, sir.

Q. Do you know of any one who was misled or deceived in voting in consequence of the Republican ticket being on the kind of paper it was?—A. No; I could not give any names of any one; it has been so long that I have almost forgotten about it.

Q. Do you know of any one who would have voted differently had the Republican ticket been on the same kind of paper that the Democratic ticket was on?—A. I do not know that I could mention any one.

Q. You have been challenger before at precincts at elections?—A. Yes, sir.

Q. And frequently stood around the polls?—A. Yes, sir.

Q. I will ask you if you have not always been able to tell when a man went up to

vote whether he was voting the Democratic or Republican ticket?—A. Not unless I knew he was a Democrat.

Q. Have you not been always able to tell from the character of the tickets—has there not always been a slight difference between the tickets voted by the Republican and Democratic parties in this city?—A. I do not believe I noticed it until these tickets were out.

Q. Don't you know there has always been a difference in the tickets?—A. No; there has been a difference in the headings sometimes; that is all.

Q. Did you vote at this city election?—A. Yes, sir.

Q. Did you notice any difference between the Republican and Democratic tickets?—A. We had a little conversation there in the forenoon of the day of the election in regard to the size of it; we did not compare them.

Q. I will ask you if there was not a difference in the size of the tickets and the appearance of the tickets when folded?—A. There was a difference in the size is the only way I noticed the difference.

Q. I will ask you if, at the election on last Tuesday, the Democratic ticket was not on much heavier paper than the Republican ticket?—A. I don't believe I discerned that or noticed it only in the size, and we had no conversation about it.

Q. I will ask you if, when the two tickets were folded, if you could not tell when a man went up to the chute to vote, whether he had the Republican or Democratic ticket from the bulk of the ticket?—A. No, sir. I have often made the remark when there was a man I knew to be a Republican went up to vote, and the same when there was a Democrat. You could not discern what way he voted from his ticket. You could not tell which way he voted from the color or looks of his ticket.

Mr. WILSON. What election was that?

The WITNESS. The city election last Tuesday.

Q. I will ask you if that Democratic ticket when lightly folded would not be more likely to spring open than the Republican ticket—the one that was voted last November—is not as likely to spring open as the Republican ticket?—A. I don't think it is, sir.

Q. I will ask you when that Republican ticket is folded and creased if it is not less liable to spring open than the Democratic ticket when folded and creased—than the ticket which I now hand you, and which has been made a part of the deposition of Mr. De Vay?—A. No, sir; it is not.

Q. I will ask you if the Democratic ticket when lightly folded is not liable to spring open?—A. No; they will not spring open. They open as any paper would. There is no spring about them.

Q. What makes them open if there is no spring about them?—A. I suppose they could be folded so they would not open at all.

Q. Could not the Republican ticket be folded the same way?—A. Hardly.

Q. And is it not more likely, folded so, that it would not spring open because of its bulk and because of the fact that it could be creased closer?—A. No, sir; I don't think it is so. It is a question we talked about on the day of the election.

Q. You see the Democratic and the Republican ticket laying doubled there [indicating], and both have been folded; I will ask you to state if they are not both equally sprung open now?—A. Yes, sir; they are.

Q. Just as you threw them down upon the table?—A. Yes, sir; just as I threw them there.

Questions by Mr. WILSON:

Q. Mr. Peelle asked you whether or not you knew of any one whose vote had been influenced by the use of that ticket, and you said you did not know the name of any one.—A. I cannot remember any one.

Q. As a matter of fact, do you know whether any person was?—A. As I stated before, I thought probably it would have an influence on some timid people.

(Objected to as a supposition.)

Q. You do not know the name of any one?—A. I could not mention any names now, it has been so long ago.

GEO. A. HARDESTY.

The further taking of these depositions was, by consent of both parties, adjourned until Monday, October 15, at 2 p. m.

MONDAY, *October* 15, 1882—2 o'clock p. m.

Parties met pursuant to adjournment.

WILL F. A. BERNHAMER, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Question. Your name, age, and residence?—Answer. Will F. A. Bernhamer; aged 33; residence, Indianapolis, Marion County, Indiana, No. 121 Doherty street.

Q. Have you held, or do you now hold any office?—A. I have been a member of the common council, and I claim to be yet, and I am a member-elect of the board of aldermen of Indianapolis.

Q. Were you in the city of Indianapolis on the 7th day of November, 1882?—A. I was.

Q. Did you attend the election that took place that day for Congress in this District?—A. I did.

Q. Did you take any part in that election?—A. I was judge of the election in precinct No. 2, Ward No. 22, in Indianapolis.

Q. Did you vote?—A. Yes, sir; I voted.

Q. Did you see the tickets voted by the Republican, Democratic, National, or Greenback parties in your precinct that day?—A. I did. I have no definite recollection of the Greenback ticket at this particular time. I know there were Greenback tickets there, but whether there were any voted or not I do not remember.

Q. I call your attention to the ticket marked Exhibit F to the deposition of Austin H. Brown, and headed "Republican Ticket," and I will ask you if that is the ticket that was voted by the Republicans that day?—A. That is the kind of a ticket that was voted in my precinct.

Q. I call your attention also to the ticket marked Exhibit G to the deposition of Austin H. Brown, and I will ask you if that is the ticket that was voted by the Democrats at your precinct on that day?—A. that is the ticket as voted there.

Q. Do I understand you to say that you do not recollect what the character of the National ticket was?—A. I do not know at this time.

Q. Could your memory be refreshed on this subject?—A. I think it could. I think if I saw one I could tell.

Q. I will ask you if the ticket marked Exhibit D in Mr. De Vay's testimony is the character of ticket used, or one similar to it?—A. That is about the ticket, if not the ticket, that was used.

Q. Could you distinguish that Republican ticket from the other tickets voted at that election, all said tickets being folded as tickets are usually folded when voted?—A. I could distinguish it so well that I marked nearly every man—what he voted, Republican or Democrat.

Q. By the appearance of the ticket?—A. By the appearance of the ticket.

Q. At your precinct you did so distinguish the tickets?—A. I did.

Q. Could you distinguish that Republican ticket from any ticket of like length and width printed on plain white writing paper, book paper, or print paper, all of said tickets being folded as tickets are usually when voted?

(Objected to as immaterial and incompetent, and for the reason that there is no evidence that the witness has any knowledge as to the different qualities of paper.)

A. I could tell whether the voter voted the Republican ticket or other ticket before the vote was deposited in the box.

Q. The question was whether you could distinguish that Republican ticket from any other ticket which was printed on plain white writing paper, or plain white print paper, or plain white book paper, the tickets being folded.

(Objected to as immaterial and incompetent and as a conclusion of law, and for the reason that there has been nothing shown as to whether the witness knew what plain white book paper, writing paper, or any other kind of paper was.)

Mr. WILSON. I am going to follow it up with an interrogatory on the subject of the kinds of paper.

A. I could.

Q. What kind of material is this Republican ticket printed on, if you know?—A. It was what I call——

(Answer objected to as to what the witness calls it.)

A. (Continued.) If I am allowed to answer, it is a thin pasteboard.

Q. It is, in fact, you say, a thin pasteboard?—A. Yes, sir; a thin pasteboard.

(Question objected to as leading.)

Q. Could one standing near, or rather looking on at the polls while voters were placing their ballots in the box through the hands of the inspector, tell what ticket was being voted at your precinct?—A. A close observer could.

Q. Could they tell whether it was a Republican or Democratic, or rather a Democratic or National?—A. You could.

Q. Did you ever before know tickets used at any election in this State to be printed on such material as that Republican ticket was printed on?

(Objected to as incompetent and immaterial.)

A. I never knew of any ticket of that kind being used at any election in this city.

Q. Did the use of that Republican ticket impair the secrecy of the ballot at your precinct?

(Objected to as incompetent and immaterial and a conclusion of law.)
A. It did.

Cross-examination by Mr. PEELLE:

Q. You are a Democrat and a Democratic member of the aldermanic board?—A. Yes, sir.

Q. And you were a member of the council as a Democrat?—A. Yes, sir; I have always been a Democrat.

Q. You were one of the judges at that precinct in ward No. 22?—A. I was the Democratic representative of the ward on the board.

Q. Do you know of anybody who was misled or deceived in voting in consequence of the Republican ticket being on the character of paper it was?—A. I cannot say that I do.

Q. Do you know of anybody who would have voted differently had the Republican ticket been printed on the same kind of paper that the Democratic ticket was?—A. I know of no particular instance.

Q. Was there any complaint made to the board by any one about the character of the Republican ticket?—A. I will not be positive on that question. I know that the matter was talked of among the Democratic workers.

Q. You remember of no complaint being made to the board?—A. No, sir.

Q. Were those Republican tickets at your precinct counted without objection or protest?—A. They were counted.

Q. Without objection?—A. I don't know about that. I suppose they were.

Q. I will ask you if that Democratic ticket that you have in your hand, which you have just identified, could not be distinguished from the Republican ticket at that precinct in consequence of it being on the kind of paper it was?—A. I could tell what kind of a ticket the voter voted, as to whether he voted a Republican or other ticket.

Q. Could you not distinguish the Democratic ticket from the Republican ticket equally as well as you could the Republican from the Democratic?—A. As between the Democratic and National I believe it would be hard for me to distinguish, but as between the Republican and Democratic I had no difficulty in distinguishing the difference.

Q. How could you distinguish one of those tickets from the other whilst they were being voted?—A. In the first place, the inspector, on receiving a vote from a Republican, it is said to me, would take the ticket at once and turn it over to the hole in the box and usually insert—I don't want to say he ever dropped a ticket in there that was challenged, but he would put the ticket in at once, and a Democratic, it is said to me, he would always hold it up so it could be seen from the outside. I sat all day on the left of the ballot-box and the inspector sat on the right, and I could see every ticket before it went into the box.

Q. How could you tell one ticket from the other?—A. Owing to the thickness of the Republican paper, and at the same time the heavy print that was on it. I could tell through it what kind of a ticket it was.

Q. You say that the top of that ticket shows through at all when it is folded?—A. It did. I could tell from the paper and the top what kind of a ticket it was.

Q. Could you make any distinction on the Democratic ticket that way?—A. I think I could make some distinction on the Democratic ticket, but I think it showed through on every one of those [Republican tickets]. It would depend partly on how the light would shine at the particular time. That would have something to do with it.

Q. Who was the inspector there?—A. S. C. Crane. He is in the jewelry business down here on Washington street.

Q. In your testimony a moment ago, stating the manner in which he held the Republican ticket and the Democratic ticket, do you mean to speak of that as being done by the inspector for the purpose of giving information outside?—A. It was stated to me so.

Q. Did you make any objection at the time?—A. No, sir.

Q. Did any one make any objection about the manner in which he held tickets there?—A. I don't think they did. I did not find out what it was done for until afterwards.

Q. Did the votes of that precinct correspond with the tally-sheet?—A. I don't know; I think they did.

Q. You do not know of any one that voted two Republican tickets at that precinct?—A. No, sir.

Q. The number of votes corresponded with the number of names voted?—A. The party organization was so closely protected in that precinct that I do not think there was a vote sworn in during the whole day. I don't think there was a vote offered but what was accepted.

Q. On either side?—A. Yes, sir.

Q. Were you ever engaged in the manufacture of or dealing in paper?—A. No, sir; only in the use of it.

Q. You have no knowledge as to different qualities of paper?—A. I have knowledge from practical experience. I cannot give you the names the trade applies.

Q. Is not all you know that you can tell heavier paper from lighter paper?—A. I can tell the quality by touch and sight.

Q. Do you know what kind of paper that Republican ticket is printed on?—A. I never saw any other ticket just like it.

Q. What is the color of that ticket?—A. It is white.

Q. Plain white?—A. Yes, sir; they were plain white, no doubt.

Q. You spoke of that being a light pasteboard; how did you form that conclusion?—A. Because it is thicker. I think you would call it a light pasteboard.

Q. Would you call all thick paper light pasteboard?—A. No, sir.

Q. Why do you give the term "light pasteboard" to that ticket there, if you have no knowledge of the qualities of paper?—A. Because it has the appearance of pasteboard. I have more knowledge of pasteboard than paper.

Q. You say you never saw any of that before?—A. No, sir; I never saw any of that.

Questions by Mr. WILSON:

Q. Your answer as to the quality of paper is not as an expert, but simply from the popular sense as an observer?

(Objected to as leading.)

A. Yes, sir.

Q. What was the politics of the inspector at your precinct?—A. The inspector was Republican.

Q. You say you did not find out until after the election was over why it was that the tickets were held in this way, as you described?—A. No, sir.

Q. How did you happen to find that out?—A. Partly from conversation, and then from conclusions I formed, based on that conversation, and conclusions based on observation.

Mr. PEELLE. You say there was no challenging that day. There was not a vote sworn in on either side?

The WITNESS. No, sir.

Q. Who did you talk with?—A. Mr. Ransdell, chairman of the Republican county committee.

Q. What did Mr. Ransdell say?

(Objected to as hearsay.)

Q. Did you know, from the use of that ticket, the result of the vote there that day before it was announced by the officers that made the count?—A. I think I could have known it if I had added it up. I took no time to add it up.

Q. Did anybody know it around you, that you know of? Did they keep any account of it?—A. I am not positive of it, but at my precinct, on the outside, it was claimed, when the poll closed, that the ward had gone so much Democratic in our precinct. I do not know who claimed it; the Republicans and Democrats both; I do not know who it was.

Q. Do you know whether the Republican central committee knew the result of the election at your precinct, or at other precincts, before the vote was counted, as the result of the use of this ticket?

(Objected to as immaterial and incompetent.)

A. From what members of the Republican party told me——

(Objected to as hearsay.)

A. That is all I know.

Q. What was stated to you on that subject?

(Objected to as incompetent and hearsay evidence.)

A. The first man that told me was Dr. Bigger, in explaining the completeness of the organization of the Republican party; that the reports had been sent every fifteen minutes, I believe it was, to the postmaster's room on Pennsylvania street, and there was such a difference in the tickets that there were men stationed on that Tuesday who would carry the information and tell just how many Democratic and Republican tickets had been voted, and that the county ticket was safe; that there was enough Republican tickets voted—together with the scratches—to make the Republican county ticket safe. About a week or ten days, may be longer, after that, I took a very active part before the board of canvassers. The board of canvassers met to canvass the vote at 10 o'clock on Thursday, and I remained with them until 9 o'clock Friday; and Mr. Ransdell and I discussed the matter. I think it was in front of the post-office——

(Objected to as incompetent.)

The WITNESS (continuing). That their organization was complete; that they got reports from every precinct every fifteen minutes as to just how the vote was going; that they got the report at the post-office. Whether it was true or not I don't know.

Q. Did they state how they could make the report in that way?—A. Dr. Bigger told me that—and I think Mr. Ransdell told me the same thing—that they could tell by the difference in the tickets; that the ticket could be told before it went into the box.

Q. Who is Dr. Bigger?—A. A physician who lives down on Virginia avenue.

Q. Mr. Ransdell is what?—A. Chairman of the Republican county central committee.

Q. Did Doctor Bigger state that that was the result of their organization?—A It is my recollection; I believe he told me. I cannot state who was with me.

Q. Is Doctor Bigger a Republican?—A. Yes, sir.

Q. An active Republican?—A. A very active Republican.

Questions by Mr. PEELLE.

Q. Don't you know, as a matter of fact, that after the polls closed on election day last fall, that the Republicans were jubilant here and supposed they had carried the city by fifteen hundred or two thousand majority?—A. I could not tell about the majority. I think we did not get through until midnight.

Q. Didn't they expect they had carried it by a much larger majority than they did?—A. I do not know.

Q. Do not you know that in the pool-rooms in this city no bets would be taken by Democrats as to the result in this city?—A. I cannot tell anything about the pool-rooms. I do not frequent them.

Q. Didn't you hear it?—A. No, sir.

Q. You have been a close observer of elections?—A. Yes, sir.

Q. Has there ever been a time in that ward when you could not tell the difference between the Republican and Democratic tickets when voted?—A. I have been a close observer. I usually get a pretty good idea of it from the person that is voting; I know how the people stand.

Q. Is it not true that men standing there and challenging the votes have always been able to tell to a pretty definite certainty the number of Democratic and Republican tickets polled?—A. Not always.

Q. Has it not been pretty generally the case?—A. If a fellow was right smart at it and understood it thoroughly, he would have same chance.

Q. That is the kind of men that challenge in this town, ain't it?—A. We never had as good a chance as we did last fall. That is the best chance I had to find out.

Q. Has it not been frequent that men could tell the difference between the Republican and Democratic tickets, and has there not always been some difference in the tickets in this city?—A. There has ever since the year 1876. There has always been some distinguishing mark on the Republican ticket at the elections; every time, on the inside.

Q. There was no mark on the outside of the ticket by which it could be dis inguished from any other ticket?—A. No, sir.

Q. Is it not the fact that there has always been a difference between the Republican and Democratic tickets as folded by the voters when they vote?—A. There has always been a difference and nearly——

Q. Could not you tell them on last Tuesday's election in this city?—A. Yes, sir.

Q. And both of them were on plain white paper.—A. No, sir; they were not.

Q. What was the difference?—A. The difference is that the Republican ticket last Tuesday was printed on—we called them the slick ones. They were very slick, and you could tell the Republican ticket when it was held up at once.

Q. It was plain white paper?—A. Perhaps it was.

Q. Have you not always been able to tell the difference between the Republican and Democratic ticket in this city since you have been a voter?—A. I have always been able to tell some difference; but I make the distinction, and say that last fall I had the best chance I ever had.

Q. And yet you did not handle any tickets last fall; you were a Democratic judge.—A. Yes, sir; I was the Democratic judge, and the Republican inspector does not let the Democratic judge handle tickets.

Q. You had no way to detect, except by sight, did you?—A. I was sitting right alongside of the ballot-box and I could tell as they came in.

Q. Do you remember of Democratic tickets being used in this city with a flag on them?—A. Yes, sir; that used to be, years ago.

Q. You used to vote a ticket with a flag on it.—A. Yes, sir; years ago.

Q. Do you remember that inside of six years the Democratic ticket in this city was voted on as heavy paper as the Republican ticket you have been shown, is on?—A. If it was I do not recollect it. If it was that heavy I do not recollect it.

Q. Do you remember that it was voted on paper that was a quarter of an inch too narrow, or a quarter of an inch too wide under the law?—A. That law has only been in force since 1879 or 1881. Prior to that time there was no law regulating it.

Q. Since that time?—A. Since that time if the Democratic ticket has not conformed to it I do not know it. I know the matter was investigated.

Q. Did that Democratic ticket conform to the required width last fall?—A. That is my recollection.

WILL F. A. BERNHAMER.

ENOS B. REED, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Question. You name, age, and residence.—Answer. Enos B. Reed; age, 61; residence, Indianapolis, No. 208 N. Illinois street.

Q. How long have you resided in this State?—A. About fourteen years.

Q. What is your business?—A. I am editor and proprietor of "The People," and publisher of the paper.

Q. How long have you been in the newspaper business?—A. Forty-odd years.

Q. In that position have you had any occasion to buy or deal in paper in any way?—A. I have had about 60 men under me at one time in Cincinnati, and a great many in other places, in the job printing and book publishing business.

Q. What official position, if any, have you held?—A. I held the position of councilman four or five years, and was president of the board two or three years.

Q. Were you in this county on the 7th day of November, 1882, at the time of the last Congressional election?—A. Yes, sir.

Q. Did you attend that election?—A. I think I did, so far as my memory serves me. I am very bad as to dates. I have no doubt I attended that election and voted at it.

Q. I call your attention to the ticket marked Exhibit F to the deposition of Austin H. Brown, and I will ask you if you remember if that was the ticket voted and used by the Republicans that day at that election?—A. That is, no doubt, the ticket that was used on that occasion; whether the dates are right or not I do not know.

Q. I will call your attention to the ticket headed "Democratic ticket" and marked Exhibit C to the deposition of W. O. DeVay," and I will ask you whether that was the ticket used by the Democrats at that election that day?—A. I presume that is the same ticket. I had both tickets in my possession and examined them very closely and wrote articles on them in my paper.

Q. What is the character of the material upon which that Republican ticket is printed, if you know?—A. Gentlemen, in the first place, if you will excuse me, I should like to have the law read in regard to the ticket.

Q. We have agreed that the statute requires that the ticket shall be printed on plain white paper.—A. Then I decidedly state that that is not, in the common acceptation of the printer's phrase and parlance, plain white paper.

(Objected to as not being in response to the question.)

The WITNESS. I give that as an expert.

Q. What would you call it as an expert?

(Objected to as immaterial and incompetent.)

A. I would call it a sort of two ply-board—probably it may be one and a half; a sort of a bastard paper that lithographs are printed on; a sort of a lithographic paper. In olden times it used to be called different from that.

Q. What was it called in the olden times?

(Objected to as immaterial.)

A. It was generally, in olden times, called zylographic paper; to print colors on. It is not paper at all.

Q. It is not plain white paper?

(Objected to as incompetent.)

A. No, sir; it is not plain white paper.

Q. Is it plain white book paper?

(Objected to as incompetent.)

A. No, sir.

Q. Is it plain white print paper or book paper?—A. No, sir; it is not white paper at all. In the first place it is too thick for plain white paper and it is simply a board, a thin card.

Q. You say you are familiar as an expert. Do you know the nomenclature of that, what it is called?

(Objected to as incompetent and immaterial.)

A. I don't know that I could tell exactly what it is called, more than it is called a species of card board. It was never called paper under my administration of forty years in the book business.

Q. Could you distinguish that Republican ticket from any ticket of like length or width printed on plain white writing paper, book paper, or print paper. all such tickets being folded as tickets usually are folded?

(Objected to as incompetent and immaterial.)

A. Do you mean could I distinguish them from common paper?

Q. Yes, sir.—A. Yes, sir; certainly I could, even by the sight.

Q. Do you remember of being present at the day of the election and watching the tickets?—A. Not particularly.

Q. Did you ever know such material to be used for the purpose of tickets before?

(Objected to as immaterial.)

A. Not to my knowledge.

Q. What effect would it have upon the secrecy of the ballot for one party only to use tickets printed upon the material upon which that Republican ticket is printed and for the others to use plain white paper?

(Objected to as a conclusion of law.)

A. I do not know what you mean as to the effect. Do you mean going to the polls with these papers?

Q. Yes, sir.—A. They would be distinguished where other paper would not be. Any person with half an eye could see that in contradistinction to the other.

Q. What is the material upon which that Democratic ticket is printed?—A. It is plain white paper. It is the plainest kind and thinnest kind; a litte too thin may-be

Cross-examination by Mr. PEELLE:

Q. What are your politics?—A. It would be very hard for me to state my politics.

Q. Were you a supporter of the Democratic ticket last fall?—A. Yes, sir.

Q. State if that Republican ticket is printed on paper.—A. No, sir; that is not paper.

Q. What is it?—A. A species of card-board.

Q. What is card-board?—A. You might say that anything of that sort was paper probably.

Q. That is paper, then, is it not?—A. Even a blank card is paper.

Q. That Republican ticket is printed on paper?—A. Not in the general acceptation of the phrase.

Q. It is paper, is it not?—A. I presume it is. It may be straw; even paper is made from straw and printed on.

Q. That is paper, is it not?—A. Yes, sir; I suppose it is.

Q. The color of the ticket is plain white?—A. Yes, sir.

Q. Then it is plain white paper?—A. Not in the common acceptation of the phrase, it is not.

Q. Is it not plain white paper of one quality?—A. No, sir.

Q. Has it any quality? –A. Yes, sir.

Q. What is it?—A. The quality is a two-ply or a ply and a half.

Q. You say it is paper?—A. Yes, sir.

Q. And it is plain white in color?—A. Plain cards are probably upon paper.

Q. Is it not plain white in color?—A. Yes, sir.

Q. Is not that Democratic ticket on book paper?—A. No, sir; it is common print paper.

Q. You differ from the other witnesses.—A. I do not know whether I do or not. I have not heard them.

Q. If you testify it is print paper, you differ from them.—A. Yes, sir; I differ entirely. It is common print paper. Book paper is a better quality. Books may be printed on that same kind of paper, but book paper is a different quality and much superior to that. That is what I call print paper.

Q. Is print paper plain white paper?—A. Yes, sir.

Q. Is book paper plain white paper?—A. Yes, sir.

Q. Then there are different kinds of white paper?—A. Yes, sir.

Q. I will ask you again if that Republican ticket is not printed on plain white paper of one quality?—A. No, sir; it is not printed on plain white paper of any quality. It is not printed upon book-paper.

Q. It has no quality?—A. Yes, sir; it has a quality; the quality that cards are printed from, or lithographed.

Q. You say there are different kinds of plain white paper?—A. Yes, sir; only when it goes to a certain extent it ceases to be paper and becomes card-board.

Q. Before that time there are different kinds of white plain paper?—A. Yes, sir. Certainly.

Q. And there is no one single kind of paper that is designated and known as plain white paper?—A. No, sir. Paper may be thin and cost $3, and paper may be thick and cost $6 and $8; but to call that paper, it is not paper, it is card-board. This Republican ticket is not even book paper.

Q. That Republican ticket?—A. Yes, sir. Although books, I have no doubt, have been printed on such paper.

Q. Did you see the national ticket voted at the election last November?—A. I do not recollect.

Q. I will show you now the ticket headed "National ticket" and marked as Exhibit D to the deposition of W. O. De Vay.—A. That is a thinner quality of paper still.

Q. What kind of paper is that?—A. Plain white paper of a thinner quality than the Republican ticket.

Mr. ENGLISH. You mean the Democratic ticket?

Mr. PEELLE. Let him answer.

The WITNESS. That is thinner paper still than this.

Q. Which?—A. The Democratic ticket.
Q. It is a thinner ticket than the Democratic ticket?—A. Yes, sir. It cost less money.
Q. What kind of paper is it?—A. Plain white paper.
Q. What is the technical name for it?—A. No particular name but plain white paper.
Q. Print or book paper?—A. Print paper.
Q. And the same as the Democratic ticket?—A. Yes, sir.
Q. Only of a less quality?—A. Yes, sir.
Q. Did you ever see any of the paper of the kind that the Republican ticket is printed on, before?—A. I presume I have, sir, and I may have printed on it before even.
Q. Where?—A. In Cincinnati.
Q. How long ago?—A. Twenty or thirty years.
Q. Have you seen it since?—A. I have seen the paper floating around. I have seen it used for purposes. I have seen it used for the purpose of some genealogical affairs; some man in Cincinnati had a book printed on that paper.
Q. A book printed on the same material as that Republican ticket?—A. Yes, sir.
Q. Have you not seen public documents printed on that kind of paper?—A. I have seen public documents printed on vellum, I suppose, but I do not think I ever saw public documents printed on that kind of paper in my life.
Q. Have you not seen public documents printed on as heavy paper as that?—A. Yes, sir; probably heavier.
Q. Then it may be used for books?—A. It may be.
Q. You have had no experience in dealing with that kind of paper for 20 years?—A. No, sir.
Q. And you cannot recall that you ever had that kind of paper in your custody?—A. I have not printed on it for twenty years. When I was in the book and jobbing business I have had that paper often for jobs, but I never would call it paper.
Q. You say that Republican ticket can be distinguished from book paper?—A. Yes, sir.
Q. Yet you say that may have been used and has been used for book purposes, and heavier paper?—A. No, sir; I never said it had been used for book purposes. I said I had seen it used for some genealogical purposes by some man in Cincinnati.
Q. Is not that simply book paper of a heavy quality?—A. No, sir; it is not book paper at all. It would not be called paper under the general acceptation of the word.
Q. Did you have any bet on the result of the Congressional election last fall?—A. Nary bet. I am conscientiously opposed to betting unless I have a good show, and I didn't have a good show there.

ENOC B. REED.

JAMES T. DOWLING, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Question. Your name, age, and residence?—Answer. James T. Dowling; 31 years; 187 West South street, Indianapolis, Ind.
Q. How long have you resided in this State?—A. Since 1874.
Q. Were you in the city at the election held November 7th, 1882, for Congress, in this district?—A. Yes, sir.
Q. Did you attend that election?—A. Yes, sir.
Q. Did you act in any official capacity on the day of the election?—A. Yes, sir.
Q. What was that?—A. I, together with another gentleman for one of the political parties, had charge of the 15th, 16th, and 25th wards. That was the official capacity I was placed in by my party.
Q. Did you vote at that election?—A. Yes, sir.
Q. What precinct?—A. The third precinct of the 16th ward.
Q. Did you see the tickets used by the Democrats and Republicans, and National, or Greenback parties, on that day?—A. I saw the tickets used by the Democratic party and the Republican party, but I could not swear that I paid any attention to the National ticket.
Q. I call your attention to the ticket marked Exhibit B, to the deposition of Mr. DeVay, and headed Republican ticket, and I will ask you if that was the ticket used by the Republicans on that day.—A. Yes, sir.
Q. I call your attention to the ticket marked Exhibit C to Mr. DeVay's testimony, and ask you if that was the ticket used by the Democrats on that day.—A. Yes, sir.
Q. Could you, on that day, at your precinct, distinguish the Republican ticket from the Democratic ticket voted by the voters?—A. Most decidedly.
Q. Could those looking on at the polls, standing close to the chute and watching the vote, distinguish those tickets, if you know?—A. That depends, in my judgment,

on whether a man is accustomed to standing at polls and watching people as they vote.

Q. How could you tell that Republican ticket from the Democratic?—A. By its thickness, and when folded it would certainly show the thickness; and the difference between it and the ticket of my party—the Democratic party.

Q. What kind of material was that Republican ticket printed on?—A. I do not know, except I know it was thicker paper. I do not know anything about the material used.

Q. You do not know what kind of material it is?—A. No, sir.

Q. You are not an expert?—A. No, sir.

Q. From your knowledge, not as an expert, but as a business man, could you say what kind of paper that is on—what material it is?—A. Is the answer to that to be given from my own individual knowledge, or by what I have learned?

Q. Your knowledge is what you have learned; what you know and what you think about it.

(Objected to as incompetent.)

Q. What would you call it?

(Objected to as immaterial and incompetent.)

A. I would call it thick paper of some kind, but as to what it is, I do not know.

Q. Did you ever know tickets to be printed on material of that kind before?

(Objected to as immaterial and incompetent)

A. No, sir; I have not in my connection with the tickets.

Q. What effect did the use of that ticket at your precinct have upon the secrecy of the ballot?

(Objected to as immaterial and incompetent, and a conclusion of law.)

A. It had this effect generally, that a man that came there and desired to vote—to my personal knowledge—was handed a different ticket, and when he walked up to the chute the challenger on the opposite side there and myself saw the ticket that was in his hand, and knowing, as any person that knows anything about it by participating in it at all can tell, that it was not the ticket that was handed to him, and he challenged the vote and the challenge was held good by the board, and we did not have people to swear in the vote, and we lost several votes.

Q. I understood you to say that the challengers could tell what ticket a man was voting when he came up to vote with the Republican ticket in his hand or with the Democratic ticket in his hand?—A. Yes, sir; I could.

Q. How could they distinguish those tickets? How could they tell one from the other?—A. By the thickness of the ticket. The ticket that my party voted was thinner, and when folded together would certainly lay flat; but a man coming up and handing a ticket, whether he grasps it very tight or not, at the end of the ticket, the other end would show the thickness of it. [Illustrating with the Republican ticket.]

Q. You mean the Republican ticket?—A. Yes, sir; that would spring out. This ticket I remember distinctly, because I had occasion to. I know from my personal knowledge, and would state on oath, that the challengers on the other side of the chute positively knew what men were voting, and so did I myself.

Q. You mean the Republicans on the opposite side?—A. Yes, sir.

Q. You are a Democrat?—A. Yes, sir; I am a Democrat.

Q. Have you ever held any official position in this city?—A. Yes, sir.

Q. What?—A. Councilman from the 16th ward.

Q. How long have you been a member of the council?—A. Since May, 1879.

Q. Are you a member elect of the new, incoming council?—A. Yes, sir.

Cross-examination by Mr. PEELLE:

Q. You are a Democrat?—A. Yes, sir.

Q. And always have been a Democrat, if I remember rightly?—A. Yes, sir; I have never been anything else but a Democrat.

Q. Did you have any bet on the result of the Congressional election last fall?—A. Not a bet.

Q. None whatever?—A. None whatever.

Q. Either of your own money or of anybody else's?—A. No, sir. I understand your question to apply to the result of the Congressional election?

Q. Yes, sir; that is what I mean.—A. None at all.

Q. You say you had some connection with the 15th, 16th, and 25th wards last November.—A. Yes, sir.

Q. And your party designated you and some one else to look after these wards?—A. Yes, sir.

Q. Were you around to the different wards that day?—A. Yes, sir.

Q. You were not challenging at a precinct regularly?—A. I did, but not regularly.

Q. How long were you at a precinct at any one time?—A. Challenging?

Q. Yes, sir.—A. I challenged at one precinct for an hour and a half to relieve the other challenger.

Q. You have been a looker-on and observer of elections for a good many years?—A. Yes, sir.

Q. You have been a challenger for your party before?—A. Yes, sir.

Q. The 16th ward is strongly Democratic?—A. Yes, sir.

Q. And the 15th and 25th?—A. Yes, sir.

Q. Three of the strongest Democratic wards in the city?—A. Three of the strongest.

Q. Are they the three strongest?—A. They are not the three strongest now.

Q. On the last Congressional election?—A. On the last Congressional election the strongest Democratic ward was the 23d.

Q. And the 15th, 16th, and 25th were the next?—A. About in that ratio. I could not say from my memory now.

Q. Do you know the names of those persons that you gave that had been given tickets and had their votes challenged?—A. Yes, sir.

Q. Who were they?—A. Crowley was one.

Q. Who is he?—A. He is a resident of the 25th ward.

Q. What is his first name?—A. Jack.

Q. What are his politics?—A. I think Democratic.

Q. What did you mean to have understood a while ago when you spoke about knowing of your own personal knowledge that men had been given one kind of a ticket and had gone to the polls and been challenged?—A. Mr. Crowley came from the jail with a Republican ticket in his hand and he came to me in the 25th ward and threw the ticket upon the ground and said, "Give me a ticket," and he went in the chute and I was rather alongside of the chute, and the Republican policeman, Webb Robinson, challenged him.

Q. Challenged his vote?—A. Yes, sir.

Q. Now, you were giving that testimony as a reason why you could tell one ticket from another at that precinct?—A. Not at all. I have other places where I knew I could tell that ticket from the other.

Q. How did you tell that Republican ticket from the Democratic on that day?—A. In the piece of stiff paper. I don't know what it is, but grasped, as it generally is grasped by the voter, it will fly open, and take a piece of thin paper and fold it together and it will remain folded.

Q. It will remain folded?—A. In the vast majority of cases.

Q. Do you know of anybody who was misled or deceived in voting at that election in consequence of the Republican ticket being on the kind of paper it was?—A. No, sir; I cannot say that I do know that.

Q. Do you know of anybody who would have voted differently had the Republican ticket been on the same kind of paper that the Democratic ticket was printed on?—A. Any number of them.

Q. Give the names of them.—A. Jack Crowley, in the 2nd precinct 25th ward.

Q. You say he was a Democrat?—A. Yes, sir.

Q. And he would have voted differently if the Republican ticket had been on the same material that the Democratic ticket was printed on?—A. Yes, sir.

Q. Why?—A. Because he would have got his Democratic vote in and would not have been challenged by the police officers.

Q. Who is some other one that would have voted differently if the Republican ticket had been upon the same kind of paper?—A. Porter.

Q. What is the first name?—A. Jack.

Q. What are his politics?—A. Republican.

Q. You say that Jack Porter would have voted the Democratic ticket if the Republican ticket had not been on that kind of paper?—A. Yes, sir.

Q. Where does Porter live?—A. I cannot tell you where he lives now. I know he lived in the 2nd precinct of the 25th ward at that time; he was a citizen there, and came out of jail with the balance of them, and the Republican ticket was given to him over there in the jail.

Q. How do you know?—A. By his own testimony; by his own statement.

Q. Where did he make that statement?—A. There; publicly in the precinct.

Q. What precinct was that?—A. The second precinct of the 25th ward.

Q. Who was present?—A. I do not know. I could give a list of names. Costello and Webb Robinson, the Republican police officer which challenged, were present. I do not know whether he heard it or not. He made the statement publicly, in the middle of the street, on Ray street, and Cronyn, that was on my side of the house. I can refresh my memory if you want to examine me at some future time. There was a whole host of people there.

Q. That is all you can recollect?—A. Carson and a whole crowd of people were there.

Q. He made that statement publicly there; that he had been given a Republican ticket and came down there to vote?—A. Yes, sir; and he did not want to vote it,

and I gave him a Democratic ticket and gave Porter a Democratic ticket. I will volunteer that testimony.

Q. Were they challenged?—A. Certainly they were.

Q. Did they get their votes in?—A. Not to my knowledge. They were denied the privilege of voting.

Q. Those men that had Republican tickets given them, that came down there to vote, did not get to vote?—A. No, sir.

Q. They were challenged by the Republicans?—A. Yes, sir; challenged by the Republican police officers.

Q. You say one of them was a Republican?—A. Yes, sir. Porter, at least, claimed to be a Republican, but he would be damned if he was going to vote the Republican ticket, and he took the Democratic ticket and walked up to the chute and was looking at it and trying to vote it. That is the remark he made.

Q. Do you know whether they were residents of that precinct or not?—A. Yes, sir.

Q. Do you know whether they had been 60 days?—A. They were residents, but the challenger, the Republican police officer, claimed that their residence was in the jail, when, to my personal knowledge, the parents of these parties lived in that precinct.

Q. The Republican police officers claimed that their residence was in the jail and they had no right to vote at that precinct?—A. Yes, sir.

Question by Mr. WILSON:

Q. Do you know how those gentlemen came to be there? You say the Republican police officer challenged them on the ground that their residence was in the jail and they had no right to vote at that precinct?—A. They both got in for some misdemeanor, and they were let out of jail with the Republican ticket in their hands to go down there and vote, and when they presented the Democratic ticket in place of it they were challenged.

JAS. T. DOWLING.

By agreement of both parties, the further taking of these depositions was adjourned until Tuesday, October 16, 1883, at 2 p. m.

TUESDAY, *October* 16, 1883.

Parties met pursuant to adjournment.

JOHN W. FULTZ, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, att'y for Mr. English:

Q. Your name, age, and residence.—A. My name is John W. Fultz; I am 39 years of age on the 31st of October; I live in this city, at No. 72 Church street.

Q. How long have you lived in Indiana?—A. All my life; I was born here.

Q. If you ever held any official position you can say so.—A. I have; I am holding one at present; councilman from the 25th ward.

Q. Were you in this city at the election held November 7th, 1882, for membership in Congress from this district and other offices?—A. I was; yes, sir.

Q. Did you attend that election?—A. I did; yes, sir.

Q. Did you act in any official capacity on that day?—A. I was around the polls all day, and the official capacity that I acted in was after the election was over; I went to the third precinct in the 25th ward to see the count.

Q. You call that person the watcher? I believe that is the name.—A. Yes, sir; I suppose so.

Q. Did you vote at that election?—A. Yes, sir.

Q. What precinct?—A. The third precinct of the 25th ward, the one I live in.

Q. Did you see the ticket voted in that precinct by the Democrats, Republicans, and Greenbackers or Nationals?—A. I remember distinctly of seeing the Republican and Democratic tickets, but if there was a Greenback ticket on that day in our ward I failed to see it. I do not think there was one in our precinct; there might possibly have been; I do not think there was; if there was I don't recollect of seeing it.

Q. I call your attention to the ticket marked Exhibit F to the deposition of Austin H. Brown; is that the ticket the Republicans used and voted there that day?—A. They had quite a number of tickets there that day [witness examined ticket]. Hold on a minute until I look over this; this looks like one of the tickets used; yes, sir, I should recognize that as one of the tickets.

Q. I call your attention to the ticket marked Exhibit G to the deposition of Austin H. Brown, and I will ask you if that was the ticket used by the Democrats on that day?—A. Yes, sir; I think it was. I know more about this ticket than I do the other, for I handled some of these.

Q. You say you do not recollect the National ticket?—A. I could not say that I do. I don't remember that I saw one. They may have been there in the precinct, but I did not see them.

Q. Could you distinguish that Republican ticket from the Democratic ticket voted at that precinct at that election on that day, both tickets being folded?

(Objected to as incompetent and a conclusion of law.)

A. Yes, sir; I think that I could—at quite a distance.

Q. Did you, as a matter of fact, distinguish them whilst you were there looking on?—A. Yes, sir; and called the attention of some of the gentlemen around me to the ticket.

Q. What material is that Republican ticket printed on, if you know?—A. I do not know the names of the different classes of paper and pasteboard, but I should not call that paper.

Q. Could you distinguish that Republican ticket from any ticket of like length and width, printed on plain white writing paper, book paper, or print paper, all of said tickets being folded as tickets usually are when voted?

(Objected to as incompetent and immaterial.)

A. I could, and if necessary I will give you my reasons why I could distinguish them.

Q. Did you ever before know tickets to be used at any election in this State printed on such material as that Republican ticket is printed on?

(Objected to as incompetent and immaterial.)

A. Never, to my knowledge.

Q. What effect did the use of that Republican ticket have upon the secrecy of the ballot at your precinct?

(Objected to as immaterial and incompetent.)

A. Well, it had the effect in two instances of allowing men to vote that, in my judgment, were not entitled to it.

Q. I ask you as to the general effect upon the secrecy, as to impairing it.—A. Probably I do not comprehend your question properly.

Q. Could you tell what tickets people were voting at that precinct by the character of this ballot?—A. Yes, sir; I could.

Q. I will ask you this question: Would that Republican ticket, when lightly folded, as tickets are usually folded when voted, be apt to spring apart when placed in the ballot-box?

(Objected to as immaterial and incompetent, for the reason that there is no evidence that said tickets were so voted.)

A. The ticket, in my judgment, could fold so that it would spring, and it could also be folded so it would not. If it was carelessly folded it would spring.

Q. Could two tickets folded, one placed in the other, both of them being these Republican tickets, be voted in such a way that they would be liable to come apart in the box?

(Objected to as incompetent and immaterial, and for the reason that there is no evidence that they were voted so.)

A. Yes, sir; I think they could, and in the third precinct of our ward I am satisfied tickets were voted in that manner in some instances.

Cross-examination by Mr. PEELLE:

Q. What is your politics?—A. I am known as a Democrat.

Q. You were a Democratic watcher?—A. After the polls closed, I was.

Q. What was the difference between the number of ballots and the number of names recorded?—A. It has been so long ago that I doubt whether I could give an answer as to how much, but from the best of my recollection at the present time I think it was something like 8 tickets.

Q. More than names recorded?—A. Yes, sir.

Q. You think there were eight?—A. Yes, sir; I think there was. I am not positive. That is my judgment.

Q. It frequently occurs at elections that there are more ballots than there are names recorded, does it not?—A. I think not. This is the first time I ever had any knowledge of where there was more tickets than names.

Q. What was the Democratic majority last November, at this precinct?—A. This last election?

Q. I mean in November; I do not mean the city election.—A. I could not tell you that.

Q. What was the difference between the majority last November and in 1880?—A. I cannot tell you.

Q. I will ask you if the Democratic majority in that precinct in 1882 was not greater than it was in 1880?—A. I could not tell you now unless I referred to the papers.

Q. You say you have no knowledge as to different qualities of paper?—A. That is, I do not distinguish them by name. Of course I have the knowledge that I can tell thick paper from thin paper; but to distinguish them by the names they are properly known, I cannot do that. I am not a printer or a book-binder or anything of that kind.

Q. And you never was a dealer or manufacturer of paper?—A. No, sir.

Question by Mr. WILSON:

Q. You mean you are not an expert.—A. That is what I mean; yes, sir.

Q. You have the same knowledge that an ordinary citizen has about it?—A. Oh, yes, sir.

Q. And your answer is in the popular sense, and not as an expert?—A. Yes, sir.

Q. Mr. Peelle asked you what number of tickets there were in excess of the number of names on the poll-books; was the Democratic majority there greater, proportionately, at that election over the Republicans than it was at the prior elections or at subsequent elections?—A. That I could not say. I don't remember. I did not try to fix anything of that kind in my memory.

Q. The Democrats had a majority there?—A. Oh yes, sir; certainly; they always do.

Q. Who had the inspector and the majority of the board?—A. The Republicans; I can state also that I objected to the inspector counting two Republican tickets at one time on account of them being folded together, and suggested that they be laid to one side until the balance of the ballot was counted out to see whether the names would overrun. It was done and the tickets did overrun.

Mr. PEELLE. Were they counted?

The WITNESS. No, sir; they were thrown out I think. But there was of the 8 tickets I told you I thought were thrown out they threw out 4 tickets of each; they threw out two Democratic tickets under my protest, that I am satisfied were not folded together.

Mr. PEELLE. And four Republican tickets?

The Witness. Four Republican and four Democratic.

Mr. PEELLE. And would that leave the number of ballots in the box correspond exactly with the names recorded?

The WITNESS. Yes, sir.

Q. So the number of votes actually counted in that precinct corresponded with the names on your poll-books?—A. That is my remembrance about it.

Q. Did you stand outside the polls during the day?—A. Yes, sir.

Q. Did you watch the vote as you were standing there?—A. Yes, sir.

Q. Were you close to the chute?—A. On many occasions and many times. I was in the vicinity of the polls all day. I went down to the second precinct on one occasion.

Q. In standing at the chute and watching the ballots as they went into the box, could you distinguished one from the other, of the Democratic and Republican?—A. Certainly; it was not necessary to stand alongside of the chute, as I could distinguish the difference between the two tickets in the middle of the street, and those are fifty-foot streets; at the distance of 25 or 30 feet I could distinguish the ticket.

Q. When folded?—A. Yes, sir.

Q. You were distinguishing those tickets by the tickets and not by the men who were voting them.—A. Yes, sir; by the tickets, by the paper.

Q. What was the appearance of that paper?—A. When the ticket was folded it was more thick and bunglesome.

Q. Could others standing there do the same?—A. Yes, sir.

Q. Did they, do you know?—A. Yes, sir; I believe they did and I believe they could, and I am satisfied in my own mind that there was not a ticket that went through the inspector's hands that he could not tell whether it was a Republican or Democratic ticket.

Q. Then would you say whether there was any secrecy in that precinct in voting.

(Objected to as incompetent, &c.)

A. The only secrecy there would be about it would be in the shape of whether they used pasters or a pencil. That is my opinion.

Q. Do you know of any voters who would have voted the Democratic ticket, including William E. English for Congress, and who voted the Republican ticket, or else did not vote at all because of the Republican ticket being printed on material which distinguished it, and thus effected the secrecy of the ballot.

(Objected to as going back to the direct examination.)

A. I know of three men; one of them lives in the first precinct, and he voted the Republican ticket against his will, never having voted it before in his life, and when he acknowledged the fact to me he was crying. I know another one that was compelled to vote the Republican ticket. I don't know that he was compelled, but he was coerced and persuaded, and he never voted the Republican ticket in his life before, and I have since been informed that he laid and cried all night about it. And I know of another one that tried to vote the Democratic ticket; he had been arrested for some offense, and he was let out of jail as a "trusty." He lived in the second precinct of the 25th ward, and he tendered his vote and his vote was refused, and they came down to me in the third precinct to come up in the second and see what the trouble was, and see if I could not assist him to get his vote in. He was a young man that I had known for some time, and he had worked with me in the shop where I was employed, and they challenged his vote and I asked them on what grounds, and they

called my attention to a clause in the election laws where a person serving a sentence for a misdemeanor or crime was not entitled to vote, and they refused to receive his vote. These other men I spoke of, they had also been prisoners in jail, and they were not let out as "trustys"; they were let out for the purpose of voting the Republican ticket and gained their freedom by so doing. That they acknowledged.

Q. Do you know of anybody else that would have voted and did not on account of the character of the ticket?—A. I know others that claimed they were let out of prison to vote the Republican ticket to gain their freedom.

Q. My question was, whether you knew of anybody else that was prevented from voting on account of the character of the ticket?—A. There was one man that I saw, but I cannot tell you his name now, in the third precinct of the 25th ward. I can state the circumstances, but I cannot give the man's name. If that will answer the purpose I will answer your question.

Q. I did not ask you for the names. The question was whether you knew of any other person, whether you knew their names or not, that were prevented from voting by the use of that heavy ticket that you have described?—A. I did, at one time, have a list of 26 or 28 names, I believe, who were coerced into voting the Republican ticket that never had voted it before—let out of prison for that purpose—but who they are now I cannot tell you. I know the names of two of them, probably three.

Q. What are their names?—A. One is named Edward Tettenbrock and one is named John Condon. I could give the names of two others, but I promised them I would not use their names at the time they told me this. They wanted me to suppress their names, and gave as a reason that the police would run them in on some future occasion every time they got a chance, if they did it. If you want to know the circumstances of this other man voting I can tell you the circumstances. I know he did not vote his sentiments. I am satisfied about that.

Q. State the circumstances.—A. They are simply these: There was a man came up into the chute in the third precinct of the 25th ward, and he had a Democratic ticket in his hand, and was going to vote it, and a Republican policeman was standing there challenging, and he caught him by the shoulder, and he says, "Come here a minute; I want to see you." I was satisfied that when he called him out he was going to try to coerce and bulldoze the man into voting the Republican ticket, and he took him around the corner, and was speaking to him, and I tried to get close enough to hear what he was saying; but when he saw me approaching he took him on the other side of the street. The man was a Democrat, and never voted anything else but the Democraticticket, and when he came back again he had a Republican ticket in his hand. I could tell by the difference in the paper, and he pulled his hat down over his eyes, and was going up to the chute, and I said to him, "I would like to see you a moment," and he would not pay any attention to me, but walked right up and voted his Republican ticket.

Questions by Mr. PEELLE:

Q. You say you know some man in the first precinct of the 25th ward that was let out of jail for the express purpose of voting the Republican ticket?—A. Yes, sir.

Q. What was his name?—A. Edward Tettenbrock.

Q. Did he vote it?—A. He told me that he did.

Q. Did you see him vote?—A. I did not see him vote.

Q. Did you see him let out of jail?—A. No, sir; I know he was in jail.

Q. You think he was let out of jail on that day?—A. He told me so.

Q. Was he a Democrat?—A. He claimed to have been a Democrat.

Q. All you know is what he told you?—A. Yes, sir. He was crying when he told me. He said he never voted the Republican ticket in his life, but he voted it that day to get his liberty; that his liberty was sweet, and he voted it.

Q. Where is he now?—A. In the city.

Q. Whereabouts?—A. He lives on McCarty street.

Q. What is his business?—A. I cannot tell you what he is working at.

Q. Did you ever see him before that day?—A. Oh, yes, sir.

Q. How often?—A. One hundred times I guess. May be more than that.

Q. Did he live in that precinct?—A. Yes, sir.

Q. And entitled to vote there?—A. Yes, sir. That is, if he had not been serving a sentence. I want to tell of another case to offset that one, to show in what manner some of those people were treated down there, if you want to hear it.

Q. It makes no difference. You are the witness. If you want to volunteer anything you can do it. Is that the only one in the first precinct that you know of down there?—A. The only one I know of.

Q. Was there any in the second precinct of that ward?—A. Yes, sir.

Q. What was his name?—A. John Condon.

Q. Do you know him?—A. Yes, sir.

Q. How long have you known him?—A. Three or four years.

Q. Does he live in that precinct?—A. Yes, sir.

Q. Entitled to vote there?—A. Yes, sir.
Q. What are his politics?—A. Democratic.
Q. Did he vote?—A. Yes, sir. But he voted the Republican ticket.
Q. How do you know?—A. Because he said so.
Q. Was that the only one in that precinct?—A. The inspector of that ward told me that he voted the Republican ticket also.
Q. What is the name of that inspector?—A. Amer J. Funk.
Q. The second precinct of the 25th ward?—A. Yes, sir.
Q. Do you know of any in the third precinct, of the 25th ward, that came down that way?—A. No, sir; I cannot say that I do.
Q. You don't know any of them?—A. No, sir.
Q. Do you know James T. Dowling?—A. Yes, sir.
Q. Councilman from the 16th ward?—A. Yes, sir.
Q. Was he down in any of the precincts of the 25th ward that day?—A. He was down in the third precinct of the 25th ward once in the morning, I think; he may have been there oftener, I don't remember of seeing him but once.
Q. Was anybody challenged there that day on the ground that their residence was in the jail?—A. I cannot say.
Q. Do you know of any challenges having been made by a Republican policeman, or other Republicans, on the ground that the residence of the party was in the jail?—A. Yes, sir.
Q. Who was it?—A. The man's name was John Crowley that was challenged.
Q. Was that Republican policeman on duty?—A. Yes, sir; he was challenging at the polls.
Q. Was he on duty as a policeman?—A. I cannot say whether he was on duty or not. I know he was on the police force.
Q. Is it not the fact that he was not on duty as a policeman?—A. I cannot say. Whether he received pay for doing his duty as a policeman or not, I could not say.
Q. He exercised none of the duties of a policeman that day at that precinct, did he?—A. I cannot tell you, because I was not there but a few minutes. I was up there trying to get this man Crowley's vote in, and he was challenged because he had been in jail, but he was out, and he claimed to have been let out as a "trusty."
Q. Those are the only ones you know of in those precincts down there?—A. I did know others in other portions of the city.
Q. You say you had a list?—A. Yes, sir.
Q. What did you do with it?—A. I destroyed it.
Q. When did you destroy it?—A. Five or six weeks ago. I had it in a memorandum book and carried it in my pocket.
Q. You knew there was a contest over that election?—A. I did hear that there was a contest down there. That is the reason I retained those names.
Q. You knew there was a contest in the county candidates?—A. No, sir.
Q. Didn't you know that Mr. Lemon had made a contest?—A. I knew he had spoken of it.
Q. Didn't you know that the candidate for recorder had a contest pending?—A. No, sir. Mr. Lemon entered a protest, but he let the thing fall through. At least I was told so.
Q. What was the name of that policeman?—A. Webb Robinson.

Questions by Mr. WILSON:

Q. Did you understand that this Congressional contest was going to be prosecuted?—A. No, sir; I did not. I thought it was from what I read in the papers in the first place, and that is why I retained the names. I got the names from some of those men that voted the Republican ticket in order to get their liberty from prison.
Q. Did you understand that the contest had been abandoned?—A. Yes, sir; I felt that way and that is the reason I destroyed the names.

Questions by Mr. PEELLE:

Q. That it had been abandoned?—A. Yes, sir; I felt that it had been abandoned
Q. Those men that you saw were taken down there from the jail, had been arrested for some misdemeanors, drunks and disorderlies?—A. I suppose so. I don't know what they were arrested for.
Q. Some trivial misdemeanor?—A. Yes, sir; I suppose so. I don't know what their offenses were. This man Crowley, his offense certainly could not have been great because they let him out as a "trusty."
Q. They are frequently let out that way, aint they?—A. I cannot say. I don't know.

JOHN W. FULTZ.

CHARLES M. COOPER, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Q. State your name, age, and residence.—A. Charles M. Cooper; age, twenty-eight; residence, Indianapolis.

Q. Were you in the city at the election held November 7th, 1882, for Congressman and for other officers?—A. Yes, sir.

Q. Did you attend that election?—A. I did.

Q. Did you vote?—A. I did.

Q. Did you act in any capacity on that day?—A. I acted as challenger in the first precinct of the second ward.

Q. Did you see the tickets voted at that precinct?—A. Yes, sir; I saw them.

Q. I will ask you whether or not this ticket, marked Exhibit B to the deposition of W. O. De Vay, was the ticket used by the Republicans at that precinct that day?—A. Yes, sir.

Q. I show you the ticket marked Exhibit C, to the deposition of Mr. De Vay, and I ask you if that was the ticket used by the Democrats that day?—A. Yes, sir.

Q. I call your attention to Exhibit D to the testimony of Mr. De Vay, headed "National Ticket," and I will ask you if that is the ticket voted there at that precinct?—A. I remember of seeing this ticket at that precinct, but there was but very few.

Q. Could you distinguish that Republican ticket from the other tickets voted at that election, all the tickets being folded?

(Objected to as incompetent and immaterial.)

A. The tickets were very easily distinguished from each other.

Q. Do you know what kind of paper that Republican ticket is printed on?—A. Well, that ticket is called a paste board spring-back ticket. I am not a paper man, and, of course, I cannot tell the technical name for it.

Q. You are not an expert?—A. No, sir; not an expert.

Q. As a matter of fact that day challenging at that precinct could you, when the voters came up and voted, tell what they were voting by the tickets they voted?—A. Yes, sir; you could tell whether or not they were voting the Republican ticket or the Democrat ticket.

Q. Could you distinguish the Greenback from the Democrat ticket?—A. I don't remember whether any National or Greenback tickets were voted in our precinct or not, but you could easily distinguish the Republican ticket from the Democrat ticket, as the voters would come up the chute and handed them to the inspector.

Q. Did you ever know tickets printed upon the material upon which the Republican ticket is printed, to be used before at an election?

(Objected to as incompetent and immaterial.)

A. No, sir.

Q. What effect did the use of that ticket in your precinct have upon the secrecy of the ballot?

(Objected to as a conclusion of law, and immaterial.)

A. Well, there was no secrecy of the ballot at all.

Q. Was there any complaint made at that precinct on that day on account of the character of that ticket?—A. Yes, sir.

Q. Any objections made?—A. Objections made by both Democrats and Republicans in my presence at the polls.

Q. On what account?—A. On account of the stiffness of the ticket, and because it was a spring ticket, one that would not stay folded up.

Q. If that ticket was lightly folded would it spring open or would it remain folded?—A. It would spring open unless it was broken; I suppose you could break this ticket so it would not spring open, but when it is folded as tickets are usually folded it would spring open.

Cross-examination by Mr. PEELLE:

Q. You are a Democrat, I believe?—A. Yes, sir.

Q. Did you have any bet on the result of the Congressional election last November?

Mr. WILSON. I do not know that that is necessarily a fair question to ask. The witness is not bound to answer.

Mr. PEELLE. He may use his own judgment about answering it.

The WITNESS. I will refuse to answer that.

Q. I will ask you to state if you know of any one that was misled or deceived in voting at that precinct in consequence of the Republican ticket being printed on the kind of paper it was.—A. I cannot give the names of any persons that were deceived on account of this ticket.

Q. Do you know of any one that would have voted differently had the Republican ticket been on the same kind of paper that the Democratic ticket was printed on?—A. Well, there were persons that were deceived by this ticket that would have voted

differently if the ticket had been on common paper, but as for giving their names I cannot just state now who they were.

Q. Do you know the names of any such?—A. No, sir.

Q. Was there a single man at the precinct where you were that would have voted differently had the Republican ticket been upon the kind of paper that the Democratic ticket was printed on?—A. I think they were judging, from the complaints I heard. I cannot state their names.

Q. What Republican made complaint of that ticket up there that day?—A. I remember distinctly of Mr. W. P. Fishback denouncing this ticket openly at the polls; he said he thought it was a fraud and gotten up for frauduient purposes.

Q. Do you know of any other Republicans that did?—A. I don't remember of any other Republican now that openly denounced the ticket.

Q. Mr. Fishback did it at the precinct that day?—A. Yes, sir; right there in my presence.

Q. Was it so the crowd could hear it?—A. There were several people standing around there.

Q. To whom did he address that remark?—A. I suppose it was made to me as much as any person else.

Q. Was there any one made any complaint to the board that day about the character of the Republican ticket?—A. I know complaint was made in the presence of the board.

Q. Was there any made to the board?—A. Whether it was made directly to the board or not I cannot say.

Q. Was there any objection to the counting of those tickets by the board?—A. None that I know of because I was not there at the counting.

Q. You say you have no knowledge as to the different qualities of paper at all?—A. No, sir; I am not an expert on the paper question.

Q. What you have answered you have answered as to your knowledge of paper without any familiarity or dealing in paper?—A. Yes, sir.

By Mr. WILSON:

Q. As an attorney at law you buy and use paper?—A. Oh, yes, sir; I use paper, and as chairman of the Democratic committee of this city I bought paper for the purpose of having tickets printed to use at the election.

Q. What election was that?—A. That was the city election two years ago or eighteen months ago.

Q. Eighteen eighty-one?—A. Mr. Smart and Mr. Grubbs were the opposing candidates for mayor.

Q. That was in 1881?—A. Yes, sir.

CHAS. M. COOPER.

CHARLES W. GORSUCH, being duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Q. What is your age?—A. I am 38.

Q. Where do you reside?—A. Indianapolis, Ind.; No. 32 School st.

Q. How long have you lived in this city?—A. Seven years.

Q. Were you in this city on the 7th of November, 1882, the day of the Congressional election that year?—A. Yes, sir.

Q. Did you vote?—A. Yes, sir.

Q. What precinct?—A. It was the first precinct of the 20th ward.

Q. Did you act in any official capacity that day?—A. I was clerk in there.

Q. Democratic clerk?—A. Yes, sir.

Q. Did you see the tickets voted that day by the Democrats, Republicans, and Greenbackers, or Nationals?—A. I saw the Democratic and Republican tickets. I do not recollect now about the Greenback ticket. There was a ticket there.

Q. I call your attention to this ticket marked Exhibit B to the deposition of Mr. DeVay, and I will ask you if that was the ticket voted by the Republicans at that precinct on that day.—A. I don't know as that was the ticket; it was a ticket similar to that.

Q. Was it on material similar to that?—A. Yes, sir; to the best of my knowledge.

Q. I call your attention to the ticket marked Exhibit D to the deposition of Mr. DeVay, and I will ask you if that was the character of ticket, or a ticket similar to that voted by the Democrats.—A. Yes, sir.

Q. Could you distinguish that Republican ticket from the Democratic ticket voted at that precinct that day?

(Objected to as immaterial and incompetent.)

A. Yes, sir; I think I could.

Q. As a matter of fact, looking on, could you tell, and did you tell, one ticket from the other as they were put in the boxes, if you saw them?—A. Yes, sir.

Q. How could you tell?—A. I kept a note of this before I knew Mr. English was going to contest this election, and I told by the thickness and another thing was by the spring in the tickets—especially the thickness.

Q. Do you know what material that Republican ticket is printed on?

(Objected to as immaterial and incompetent.)

A. I cannot call the name from memory, but I have heard it quite often. I don't know as I ever heard it spoken of during this election, but I did during our city election in 1881. I recollect of Professor Smart speaking of it; that it was medicated, and a plaster would not stick to it. I don't know as it was about this one, but it was about a similar one.

Q. I did not ask you about the election in 1881.—A. No; I was only talking about the tickets. I heard them spoken of at that time; I don't know as I did at this election.

Q. What effect did the use of that Republican ticket have upon the secrecy of voting at your precinct? Did it impair it? Could you tell what a man was voting by the use of that ticket at your precinct?—A. Do you mean in regard to when they passed their tickets up to the ballot-box?

Q. Yes, sir.—A. What effect it had?

Q. Yes, sir.—A. I could not say about the effect. I could distinguish them very easily. Almost every man that voted there I knew how he voted—quite a number at least.

Q. Did you tell that from the appearance of the ticket?—A. Yes, sir. That was talked of. We talked over that in the board there and I jested with Mr. Adams, the Republican inspector, that I could tell who were Democrats and who were Republicans when they were voting. That was about all.

Q. When folded up slightly, would that Republican ticket be apt to spring open?—A. Yes, sir.

Q. If another ticket was folded and put in—each ticket folded separately and one stuck in the other and dropped in the box, would they be apt to separate?—A. I presume they would. I would not like to say exactly; I am afraid I would be governed a little by politics.

Cross-examination by Mr. PEELLE:

Q. You are a Democrat?—A. Yes, sir.

Q. You acted as clerk in the interest of the Democratic party that day?—A. Yes, sir.

Q. Do you know of anybody who was deceived or misled in voting that day in consequence of the Republican ticket being on the kind of paper it was?—A. Well, I cannot call to mind any one now.

Q. Do you know of any one who would have voted differently had the Republican ticket been printed on the same kind of paper that the Democratic ticket was?—A. I cannot say that I do.

Q. Was there any complaint made to the board that day about the character of the Republican ticket?—A. It was talked over there; that is, people would come to the window to vote, and there was one or two made remarks. I cannot call them to mind now.

Q. Was there any complaint made to the board?—A. I would not know whether they were making complaints directly to the board or not, but when they were voting there was no less than two said that anybody could tell how they were voting. That was not a complaint direct to the board.

Q. Were those Republican tickets counted at that precinct without objection to the board?—A. Yes, sir.

Q. You have no knowledge about the different qualities of paper?—A. I do not know what you would call that Democratic paper or the Republican paper. I know it is white paper; I don't know the composition of it.

Q. It is plain white?—A. Yes, sir.

Q. And one ticket is a little heavier than the other?—A. Yes, sir. I know what they used to term them in Maryland when they were voted there, but I do not know what they called them here.

Q. Did you use to vote that kind of a ticket there?—A. They occasionally did, I don't know that it was done to any great extent.

Mr. WILSON. You are not an expert?

The WITNESS. No, sir.

Mr. WILSON. Your answer as to the character of that paper——

Mr. PEELLE. He did not answer at all as to the character.

Mr. WILSON. You asked him whether it was plain white paper.

Mr. PEELLE. He did not answer the question as to what the quality of the paper was. You asked him what it was popularly called, and he could not tell you.

The WITNESS. I could not tell you what that paper is called. I don't really know what you call paper that newspapers are printed on, but I have seen that kind of paper.

Questions by Mr. WILSON:

Q. Mr. Peelle asked you if there was any objections to the counting of the tickets at that precinct; was there no objection at all made by any one to the counting of these tickets in any way, shape, or form?

(Objected to as leading.)

A. I could not say that there was an objection to the counting of these tickets from the simple fact that they were thicker than the Democratic tickets. I don't know as there was.

Q. And they counted all the tickets that were put in the box on both sides?—A. Yes, sir; and I believe two more.

Q. How was that?—A. I don't say two more; but I think there was a difference of two more votes in there than what the tally-sheet shows. That is my best recollection.

Q. Did they count those two or three?—A. I think there was a note made of them at the bottom of the tally-sheet.

Q. Do you know whether they were counted or not?—A. Really I cannot say now.

Questions by Mr. PEELLE:

Q. I will ask you if, in that precinct, there was not two Republican tickets thrown out?—A. No, sir; not to my knowledge.

Q. Was there not two laid aside as they were counted?—A. If there was it was not while I was there. I was there during the whole time of the taking of the tickets, and of the counting. and I know we had some disputes there.

Q. You found no tickets folded together in the box?—A. I could not tell that, because Mr. Adams took the tickets out.

Q. There were no tickets found folded together and laid aside in the box?—A. After we was counting?

Q. No, sir; but that you took out of the ballot-box and laid aside and passed over until you got to the end of the count?—A. No, sir.

Q. What precinct is that?—A. The first.

By Mr, WILSON:

Q. All the tickets voted there were of that character?—A. Yes, sir.

CHAS. W. GORSUCH.

WILLIAM B. LEWIS, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Q. What is your age?—A. I will be 43 the 26th day of this month.

Q. How long have you resided in Indiana?—Ans. Ever since I was born.

Q. Did you reside in this city in 1882?—A. I did.

Q. Were you in this city, and did you attend the election in this city for Congress November 7th, 1882?—A. Yes, sir.

Q. Did you vote that day?—A. Yes, sir.

Q. What precinct?—A. Precinct No. 1, of the eighth ward.

Q. What capacity did you act in that day?—A. I was challenger.

Q. Democratic challenger?—A. Yes, sir.

Q. You saw the tickets voted there that day?—A. Yes, sir.

Q. Democratic and Republican?—A. Yes, sir.

Q. Did you see any Greenback ticket?—A. I think, if I remember right, we had one in our precinct.

Q. I call your attention to this ticket marked Exhibit B, and headed "Republican ticket," and I will ask you if that was the ticket used by the Republicans and voted at your precinct on that day?—A. It feels a good deal like the same paper.

Q. Do you think it is the same material?—A. Yes, sir.

Q. I call your attention now to the ticket marked Exhibit C, and headed "Democratic ticket," and I will ask you if that was the Democratic ticket that was voted that day at that precinct?—A. It is my impression that is the same ticket.

Q. You saw these tickets voted, did you?—A. Yes, sir.

Q. Could you distinguish that Republican ticket that day as it was being voted from the Democratic ticket, both being folded with the names inside?

(Objected to as a conclusion of law.)

A. Anybody could see the difference, I think, that had any eyes at all.

Q. You did distinguish them, as a matter of fact, then?

(Objected to as leading.)

A. Yes, sir; I did.

Q. When that Republican ticket is lightly folded and placed in the box will it stay folded, or will it spring open?

(Objected to for the reason that there is no evidence that the tickets were so voted from the commencement of this case to the present time.)

A. My impression is that if there were two of them together they would spring open. I think I saw them spring apart out of our box.

Q. Were you there whilst the tickets were being counted?—A. Yes, sir.
Q. Did you see them counted?—A. I did—every one of them.
Q. What effect, I will ask you, did it have to fold one of these Republican tickets lightly, and fold another and fold it in and drop it into the ballot-box? Would it remain together or separate?
(Objected to as immaterial and incompetent, and for the further reason that there is no evidence that tickets were so folded.)
A. I took two of the tickets, as I watched this count, and I doubled and fixed them together, and I saw it could be done and they would come very nearly springing open, so near that it would hustle a man to watch the count and catch it if it didn't spring apart.
Q. Did you see any Greenback tickets voted there that day?—A. I don't know that I saw one voted. I think when we counted them, if I remember right, there was one in our box.
Q. How many Republican votes was there in that precinct?—A. I cannot tell you that to-day.
Q. All of the Democratic votes were on the ticket I have shown you?—A. Yes, sir.
Q. And all the Republican votes were of the character that I have shown you?—A. Yes, sir.

Cross-examination by Mr. PEELLE:

Q. You are a Democrat, I believe?—A. Yes, sir.
Q. And you was the challenger there that day, in the interest of the Democratic party?—A. Yes, sir.
Q. And after the polls closed, you became a watcher in the interest of the Democratic party?—A. Yes, sir.
Q. Was there any complaint made to the board that day about the character of the Republican ticket?—A. There was no kicking done only by me.
Q. Did you make any complaint to the board?—A. I did.
Q. What complaint did you make to the board?—A I told Mr. Buddenbaum that the tickets were a fraud.
Q. You were afterwards Democratic watcher, when the tickets were counted?—A. Yes, sir.
Q. Were the tickets counted without objection?—A. No.
Q. Who made that objection to the counting of the tickets?—A. I did.
Q. As a Democratic watcher?—A. Yes, sir.
Q. Who was the inspector at that precinct?—A. Mr. Buddenbaum.
Q. Who were the judges?—A. Mr. Shryer, and I think, the other man's name is Zimmerman.
Q. Who were the clerks at that precinct?—A. Mr. Hays; I believe it was William, I am not sure about that; I am sure who the Republican clerk was, and the other was Mr. Hugo. He was the Democratic clerk.
Q. What precinct was that?—A. Precinct No. 1, of the 8th ward.
Q. Did you have any bet on the result of the last Congressional election?—A. No, sir.
Q. What is your business?—A. I am an upholsterer by trade.
Q. Do you know of anybody who was mislead or deceived in voting there on account of the Republican ticket being on the kind of paper it was?—A. No, sir.
Q. Do you know of anybody who would have voted differently if the Republican ticket had been printed upon the same kind of paper that the Democratic ticket was?—A. I cannot say that I do. I am under the impression that I saw three men vote two of those tickets at once, to the best of my knowledge.
Mr. WILSON. What ticket do you mean?
The WITNESS. The Republican ticket.
Q. How did the votes in that precinct correspond with the names on the tally-sheet?—A. That is something I am not able to answer to-day.
Q. Was there any comment at the end of the count as to the difference, if any there was, between the number of ballots and number of names on the poll-book?—A. I cannot say whether there was or not, because I was not there when they fixed up the tally-sheet.
Q. Were all the tickets in the box counted?—A. Every one of them.
Q. If there were more tickets in the box than names on the poll-list you don't know it?—A. I could not say. That is one thing I can find out very easily though at home.

By Mr. WILSON:

Q. The majority of the board at that precinct were Republicans?—A. Yes, sir.
Q. Mr. Buddenbaum, the inspector, was a Republican?—A. Yes, sir.

WILLIAM B. LEWIS.

By agreement of both parties, the further taking of these depositions was postponed until Wednesday, Oct. 17th, 1883, at 2 p. m.

WEDNESDAY, *Oct.* 17th, 1883—2 o'clock p. m.

WILLIAM LANGSTAFF, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Q. Your name, age, and residence?—A. William Langstaff; 46 years old; I live 763 E. Washington st., Indianapolis, Ind.

Q. Were you in the city at the election held November 7th, 1883, for Congress?—I was.

Q. Did you vote at that election?—A. I did.

Q. At what precinct?—A. I voted at the 19th ward. I think it is the 1st or 3rd precinct. I am not sure. It is 715 E. Washington street where we vote at—at a schoolhouse. Not one of the city schools, but a Sunday-school house.

Q. Were you acting in any official capacity that day?—A. Yes, sir; I was at the polls that day.

Q. What capacity did you act in?—A. I was peddling tickets around there.

Q. You are a Democrat?—A. Yes, sir; I had charge of the Democratic poll-book there f r a while.

Q. You saw the tickets voted that day at that place, did you?—A. Yes, sir, I did; all of them.

Q. I call your attention to this ticket marked Exhibit B to the deposition of W. O. De Vay, and I will ask you if that was the ticket voted by the Republicans at that precinct that day?—A. Yes, sir; that is about the ticket voted there. Early in the morning I went to Mr. Thompson, deputy postmaster—he votes at our precinct—and I asked him to give me one of their tickets, and he did so, and I says, "Do you call that a legal ticket?"

Q. This ticket that they voted?—A. Yes, sir.

Q. You asked that question?—A. I asked that question of Mr. Thompson, and he says, "That's all right." "Do you call that a legal ticket, Mr. Thompson?" says I, and he says, "That is the ticket that will win."

Q. I will call your attention to Exhibit C to Mr. De Vay's testimony, and I will ask you if that was the ticket that was used by the Democrats that day?—A. Yes, sir.

Q. Did you see the Greenback ticket used that day?—A. Yes, sir.

Q. I call your attention to Exhibit D to Mr. De Vay's testimony, and I will ask you if that was the National or Greenback ticket that was voted that day at your precinct?—A. Yes, sir; that is the ticket. Now, there were some Democratic tickets with Mr. Peelle's name on them at our precinct instead of Mr. English's name. They had been put there by Republicans that used them. I called Mr. Thompson's attention to that, and he said he knew nothing about it at the time, but I got it from Mr. Plummer. Mr. Plummer had the tickets with Mr. Peelle's name on, and Mr. English's name taken off. It was the Democratic ticket, and it was made upon the same paper as ours and just like ours.

Q. Could you distinguish that Republican ticket from the other tickets voted at that precinct, all the tickets being folded as tickets are usually folded?

(Objected to as a conclusion of law.)

A. Yes, sir. It was remarked all the day that we could tell who voted it. I stood at the chute and watched them vote, and I could tell every man's vote as he put it in the box.

Q. As a matter of fact you did distinguish these tickets there?

(Objected to as leading.)

A. All the way along, all day we did.

Q. When that Republican ticket was lightly folded, as tickets are usually folded when voted and placed in the ballot-box, would it remain folded or spring open?

(Objected to as incompetent, for the reason that the question assumes that tickets usually voted are lightly folded.)

A. No, sir.

Q. How many votes were given at your precinct in all, if you know?—A. I think somewhere in the neighborhood of 260. I am not sure about the number exactly.

Q. That is the entire number?—A. That is as near as I can remember.

Q. What effect, if any, did the use of that Republican ticket have on the secrecy o the vote at your precinct?

(Objected to as incompetent.)

A. As far as my judgment is concerned it would have this effect: There were several gentlemen there, I believe, that wanted to vote for Mr. English, and on account of that ticket they were afraid to do it.

Q. You mean they wanted to vote the Democratic ticket?—A. They would have voted a part of the Democratic ticket. They wanted to erase Mr. Peelle's name and put on Mr. English's name, but they could not do it very well because the pasters would show plainly on the ticket.

Q. Did you ever know a ticket printed on material of that kind—like the Republican ticket—to be used at any election in this State before?

(Objected to as immaterial.)
A. No, sir; I never did.

Cross-examination by Mr. PEELLE:

Q. You are a Democrat?—A. Yes, sir.
Q. What is your business?—A. Florist.
Q. Did you have any bet on the result of the Congressional election last fall?—A. I did not. Not a cent.
Q. Do you know of any one who was mislead or deceived in voting in consequence of the Republican ticket being on the kind of paper it was?—A. I believe that there were some in our precinct that were misled on account of that ticket.
Q. Who were they?—A. I don't remember their names.
Q. Can you give the name of one?—A. I could not give the name of any one just now. It has been so long ago. We talked about it some days afterwards.
Q. You say there were some that voted part of the Democratic ticket?—A. Yes, sir. They would have done it—voted part of the Democratic ticket and the other the Republican.
Q. Those men you spoke of voted part of the Democratic ticket and part of the Republican?—A. No, sir; I do not say that; I say those men wanted to vote it, but would not vote it when they had the spring-back ticket.
Q. For what reason?—A. Because they thought they would be caught voting it by Republicans to whom they had pledged themselves to vote the Republican ticket, but secretly they wanted to vote for Mr. English.
Q. What were their politics?—A. They were Republicans—at least they had always voted the Republican ticket—so they said.
Q. Do you know of anybody who would have voted differently had the Republican ticket been printed on the same kind of paper that the Democratic ticket was printed on?—A. I believe I did at that time.
Q. Who were they?—A. I don't remember now who they were.
Q. You do not recall any of them?—A. I don't think I could mention the name of the parties now. It was a matter I did not think of for some time.
Q. Was there any complaint made to the board that day about the Republican ticket?—A. Yes, sir.
Q. Who made that?—A. I made it for one, and Mr. Howland made it for another, and I believe Mr. Piel.
Q. Was he the starch man?—A. Yes, sir.
Q. Those tickets were counted there without objection?—A. Yes, sir. They had to be counted. They had a Republican board there.
Q. There was no objection made?—A. There was objection made at the time.
Q. Who made the objections?—A. Those gentlemen I spoke of.
Q. Was you inside?—A. Yes, sir; at first when they commenced counting.
Q. And you made objections?—A. Yes, sir; I made objections. There were two or three of them.
Q. Who were they? Give their names.—A. Mr. C. B. Howland was one, and Mr. Piel and myself.
Q. W. F. Piel?—A. I don't know his initials. He lives in that precinct and is a starch man.

WILLIAM LANGSTAFF.

C. S. BUTTERFIELD, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Q. Your name, age, and residence.—A. C. S. Butterfield; I am 48 years old; Indianapolis.
Q. What is your business?—A. I am a printer and stationer.
Q. How long have you been in that business?—A. Off and on for a great many years. I commenced the printing business in 1847, and have been in and out of it. The greater part of the time I have been in that business since.
Q. I call your attention now to this ticket marked Exhibit F to the deposition of Austin H. Brown, headed "Republican ticket," and I will ask you to state what material that is printed on.—A. I should pronounce that a raw or unfinished Western plate paper, or lithographer's blank. It is evidently a Western plate paper, made from pulp; Western plate paper unfinished, and called lithographer's blank or lithographer's paper, would be my judgment.
Q. I call your attention now to the ticket marked Exhibit G to Mr. Brown's deposition, and headed "Democratic ticket," and I will ask you what is the material upon which that ticket is printed.—A. It is very heavy news or medium book paper. It is also an unsized and cold calendered paper. I should call it a very cheap article of book paper or heavy news.
Q. I call your attention to the ticket marked Exhibit D to the deposition of Mr.

DeVay, and headed "National ticket," and I will ask you what material that is printed on.—A. That is a cheaper grade of book or a fair news—lighter weight news.

Q. What is the material used for upon which that Republican ticket is printed?—A. It is usually used by lithographer's for cut work. If that was a finished paper it would be called plate paper and would be used for printing very fine cuts on for insets or illustrating book work; we buy it to print coarse work on or lithographer's work. It is commonly used for lithographer's work.

Q. What is the process which you term lithographing?—A. Lithographing is printing from stone instead of type.

Q. You engrave the stone first, do you not?—A. Yes, sir.

Q. And you take the print from the engraving?—A. Yes, sir. It is printed from stone, and put in the press, and copy plate cut. This paper might also be used to print heavy cuts on, and it is.

Cross-examination by Mr. PEELLE:

Q. Were you ever engaged in manufacturing paper?—A. No, sir.

Q. I understood you to say that is what would be called Western plate or unfinished paper?—A. Yes., sir. I would call it Western plate paper.

Q. Unfinished, is it?—A. Yes, sir.

Q. You mean by that unsized and uncalendered?—A. Yes, sir; it is sized to a certain extent. It is not a cold calendered. If it was highly finished it might be styled Eastern plate.

Q. That is, it lacks the ordinary finish of plate?—A. That is plate paper.

Q. Is not that frequently used for book work?—A. Not for the text of the book.

Q. Haven't you seen books printed on heavier paper than that?—A. Not of that kind of paper.

Q. Have you not seen them on heavier paper?—A. Yes, sir; I have seen them on Brown's ledger paper.

Q. Have you not seen it upon white paper?—A. Yes, sir; I have seen it on heavy book paper. I have printed books on heavy book tinted paper—perhaps as heavy as that.

Q. Or heavier?—A. Yes, sir; but not on plate paper. That is too expensive a process.

Q. You say this has no finish on it?—A. The pulp is there, and the material. It is clear quill-pulp. That is what they call lithographer's blank. Western plate is the proper name for it.

Q. It is paper?—A. Western plate paper.

Q. It is plain white?—A. Yes, sir.

Q. Where is your place of business?—A. 36 West Washington street.

Q. Just in stationery, are you?—A. Printing and stationery.

Questions by Mr. WILSON:

Q. Is that Republican ticket printed on what is termed commonly white paper, or plain white paper?

(Objected to as immaterial and incompetent and leading.)

A. Well, I do not know that the color would figure in the question; that does not describe that paper. If I was going to order the paper or even sell it, I would not ask for plain white paper of that kind; I would ask for western plate paper.

Q. What is the difference between western plate and eastern?—A. Eastern plate is a highly finished paper with a smoother surface, a closer paper with just the same body and the same pulp without that finish.

Q. Has it any finish?—A. It is cold finished; that is, sized under the pulp in the cold finish under cold rollers. I have been in the factory and have seen the process. The difference between this and what we call eastern plate is the surface sizing with a hot roller when they run through hot cylinders.

Q. One of them is more highly finished than the other?—A. Yes, sir; they can be made of the same pulp, but the different finish would perhaps be 50 per cent. in the value of the paper of the same weight.

Q. Is it plain white book paper?—A. It is not what I would term that.

Q. Is it plain white news paper?—A. No, sir.

Q. Is it plain white writing paper?—A. No, sir; it is not classified as that.

Q. Were you in the city on the 7th of November, 1882?—A. Yes, sir.

Q. Did you vote?—A. I voted one of those tickets.

Q. Are you a Democrat or Republican?—A. I am a Republican.

Q. You say you voted one of those Republican tickets?—A. Yes, sir; I said so.

Questions by Mr. PEELLE:

Q. If a man would come to your store and ask you for plain white paper would you know what he wanted, until you inquired what kind of paper he meant?—A. I should ask him whether he wanted news paper or book paper or writing paper; those are the three classes of paper commonly used.

Q. I will ask you if plain white paper is not plain white paper, if it is white?—A. Yes, sir.

Q. There is no such thing known in the trade as plain white paper, without other distinctions is there?—A. Plain white paper means paper that is not printed upon and it applies to writing paper or book paper or news paper or print paper; that would be the term usually applied to it.

Q. If it was plain white it would apply to any kind of paper, book paper, print paper, plate paper, equally one to the other?—A. Yes, sir; it would be unruled and unprinted paper.

Q. Any paper that is unruled and untinted paper is plain white paper?—A. Yes, sir; certainly; without any other distinction. Each class of white paper is classified by its name; there is writing paper, news paper, book paper, and plate paper, eastern and western plate.

Q. And if a man would ask you for plain white you would have to ask him, before you knew what he meant, whether he wanted white plate paper, white book paper, or white print paper?—A. I would be very apt to ask him what kind of paper he wanted.

Q. That would not designate the kind of paper?—A. Further than he wanted paper that was not ruled on or printed on.

Questions by Mr. WILSON:

Q. Is that plate paper ever put down in your catalogues as plain white paper?—A. Paper is not catalogued that way. It is classified as eastern plate, western plate, book, news, and writing paper.

Q. If a man would come to your office and ask you for paper to print tickets on, and ask for plain white paper, would you give him lithographic plate?

(Objected to as immaterial and incompetent.)

A. No, sir.

Q. Were you at the polls that day?—A. I voted there; yes, sir.

Q. Could you tell that Republican ticket from the Democratic ticket, both lightly folded, if you saw them as they went into the box?—A. If I had noticed them particularly for that purpose to distinguish them, I could; yes, sir.

Q. What official positions, if any, have you held?—A. Deputy secretary of state a year or more under Mr. Peelle, and I was clerk of the city for four years. I was in the war awhile, part of the time a private soldier and part of the time as commissary of subsistence.

C. S. BUTTERFIELD.

WILLIAM MARION HICKLIN, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, att'y for Mr. English:

Q. Your age and residence?—A. 43; I reside in this city.

Q. How long have you lived in this State?—A. Four years.

Q. Were you in this city on November 7th, 1882, the day of the Congressional election?—A. Yes, sir.

Q. Did you attend that election?—A. Yes, sir.

Q. What precinct?—A. In the second precinct of the 17th ward.

Q. What did you do there that day?—A. I was a kind of a deputy challenger, I suppose.

Q. Did you see the tickets voted by the Democrats and Republicans that day?—A. Yes, sir.

Q. I call your attention to the ticket marked Exhibit B, to the deposition of Mr. W. O. DeVay, and I will ask you whether that is the ticket voted by the Republicans at that precinct that day?—A. Yes, sir; that looks like it.

Q. I will ask you to look at the ticket marked Exhibit C, to the deposition of Mr. DeVay, and I will ask you if that was the ticket voted by the Democrats at your precinct?—A. Yes, sir; it was.

Q. Could you distinguish at that precinct, on that day, the Republican ticket from the Democratic ticket, both of them being folded?—A. I could, very easily.

Q. Did you, in fact, distinguish them whilst there—one from the other?—A. I did, and could very readily.

Q. How could you tell?—A. I could tell by the looks of the ticket. One was thicker than the other, and one being apparently what we call pasteboard tickets. The challengers on the other side would say, "Here comes a pasteboard ticket," and would laugh at me. I could distinguish them myself as pasteboard tickets.

Q. "The other side" was the Republican side?—A. Yes, sir.

Q. You are a Democrat?—A. Yes, sir.

Q. What effect, if any, did the use of that Republican ticket have on the secrecy of the vote?

(Objected to as a conclusion of law.)

A. Well, it had the effect that I could tell whether a man had the Republican ticket or the Democratic ticket in his hand.

Cross-examination by Mr. PEELLE:

Q. You are a Democrat, I believe?—A. Yes, sir.

Q. You were there that day in the interest of the Democrats?—A. I was not in the interest of the Democrats, or employed by them. I was there on my own hook.

Q. You were there in the interest of the Democratic party?—A. Yes, sir.

Q. Had you any interest in the result of the last Congressional election?—A. I am glad I didn't have any.

Q. You have been at the polls there challenging before?—A. No, sir. That was the first time I challenged in Indianapolis.

Q. How long have you lived in the State?—A. I have been here nearly constantly for four years.

Q. What is your business?—A. I am agent for the Kankakee line.

Q. Still there, are you?—A. Yes, sir.

Questions by Mr. WILSON:

Q. You were at the precinct how much of the day?—A. I was going to be a real nice fellow, and I was going to vote and go right back; and I went down about half-past eight in the morning, and I staid there until the vote was counted out that evening. I did not go home to dinner or supper.

Q. Was you watching the counts?—A. Yes, sir.

Q. And you watched the vote?—A. Yes, sir.

Q. Do you know how many votes were cast there that day?—A. No, sir; I could not speak from memory.

Q. Did the use of that Republican ticket tend to prevent any persons from voting the Democratic ticket who might have done so had not the Republican ticket been printed on that material, if you know?—A. I think it did, for the reason that there were two policemen on the other side all day, and some of the fellows that came there were legal voters, and one man I remember well—I do not recollect his name—and Mr. Bryce, the Republican councilman and candidate on the Republican ticket, said that man was a voter, and he was going to vote the Democratic ticket. (Objected to as hearsay.) And they challenged his vote and he went out, and I went to him and told him to go up there and vote, and he said he didn't want to get into any racket, and he would not vote; and then I took him to the man that was the challenger—I have forgotten his name—it was Chris. Schoettle—and I wanted him to go there, and I knew he lived there, and I know Mr. Bryce knew it, and I wanted him to vote the Democratic ticket, and he said no, he did not want to do that, and he didn't want to get into any racket. The policemen were Mr. Crane and Mr. Yerber. They were at the polls pretty much all day.

Questions by Mr. PEELLE:

Q. What was that man's name?—A. I don't remember his name. He was one of these timid Democrats. He was not one of the thoroughbreds.

Q. Did you know him before that day?—A. Yes, sir.

Q. Where did he live?—A. He boarded at the Phillips House.

Q. Did you know his politics?—A. Yes, sir.

Q. You say he was a Democrat—that man Mr. Bryce spoke of?—A. I knew he was a Democrat by the ticket he had in his hand. It was folded up, but I could tell by the ticket.

Q. Did he vote that day?—A. No, sir; he did not vote. He said he did not vote at that poll and couldn't vote anywhere else because he was in that precinct.

Q. Challenged by a Republican, was he not?—A. Yes, sir.

Questions by Mr. WILSON:

Q. That is the only person you know?—A. There were several others, but I cannot single out any particular one.

Q. What official positions have you ever held?—A. I have been a member of the legislature in Nebraska, and I have been a member of the council in Nebraska City, in Nebraska, and other offices I don't care about mentioning.

Q. What is your business?—A. I am the agent of the Kankakee line.

W. M. HICKLIN.

By consent of both parties the further taking of these depositions was postponed until Thursday, October 19, 1883, at 10 a. m.

THURSDAY, *October* 19, 1883—10 o'clock a. m.

Parties met pursuant to adjournment.

TIMOTHY GRIFFIN, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Q. Your age and residence.—A. Forty; residence, No. 67 Eddy st., Indianapolis.
Q. How long have you lived here?—A. Forty years.
Q. Were you in the city at the election held here for Congress, November 7th, 1882?—A. Yes, sir.
Q. Did you vote?—A. I did, sir.
Q. Were you at the polls?—A. I was, sir.
Q. What precinct?—A. Third precinct, 16th ward.
Q. Did you act in any official capacity there that day?—A. As a watcher around the polls.
Q. Did you see the count and watch that?—A. I did, sir.
Q. Did you see the ticket voted there by the two parties—the Democratic and Republican?—A. I did, sir.
Q. I call your attention to this ticket headed "Democratic Ticket," and marked as Exhibit C, to Mr. DeVay's deposition, and I will ask you to state if that was the ticket voted by the Democrats that day?—A. Yes, sir; that is the ticket.
Q. I call your attention to the ticket headed "Republican Ticket," and marked Exhibit B, to Mr. DeVay's deposition, and I will ask you if that is the ticket that was used there by the Republicans?—A. That is the ticket; yes, sir.
Q. Could you distinguish that Republican ticket at your precinct, as it was voted, from the Democratic ticket at the same precinct, both tickets being folded?
(Objected to as a conclusion of law.)
A. Yes, sir.
Q. Did you, in point of fact, distinguish them, standing there?—A. Yes, sir.
Q. How did you distinguish those tickets?—A. By the stiffness and the thickness of the tickets.
Q. What effect, if any, did the use of that Republican ticket have upon the secrecy of voting at your precinct, if you observed any?
(Objected to as a conclusion of law and incompetent.)
A. Yes, sir; it done a great deal of dirt down there.
Q. Did it destroy the secrecy?
(Objected to as leading.)
A. Yes, sir; I should judge it did.
Q. Did the use of that Republican ticket prevent anyone at your polls from voting his sentiments?—A. It did, sir.

Cross-examination by Mr. PEELLE:

Q. Who was it?—A. Well, there was a party of five brought down from the jail by an assistant from the jail that would have voted the Democratic ticket only from that ticket, and they run them right up to the chute and you could not get to talk to them, and they had that ticket in their hands, every one of them.
Q. Did they vote?—A. Yes, sir. They had a right to vote there. They were citizens, and they had a right to vote there; and they voted that stiff ticket because there was a man from the jail followed them right up in the chute.
Q. What are the names of the party you speak of?—A. Patsey McMahan, Patsey Devlin, and Monk Lybrand, I think they call him.
Q. They lived in that ward, did they, all of them?—A. Yes, sir. They all voted down there, and they lived there.
Q. Were they of Irish descent, these men that you spoke of?—A. I believe they are, by their names.
Mr. WILSON. Do you know the politics of those voters you referred to?
The WITNESS. Yes, sir; they were all Democrats.
Q. A great many of the Irish people—Democrats—voted the Republican ticket at the last November election on account of a little revolt in the party, didn't they?—A. I don't know whether they voted it down there in that precinct or not. We gave a pretty good majority.
Q. Don't you know, as a matter of fact, that there was a great many Democratic Irishmen voted the Republican ticket on account of a local difference in the convention, in not nominating Mr. Reinihan?—A. They did not vote the whole Republican ticket.
Q. And didn't they organize what was called the "Jackson club"?—A. They narrowed down to very few at the latter end.
Q. Was there not more Irishmen voted the Republican ticket in 1882 than ever before?—A. I don't know about that; I don't think there was.

TIMOTHY GRIFFIN.

C. B. WING, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. ENGLISH:

Q. State your name, age, and residence?—A. C. B. Wing; age, 30; residence, Cincinnati.

Q. What business are you engaged?—A. The paper business.

Q. How long have you been engaged in that business?—A. Twelve or thirteen years.

Q. Are you connected with any firm?—A. I am connected with Chatfield & Wood, of Cincinnati.

Q. Is the firm with which you are connected extensively engaged in the manufacture and sale of paper?—A. Yes, sir.

Q. Does your firm manufacture and sell lmaterialknown in the trade as lithographic plate, or plate?—A. Yes, sir.

Q. I call your attention to the ticket marked Exhibit F, to the deposition of Austin H. Brown. and headed Republican ticket; you will please look at that, and state now what is the material on which that ticket is printed; what is it called in the trade?—A. It is called lithographic plate in the trade. That is the name we give it.

Q. Did you sell material of that description to the Journal Company in the city of Indianapolis a short time before November 7th, 1882?—A. Well, I cannot remember that exactly. We sell them this kind of paper all the time. Whether I sold them any at that time or not, I cannot remember.

Q. Does your house manufacture that lithographic plate?—A. Yes, sir.

Q. What is that material generally used for?

(Objected to as immaterial.)

A. It is used by lithographers or for fine job work of any kind. Printers use it.

Q. I call your attention to the ticket marked Exhibit G to the deposition of Austin H. Brown and headed Democratic ticket, and I will ask you what material that ticket is printed on?—A. It is printed on No. 2 book paper.

Q. What is the weight of that lithographic plate paper upon which that Republican ticket is printed, size of sheets 25 by 38, per ream?—A. I do not know the weight of it; I could only judge that it is a sheet of regular sized plate paper.

Q. What would you say approximately?—A. I should think that paper would weigh, 22 by 28, 70 pounds.

Q. I ask you what would be the weight per ream of this paper where the sheets were 25 by 38, the paper upon which the Republican ticket is printed?—A. I say 108 pounds.

Q. What is the weight per ream of the book paper upon which the Democratic ticket is printed, the sheets being the same size. What is the relative price of the lithographic paper and the book paper?—A. That all depends on how they are sold.

Q. The market value November 7th, 1882, if you know?—A. It would be on that sheet 9½ per pound; that is the manufacturer's price; that is our price.

Q. What is the price of book paper per pound?—A. This Democratic ticket, as near as I could guess, would be 8¼ at that time; it is worth 7¾ now.

Q. What would a ream of that lithographic plate cost about November 7th, 1882, retail or manufacturer's price, either?

(Objected to as immaterial.)

A. I say manufacturer's price, our price. We are the only house West that makes lithographic plate. Our price is 9½ cents.

Q. What would a ream come to at that price, sheets being 25 by 23?—A. It would be 9½ times 108.

Q. What would be the value or the price of book paper of the character upon which that Democratic ticket is printed per ream, size of sheets being 25 by 38?—A. Eight and a quarter times 45.

Cross-examination by Mr. PEELLE:

Q. Do you know what plain white paper is?—A. I think I could tell a sheet if a man would hand me one.

Q. Is there more than one kind of plain white paper?—A. Yes, sir; there are forty different kinds. I think I could enumerate forty.

Q. If a man would come to you and want to buy plain white paper, would you know what the man wanted without interrogating him?—A. I would ask him what kind of plain white paper he wanted.

Q. What is plain white paper?—A. There are different kinds of that. There is plain white newspaper, plain white book paper, plain white tub size, and plain white writing paper, and I could enumerate many more.

Q. Is that paper upon which the Republican ticket is printed, plain white paper?—A. It is plain white plate paper.

Q. Is not that as equally plain white paper as the book paper upon which the

Democratic ticket is printed?—A. I would call that Democratic ticket white book paper, and this Republican ticket I would call white plate paper.

Q. And print paper you would call plain white print paper?—A. I would say white print. I don't know as I would use the word plain.

Q. If one is plain white paper the other is plain white paper equally.—A. Well, yes; I don't know but it is.

Q. What is it that makes plain white paper; what is plain white paper?—A. You can make plain white paper out of a good many things; you can make it out of wood and rags.

Q. That Republican ticket is printed on paper, is it not?—A. Yes, sir.

Q. And it is plain white, is it not?—A. Yes, sir.

Q. And if the Democratic ticket, which is printed on plain white book paper is plain white paper, the Republican ticket which you say is printed on plain white plate paper is equally plain white paper, is it not?—A. I would call it white paper, or white plate paper.

Q. You would call the other white book paper?—A. Yes, sir.

Q. If that is plain white paper the other is plain white paper, is it not? There is no difference between them, is there?—A. There is no difference in the color, there is a difference known to us paper men, this is blue white and the Republican is toned white.

Q, The Democratic ticket is not plain white paper then?—A. Yes, sir; it is what you would call, or the world would call, plain white.

Q. It is what is known as plain white paper in the trade?—A. Yes, sir; if a man would want plain white paper we would sell him that; but sometimes we get it a little blue or a little yellow, according to the water.

Q. I will ask you if that plate paper you speak of, upon which the Republican ticket is printed, is not frequently used for book purposes?—A. In a fine job.

Q. Is that what is known as plate paper in the East?—A. It is what they call lithographic plate.

Q. Has it that finish on that plate paper has?—A. Well, steel-plate paper is finished differently from this; steel-plate paper is finished more on one side; it is finished so purposely.

Q. You say you are selling that paper in the trade all the time?—A. Yes, sir.

Q. I will ask you if the same mill that makes that plate paper does not also make the book paper?—A. Yes, sir.

Q. Your mill makes the book paper like that, as well as plate paper like that?—A. Yes, sir.

Q. What difference is there between that paper upon which the Democratic ticket is printed, and the paper upon which the Republican ticket is printed?—A. One is what we call common 2 book, and the other is what we call extra fine plate paper; that is the only way I can answer that.

Q. Extra fine plate?—A. Western plate; yes, sir.

Q. Are not both papers made the same way?—A. No, sir.

Q. Are they not made the same way except as to the finish?—A. No, sir.

Q. What is the difference?—A. On the plate paper we take more time to beat it up. It takes 6 or 8 hours more beating, and we are more particular in making the paper, where with the other grade of paper we let it run just as it will. We watch this plate paper to see that each sheet is the same thickness, so that it will run in the lithographic press all right. With a printer it does not make so much difference.

Q. You would have to observe the same rule in making book paper?—A. Yes, sir; we make a better grade of 2 book than that. We put in the same stock in one as the other, but we take ten hours more in beating the stock, and we take 6 to 8 hours longer in finishing the stock.

By Mr. WILSON:

Q. Is there any other mill than yours that manufactures this lithographic plate and print paper—book paper, I mean—any other mill than yours in the United States that manufactures both kinds, that you know of?—A. Yes, sir; they pretend to make it. They do not make much of a success of it.

Q. Do you know of any mill that manufactures plate paper that also manufactures print paper?—A. No, sir.

Q. Does your mill?—A. No, sir.

Q. Mr. Peelle asked you if this material, upon which the Republican ticket was printed, was not paper, and you said it was. If a white card-board, a quarter of an inch thick, were shown you, and you were asked what it was, what would be your answer? Would you call it paper, or would you not, in the sense in which Mr. Peelle asked the question as to this lithographic plate?—A. If a man would hand me card-board, I would say it was card-board.

Q. Would it not be paper?—A. It is made out of about the same material.

Q. And if it is white it would be white paper, would it not?—A. Yes, sir.

By Mr. PEELLE:

Q. You would not call it white paper in the trade, if it was card-board?—A. No, sir; you take the same material that makes fine writing paper, and that makes card-board.

Q. You would not call card-board, if it is white, plain white paper. You would call it card-board.—A. Yes, sir.

By Mr. WILSON:

Q. In the same sense in which you answer that question, you would call this lithographic plate, paper, if it was plain white lithographic plate, wouldn't you?—A. Yes, sir.

By Mr. PEELLE:

Q. I will ask you if pasteboard is ever called paper in the trade?—A. Pasteboard and card-board are different things.

Q. I mean card-board?—A. No, sir.

Q. Plate paper is?—A. No, sir.

Q. Or book paper?—A. If a man asks for card-board, we would give him card-board.

Q. He would not say card-board paper, he would simply say card-board?—A. Yes, sir.

Q. And book paper, book paper?—A. Yes, sir.

By Mr. WILSON:

Q. When they call for lithographic plate, do they call for lithographic-plate paper usually, or lithographic plate?—A. If I would go into Mr. Burfords—he is in the paper business—he would say he wanted book paper, and I would show him book paper, and he might say he simply wanted S. & S. C. paper. He might not say book paper at all.

Q. Do you call lithographic plate in your business, lithographic plate; what is the technical name for it? Don't they call for lithographic plate when they ask for that paper?—A. Generally, I should say. I think our catalogue reads on that kind of paper, if I am not mistaken, Woodsdale paper. It is made at the Woodsdale Mill. I think the catalogue reads, "Woodsdale plate." But on another line, for instance, Tardsdale & Hollingsworth make for business cards, &c, we call that plate paper. We might just say Woodsdale plate. I am not sure.

Q. Do you say you did sell the Journal Company here lithographic plate?—A. Yes, sir.

Q. How did you invoice it to them when you sold it to them?—A. If we sold it to them, I would say so and so many reams of Woodsdale plate.

C. B. WING.

F. M. WRIGHT, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Q. State your name, age, and residence.—A. Francis M. Wright; age, 36; I live in Indianapolis.

Q. How long have you lived in this city?—A. I have lived in this city about thirty years.

Q. Were you in the city of Indianapolis on the seventh day of November, 1882, the day of the Congressional election?—A. Yes, sir; I was.

Q. Were you interested in that election?—A. I was a candidate for prosecuting attorney on the Democratic ticket at that time.

Q. Did you attend the election?—A. I did.

Q. How many precincts, if you recollect, did you go to?—A. I would say, fifty.

Q. You went to a number of precincts?—A. Yes, sir.

Q. I will call your attention now to the ticket marked Exhibit B to the deposition of Mr. DeVay, and headed "Republican ticket," and I will ask you if that was voted and used that day by the Republicans.—A. Yes, sir; this is a ticket similar to the one that was voted that day.

Q. Is it on material of the same kind?—A. About the same material.

Q. I call your attention to the ticket headed "Democratic ticket," and marked Exhibit C to the deposition of Mr. DeVay, and I will ask you if that was the ticket used by the Democrats on that day.—A. Yes, sir.

Q. If you observed that day, I will ask you could you distinguish that Republican ticket from the Democratic ticket, both being folded with the names inside, as they were voted; could you distinguish one from the other?

(Objected to as a conclusion of law.)

Q. Could you tell one from the other?

(Objected to as leading.)

A. Yes, sir.

Q. How could you do it?—A. I have some of these Republican tickets and Democratic tickets at my office that have not been folded and when a voter would come to

get hold of the ticket this way [indicating] and grab it up, it would swell out and extend out in a different manner from the Democratic ticket, and when a man would hold it by the end you could see, for instance, that it was not the Democratic ticket. You will notice that they don't "flop" out like the other, and the tickets being clean when they were being folded this way, the letters on the Democratic ticket would show through the back and you could read it from the back, and it would show through one paper and did not show through the other.

Mr. PEELLE. What do you mean by the other?

The WITNESS. I mean the Republican paper.

Q. Were there any persons that would have voted differently if the Republican ticket had been on different material or material similar to the Democratic ticket?—A. I would have to answer that question this way: That in the morning about ten o'clock or half past ten I was at one of the precincts in the thirteenth ward and there was a colored man there challenging in behalf of the Republicans, and there were two police officers standing close by. This colored man challenged a man that I was informed by very reliable parties there was a Democrat, and there was not anybody there, no Democrat, to swear in the vote, and after he came away from the polls, as he stepped to one side, I saw his ticket, and he had a Democratic ticket, and there were two or three other parties who had the Democratic ticket in their hands that after this intimidation by the man challenging him—I say intimidation because immediately after he was challenged and good Democrats had vouched for his having a residence in that precinct, that these policemen came up and took the part of this colored man and then other men there, two or three of them, I am not positive which it was—and he turned away and Mr. English sat in his buggy right at the street at that time, within forty steps of where I was at the polls.

Q. I will call your attention to the Republican ticket marked Exhibit F to the deposition of Austin H. Brown, and also I call your attention to the ticket marked Exhibit G to the deposition of Austin H. Brown, headed "Democratic ticket," and I will ask you now, from the outside of the ticket as to the heading of the Republican ticket, can you see the name through; can you see any distinguishing mark through there?

(Objected to as leading.)

A. Yes, sir; and I can tell that ticket for Mr. English holding it up there; I can read that from the back as you hold it with the light that way.

Q. Cannot you do that as easily with the Republican ticket as with the Democratic ticket?—A. Yes, sir; and I can distinguish the two from the backs, and tell them immediately without looking at the head, although the head distinguishes it right away, where it says "Republican ticket" and "Democratic ticket."

Cross-examination by Mr. PEELLE:

Q. What is your politics?—A. I am a Democrat.

Q. Did you have any bet on the result of the Congressional election?—A. I did not.

Q. You say that Democratic ticket, when folded, the type shows through?—A. No, sir; I did not say that.

Q. You could see the impress of the type through?—A. Yes, sir. I cannot see the pressure of the type through, but I can read them. I cannot see the pressure of the type on that Democratic ticket, but I can distinguish the tickets apart by seeing their backs as tickets are handed out by parties.

Q. Do you know of anybody who would have voted differently had the Republican ticket been on the same kind of paper that the Democratic ticket was printed on?—A. I cannot say as to that, one way or the other.

Q. Do you know of anybody who was misled or deceived in voting, in consequence of the Republican ticket being on the kind of paper it was?—A. No, sir.

Q. You were candidate for prosecuting attorney on the Democratic ticket?—A. Yes, sir.

Q. And when you spoke about going to fifty precincts; you drove around in a buggy, did you?—A. Yes, sir.

Q. Who was with you that day?—A. I don't recollect. I think there must have been several parties at different times. I don't just recollect the names of any one.

Q. And you went to fifty of the fifty-six precincts in the city that day?—A. I think I went to all of them but two or three. I started early in the day.

F. M. WRIGHT.

CHRISTIAN BRINK, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Q. Your name, age, and residence.—A. Christian Brink; 39 years old; residence, 351 South Pennsylvania st., Indianapolis.

Q. How long have you lived in Indiana?—A. Since 1861.

Q. Were you in the city of Indianapolis on the day of the Congressional election, November 7th, 1882?—A. I was.

Q. Did you attend that election?—A. I did.
Q. Did you see the tickets voted there by the Democrats and Republicans?—A. Yes, sir.
Q. I call your attention to this ticket marked Exhibit F to the deposition of Austin H. Brown, and headed "Republican ticket," and I will ask you if that is the ticket voted by the Republicans at your precinct.—A. I think that is the same ticket.
Q. I call your attention to the ticket marked Exhibit G to the deposition of Austin H. Brown, and headed "Democratic ticket," and I will ask you if that is the ticket voted by the Democrats.—A. Yes, sir; that is the same.
Q. Which precinct were you at?—A. 1st precinct, 24th ward.
Q. You voted, did you?—A. Yes, sir.
Q. Did you stay around the polls any?—A. Some.
Q. Could you tell that Republican ticket from the Democratic ticket there that day, as they were being voted folded up and put in the box?—A. Yes, sir; I think I could. Yes, I could tell the difference.
Q. You could tell the difference in the size of it and the thickness?—A. They all noticed it.
Q. What effect would the use of the Republican ticket have upon the secrecy of the ballot? Was it impaired by it?
(Objected to as a conclusion of law.)
A. I should judge so.
Q. Did the use of that Republican ticket on that day at your precinct prevent any one who might be wanting to vote the Democratic from so voting?
(Objected to as leading.)
Q. Do you know of it having that effect, or did it have that effect, if you know, at that precinct or anywhere else?—A. I could tell a little experience I had on that day.
Q. Answer the question in general terms.—A. I do not know whether it did exactly, but I know the way others judged. I know a party that promised me to vote the Democratic ticket, and asked me to paste the Democratic names on the Republican ticket so that it would leave others under the impression that he was voting the Republican ticket, and he thought they could tell the difference in the tickets, and he was accused of voting the Republican ticket when he had promised some one, and when he was going to vote the Democratic ticket, and it was really a ticket of the Republicans that had the Democratic names on it, and I wrote it and fixed it up for him.
Q. Do you know what the politics of that party was?—A. He generally votes the Republican ticket.

Cross-examination by Mr. PEELLE:

Q. You are a Democrat?—A. Yes, sir; I am.
Q. Do you know of anybody who was misled or deceived in voting in consequence of the Republican ticket being printed on the kind of paper it was?—A. You mean myself?
Q. Yes, sir; deceived in voting in consequence of the Republican ticket being on the kind of paper it was?—A. Not individually deceived, but they deceived others. I would answer that so far as the same case I stated. He was accused afterwards of voting the Republican ticket when he had promised to vote the Democratic ticket. I would name the party but I would not like to.
Q. (Question repeated.)—A. No, I think not. I can state in my answer that I think anybody can tell the difference.
Q. Do you know of anybody who would have voted differently had the Republican ticket been printed on the same kind of paper that the Democratic ticket was printed on?—A. No, sir.
Q. Even the man that you refer to as having pasted Democratic names on the Republican ticket had theretofore voted the Republican ticket?—A. That used to be his ticket.

CHRISTIAN BRINK.

J. J. BINGHAM, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, att'y for Mr. English:

Q. State your name, age, and residence.—A. Joseph J. Bingham; residence, 148 West Maryland st., Indianapolis.
Q. How long have you lived in this State?—A. About 40 years.
Q. Have you held any official position?—A. Yes, sir; I was public printer once a few years ago, and I am deputy auditor of state now.
Q. Were you in the city of Indianapolis on the 7th day of November, 1882, the day of the Congressional election?—A. Yes, sir; I think I was.
Q. At what precinct did you vote?—A. In the 16th ward at the 1st precinct.

Q. Have you had any experience in buying, selling, or handling paper?—A. I was engaged as the manager of a publishing house for 12 or 15 years.

Q. You were engaged in that business?—A. Yes, sir.

Q. I call your attention now to this ticket headed "Republican ticket," and indorsed on the back Exhibit F to the deposition of Austin H. Brown, and I will ask you what is the material upon which that ticket is printed?—A. It is what is called lithographic plate.

Q. I call your attention now to the ticket headed "Democratic ticket," and marked Exhibit G to the testimony of Austin H. Brown, and I will ask you upon what material that ticket is printed?—A. That is what is called printing paper.

Q. What is the purpose for which lithographic plate is usually used?—A. It is used for illustrations in plates and things of that kind; publication in books. It is used a good deal that way in the publication of books.

Q. Illustrations by way of plates?—A. Yes, sir; that is my knowledge of the use of it so far as I have had any special knowledge of it.

Q. Is it used for printing books upon?

(Objected to as leading.)

A. I have never known it to be used; it is not used for that purpose.

Q. Have you ever known tickets to be printed on that material for election purposes?—A. No, sir; I have never known it to be.

Q. Did you attend the polls and observe the vote that day?—A. I was at the polls, but I was not where they were receiving the vote; I was not near enough to that to see the ballots put in the box.

Q. Could you tell or distinguish that Republican ticket, when folded with the names inside, from the Democratic ticket?—A. I should think it would be very easily distinguished; I think I could, standing at the polls and seeing it deposited in the ballot-box.

Q. Is this lithographic plate called book paper?—A. No, sir.

Q. Is it newspaper?—A. No, sir.

Q. Is it writing paper?—A. No, sir.

Q. Could you distinguish this Republican ticket when folded from a ticket printed on plain white writing paper or plain white print paper or plain white book paper of the same size?

(Objected to as incompetent.)

A. I think I could very easily, for there is a vast difference in the weight of it, and it would show at once in the fold of it.

Cross-examination by Mr. PEELLE:

Q. Is that Republican ticket that you have in your hand paper?—A. Well, it looks like it; it is not what we would call paper.

Q. Is it paper?—A. No, sir; it is not paper.

Q. What is it?—A. It is what they call lithographic plate.

Q. Is it not lithographic plate paper?—A. It is made of the same material as paper. That paper there [indicating] is made of different stock from this. One is made from linen rags.

Q. You say that Republican ticket is not printed on paper?—A. I should not call that paper.

Q. You say that the Democratic ticket is printed on print paper?—A. Yes, sir.

Q. Take that ticket and examine it again, and see if you call that print paper.—A. Yes, sir.

Q. I hand you the ticket headed "National ticket," and marked as an exhibit to the deposition of Austin H. Brown. What kind of paper is that?—A. That feels like different paper.

Q. What do you understand as plain white paper?—A. Plain white paper is a paper that is used for ordinary purposes of printing, or it might be used probably, owing to the size and calender, &c., and sizing, for writing purposes.

Q. Might it not be used for book purposes?—A. Plain white paper?

Q. Yes, sir.—A. Frequently it is; yes, sir.

Q. You say that Republican ticket is used for illustrations in book-work?—A. Yes, sir.

Q. Is not plain white paper any paper that is not ruled and tinted?—A. It is any paper; of course it is paper.

Q. If that Republican ticket is paper, it is plain white?—A. If it is paper, but I don't call it paper.

Q. If it is paper it is plain white, is it not?—A. Of course it is plain white.

Q. You were not at the polls that day, so as to distinguish one ticket from the other or tell one ticket from the other?—A. No, sir; I was not about the ballot-box, only when I voted myself.

Q. You don't know anything about that?—A. No, sir.

J. J. BINGHAM.

JOHN SCHLEY, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, att'y for Mr. English:

Q. Your age and residence?—A. Age, 45; residence, 431 S. New Jersey st., Indianapolis.

Q. How long have you lived in Indianapolis?—A. Since 1856.

Q. Were you in the city of Indianapolis on the 7th day of November, 1882, the day of the Congressional election?—A. Yes, sir.

Q. Did you vote?—A. Yes, sir.

Q. At what precinct?—A. Second precinct of the 21st ward.

Q. In what capacity did you act in that election that day?—A. Challenger.

Q. Did you observe the tickets that were being voted there that day?—A. Yes, sir.

Q. I call your attention to this ticket, headed "Republican ticket" and indorsed as Exhibit F to the deposition of Mr. Brown, and I will ask you if that is the ticket that was voted by the Republicans that day?—A. From the general appearance I think that is the same ticket.

Q. I call your attention to Exhibit G to the deposition of Mr. Brown, and I will ask you if that is the ticket that was voted by the Democrats at that precinct?—A. Yes, sir; that is the ticket.

Q. Could you distinguish that Republican ticket from the Democratic ticket on that day at your precinct, both tickets being folded in the way in which they are ordinarily voted?

(Objected to as a conclusion of law.)

Q. Could you distinguish or tell which was which?—A. I could. I could tell nearly every ticket that came to the box.

Q. How could you tell that Republican ticket?—A. By its different appearance from the other.

Q. What was that difference?—A. It was in the weight of the paper and the quality of the paper it was on.

Q. You say you did tell the difference then?—A. I did; and could tell the difference between every one of them.

Q. Did you see the National ticket voted that day?—A. Yes, sir.

Q. I call your attention to this ticket headed "National ticket" and marked as an exhibit to the deposition of Mr. Brown, and I will ask you if that is the ticket that was voted by the Nationals?—A. My impression is that the Nationals had two different styles of tickets that day, and this is one of them. There were very few votes cast down there by the Nationals at any rate.

Q. Do you know what kind of material that Republican ticket is printed on?—A. It is an unusual quality of stock used in printing. It is not a book paper, strictly speaking, and I hardly consider it a card-board. It is too thin for card-board and too thick for book paper for general use.

Q. What effect, if any, did the use of that Republican ticket have upon the secrecy of the ballot at that precinct that day?

(Objected to as incompetent.)

A. I think it had the effect of destroying the secrecy.

Q. Have you had any experience in buying or selling or dealing in paper?—A. Not especially in buying and selling paper, but I have been engaged in the printing business about thirty years.

Cross-examination by Mr. PEELLE:

Q. What is your politics?—A. A Democrat.

Q. Do you know of any one who was misled or deceived in voting at your precinct in consequence of the Republican ticket being on the kind of paper it was?—A. No, sir; not of my personal knowledge.

Q. Do you know of any one who would have voted differently had the Republican ticket been printed on the same kind of paper that the Democratic ticket was printed on?—A. No, sir.

Q. You say that Republican ticket is printed on an unusual kind of paper?—A. For the general use of the trade; yes, sir.

Q. It is paper, is it not?—A. I would not hardly consider it was paper.

Q. It is not card-board?—A. That is hardly card-board.

Q. It is too light for card-board?—A. Yes, sir, it is too light, almost.

Q. Have you not frequently seen or known that kind of paper to be used for book-work?—A. I cannot say that I have. That quality of paper might possibly be used for heavy county blanks, and blank-books, and such as that.

Q. I mean in printing books.—A. I do not remember of having seen that kind of paper. That is generally used for engraving, for plate printing—to print plates that go into books, picture cuts, and things of that kind that require heavier paper and finer ink.

Q. It would go into book-work in that way, would it not?—A. That would be the only way it would go into it.

Q. That Republican ticket, being on heavier paper than the Democratic, enables you to challenge Republican votes very readily, don't it?—A. I was not there for the purpose of challenging Republican votes particularly; I was there to challenge illegal votes.

Q. You could readily tell, could you not, to make challenges?—A. If I was so disposed.

Q. Did you have any bet on the result of the Congressional election last fall?—A. I did not, sir.

Questions by Mr. WILSON:

Q. Did you ever know election tickets to be printed on material of the character that the Republican ticket is printed on in this State before?

(Objected to as incompetent and immaterial.)

A. No, sir; I have no recollection of having seen any like that.

Q. Were the Republican tickets used at your precinct on that material that day?—A. Yes, sir.

Q. Do you know how many votes were cast there?—A. No, really I do not know the exact number of votes cast.

Q. Was the majority Republican or Democratic?—A. In that precinct the majority was Democratic. That is my recollection of it. I think I would be safe in saying that there was a small Democratic majority in that precinct.

JOHN SCHLEY.

JOHN EDWARDS, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, att'y for Mr. English:

Q. Your name, age, and residence?—A. 36 years of age; 239 South Alabama street, Indianapolis, Marion Co., Ind.

Q. How long have you resided in this State?—A. I have been living here ten years that I know of.

Q. Were you in this city on the 7th of November, 1882, the day of the Congressional election?—A. I was.

Q. Did you attend that election?—A. I did.

Q. At what precinct?—A. At the 18th ward, on South street, at the hook and ladder.

Q. Did you vote?—A. I did, sir.

Q. Did you act in any capacity on that day at that election at that precinct, and, if so, state what?—A. I took the challenger's book there when he went to dinner—about two hours.

Q. Democratic challenger?—A. Yes, sir.

Q. Did you see the tickets voted by the Democrats and Republicans?—A. Yes, sir.

Q. I call your attention to the ticket headed "Republican ticket," and marked Exhibit F to Mr. Brown's deposition, and I will ask you if that is the ticket used by the Republicans on that day at that precinct?—A. Some of these tickets were used and some were not. Some were heavier than this and some were thinner, and some were about this thick.

Q. I call your attention to the ticket, marked Exhibit G, to Mr. Brown's deposition, and headed "Democratic ticket," and I will ask you if that was the ticket used by the Democrats that day?—A. Yes, that is about the ticket.

Q. It was on material like that?—A. Yes, sir; just about like that.

Q. I will ask you, whilst challenging there did you and could you tell and distinguish the difference between that Democratic ticket and that Republican ticket, both being folded as they are when voters ordinarily vote them and as they were handed to the inspector and placed in the box?

(Objected to as a conclusion of law.)

A. Yes, sir; the Republican ticket was the heavier ticket when folded, and you could see through and read the words "Republican ticket" when it was folded.

Q. Could you tell by its weight and feeling?—A. Yes, sir; you could see the big words "Republican Ticket" clear through it.

Q. Do you know whether any one was prevented from voting the Democratic ticket by the use, on the part of the Republicans, of the ticket that was used by them at your precinct?—A. No, not to my knowledge.

Q. You were there all day?—A. No, sir; I was there about two hours. Mr. English called me away to go around the polls in the forenoon, and I was there only about two hours.

Cross-examination by Mr. PEELLE:

Q. What are your politics?—A. I am a Democrat.

Q. What is your occupation?—A. Bill-poster.

Q. You are employed by Mr. English in posting bills for his theater, are you?—A. No, sir; I have not posted a bill for Mr. English since he had his theater.

Q. Do you know of anybody that would have voted differently had the Republican ticket been printed on the same kind of paper that the Democratic ticket was printed on?—A. No; I do not.

JOHN EDWARDS.

By consent of both parties the further taking of these depositions was postponed until Friday, Oct. 19, 1883, at 2 p. m.

FRIDAY, *October* 19, 1883—2 p. m.

Parties met pursuant to adjournment.

EDWARD MILL, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Question. Your name, age, and residence.—Answer. Edward Mill; residence, Cleveland, Ohio; age, 41.

Q. What is your occupation, and how long have you been engaged in that occupation?—A. I am superintendent of the Cleveland Paper Co. I have been connected with this same concern 25 years.

Q. To what extent have you been engaged in this business?—A. The manufacture, sale, and purchase. The yearly business at the present time will run from $1,000,000 to $1,200,000.

Q. I call your attention to this ticket, headed "Republican ticket," and marked as Exhibit F to the deposition of Austin H. Brown. I also call your attention to the ticket headed "Democratic ticket," marked as Exhibit G to the deposition of Austin H. Brown. Now, I will ask you, is that Republican ticket shown to you plain white print paper?

(Objected to as leading and conclusion of law.)

A. No, sir.

Q. Is it plain white writing paper?

(Objected to as leading and a conclusion of law.)

A. No, sir.

Q. Is that Republican ticket plain white book paper?

(Objected to as leading.)

A. No, sir.

Q. What is the material on which that Republican ticket is printed?—A. I should call that a plate paper, such as is used by photographers, for printing show bills, and such as we make for that purpose.

Q. Do you buy or sell the material upon which that Republican ticket is gotten up as print paper, writing paper, or book paper?

(Objected to as immaterial.)

A. We sell it as plate paper.

Q. If a man were to come to your establishment and ask to buy plain white paper, would you show him such material as that Republican ticket is gotten up upon?

(Objected to as immaterial.)

A. No, sir.

Q. What is that material called in the printed catalogue issued by your establishment?

(Objection, as immaterial, and for the reason that there is no evidence that there is a printed catalogue.)

A. Plate.

Q. What is the weight of a ream of plain white print paper, size of sheets 25 by 38 inches?—A. From 30 to 35 pounds.

Q. What is the material upon which that Democratic ticket is printed on?—A. I should term that an extra quality of print or a cheap book.

Q. What is the weight of a ream of that paper, sheets 25 by 38 inches?—A. As near as I can judge, from this small piece, I should think it would weigh 40 pounds or a trifle over.

Q. What is the weight of a ream of plate, such as that Republican ticket is printed on, sheets 25 by 38?—A. Ninety to one hundred pounds to the ream.

Q. What was the wholesale price per ream of that plate, sheets 25 by 38 inches, November, 1882, if you know?

(Objected to as immaterial.)

A. Ten dollars; about that, as near as I could tell.

Q. What was the price per ream at wholesale of the paper upon which that Democratic ticket is printed, sheets 25 by 38 inches, November, 1882?—A. Three dollars a ream, the same size.

Cross-examination by Mr. PEELLE:

Q. When did you come to this city?—A. This morning.

Q. At whose instance did you come?—A. W. O. DeVay.

Q. What did he tell you he wanted with you?—A. He wanted to see me on important business on my way home from Chicago. I was in Chicago yesterday.

Q. Did he tell you what the business was when you got here; and, if so, what was it?—A. He wanted I should examine some papers as an expert.

Q. Did he state to you what interest he had in the matter?—A. No, sir.

Q. He wanted you to appear as a witness in this election contest case, did he?—A. I don't know.

Q. What purpose did he want you to examine the paper for as an expert? If you know you can state.

(Objected to on the ground that a statement made by Mr. DeVay on that subject is not competent evidence.)

A. There was nothing said, any more than he wanted I should examine some paper.

Q. At whose instance did you appear here as a witness?—A. When I came here Mr. DeVay told me the business he wanted me for, and part of the business was that I would come here.

Q. Whose instance did you come up here as a witness at?—A. Mr. English.

Q. Mr. DeVay is connected here in a branch house or business in which the Cleveland Paper Company is interested, is he not?—A. Parties that are interested in the Cleveland Paper Company are also interested in the house in Indianapolis with Mr. DeVay, some of them.

Q. If a customer were to ask you for plain white paper, would you understand what he meant, unless he designated it as print, book, or plate paper?—A. No, sir.

Q. Is not that Republican ticket that you have in your hand printed on paper?—A. Yes, sir.

Q. Is not the color plain white?—A. No, sir; it is what we call toned paper.

Q. Is not toned paper white?—A. No, sir.

Q. What color is toned paper?—A. Bordering on a buff tint.

Q. What is the color of the paper upon which that Democratic ticket you have in your hand is printed on?—A. That is white; dead white.

Q. Why did you pick up the Republican ticket just now, and compare it with the Democratic ticket before you answered the question as to the color of that Democratic ticket?—A. In order to make a correct answer.

Q. Are you selling paper either from your Cleveland house direct, or from the house here with which Mr. DeVay is connected, or otherwise to Mr. English for any purpose?—A. No, sir; I have no knowledge of it. I know of no sales made to Mr. English.

Q. With whom did you talk about these tickets or this paper other than Mr. DeVay before you came in here as a witness?—A. I saw Mr. English and Mr. Wilson this morning.

Q. Had you any bet on the result of the Congressional election in this district last November?—A. No, sir.

Q. Who compose the firm or stockholders of the Cleveland Paper Company?—A. I could not give the names of all of them—the entire list of them. I could give you the names of those holding the majority of the stock. There are thirty or forty stockholders, and it is a stock company of $300,000.

Q. You may give the names of the principal ones.—A. N. W. Taylor, H. S. Whittlesey, Mrs. Doctor Marrow, J. W. Brighton, Edward Mill, and a Mr. Clark. I could not give you his first name.

Q. Are you a stockholder in the company or an officer?—A. Both.

Q. You speak about that Democratic ticket being dead white in color. I will ask you if that is what is known in the trade as plain white?—A. Yes, sir; if it is not printed on.

Q. Explain the difference in color of plain white paper.—A. The difference in white paper is caused by the amount of bluing put in the same n its manufacture.

Q. State the difference accurately and particularly as to the color of those Republican and Democratic tickets.—A. The Republican ticket is about the natural color of the stock, with little or no bluing in it. It is what we term "toned." The color of the Democratic ticket is whiter, and is brought about by adding bluing.

Q. Are there not different shades of white—paper known in the trade as plain white paper?—A. Yes, sir.

Q. I will ask you again if the shade of white represented by that Republican ticket is not known in the trade as plain white, the same as the paper represented by the Democratic ticket; and, if not, state why, fully and particularly.—A. No; the Republican ticket is what we should term "toned," bordering on a buff. The Democratic ticket we should call white, the difference which can be readily seen by looking through both.

Q. What is the process of "toning" paper as refers to the color?—A. "Tone" is known amongst paper manufacturers as the color bordering on a buff. The process of getting a toned paper would be to leave out the bluing.

Re-examination:

Q. Can you make plain white paper without the use of bluing?—A. No, sir.

Q. What are your politics?—A. First class Republican.

Q. Did you ever see Mr. English's son, or father, or write to either or receive any communication from either or talk with either before to-day?—A. No, sir; I never have seen Mr. English, jr., until this examination.

By Mr. PEELLE:

Q. Why do you use the term "first class Republican"?—A. Because I feel interested in politics and have worked heartily with the Republican party ever since the election of Abraham Lincoln the first time.

EDWARD MILL..

ESADORE DEITCH, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, att'y for Mr. English:

Q. Your name, age, and residence.—A. Esadore Deitch; I am 49 years old; I live at 241 N. West st.

Q. How long have you resided in this State?—A. Ten years.

Q. Were you in the city of Indianapolis on the 7th day of November, 1882, the day of the Congressional election?—A. Yes, sir.

Q. How long have you resided in this city?—A. Ten years.

Q. You say you were here on the day of the election; did you attend that election?—A. I was precinct committeeman.

Q. For what party?—A. The Democratic party.

Q. Were you there most of the time during the day?—A. I was there until I was arrested.

Q. Did you see the Republican and Democratic tickets voted that day?—A. I did, sir.

Q. I call your attention to this ticket marked Exhibit F to the deposition of Austin H. Brown, and headed "Republican ticket," and I will ask you if that was the ticket that was voted there that day by the Republicans?—A. Yes, sir; that is the ticket that was voted by the Republican party.

Q. I call your attention to this ticket marked Exhibit G, to the deposition of Austin H. Brown, and I will ask you if that is the ticket that was voted by the Democrats there that day?—A. Yes, sir; that was the ticket that was voted by the Democratic party.

Q. Could you, whilst looking on there, watching the vote, as you say you did, could you tell that Democratic ticket from the Republican ticket?—A. Yes, sir.

Q. How could you tell, or distinguish the Republican ticket?—A. When they folded the ticket the Republican ticket showed twice as heavy as the Democratic ticket always.

Q. If one of those Republican tickets were folded and another one folded and placed inside, and the two dropped in the box, would they be apt to stay together, or would they be apt to spring apart?

(Objected to as immaterial and incompetent, for the reason that there is no evidence that the tickets were so voted.)

A. They would spring open.

Q. Did the use of that Republican ticket at your precinct impair, or effect in any way the secrecy of the ballot or the secrecy of voting?

(Objected to as a conclusion of law.)

A. Yes, sir.

Q. Now, I will ask you if the use of that Republican ticket, at your precinct, prevented any one from voting the Democratic ticket that wanted to vote the Democratic ticket?—A. It did.

Cross-examination by Mr. PEELLE:

Q. Who?—A. Some colored men.

Q. What are their names?—A. I don't know exactly that I can recollect now what their names are. Out of 100 colored men, I don't know one's name.

Q. How do you know it prevented them from voting?—A. I believe it done it—with me.

Q. How do you know it prevented them from voting?—A. It prevented them this way. They went up to the chute with the Democratic ticket I had given them, and they were challenged, and they turned around and came out, and afterwards took a Republican ticket and went up there and voted.

Q. You had given them Democratic tickets, had you?—A. Yes, sir.

Q. How many did you give Democratic tickets to up there?—A. Oh, I expect there was not less than 30 or 40.

Q. That you gave Democratic tickets to?—A. Yes, sir.

Q. What precinct was that?—A. In the first precinct of the 13th ward.

Q. You gave as many as 30 or 40 Democratic tickets?—A. Yes, sir.

Q. What was the politics of those colored men?—A. I did not ask them any further

questions. I just asked them to vote the Democratic ticket, and they agreed that they would; but some of them would not take the Democratic ticket, and said "we darsent go up to the chute and vote for fear the Republicans would know it." They would know by the appearance of the ticket it was not one of the Republican tickets.

Q. Do you know of a colored man that voted the Democratic ticket that you gave him that day?—A. I don't know any colored men voting tickets that I gave them.

Q. You say you gave about 30?—A. Yes, sir.

Q. How many of that number voted the Democratic ticket?—A. That is more than I can tell you.

Q. How many? You know.—A. No, I don't. I cannot tell you now.

Q. Do you know of any one of them that did not vote it when you gave it to them?—A. I told you exactly how it was. I don't know whether any of them got any of them in or not.

Q. You don't know whether any of them got in or not?—A. Whether they got the Democratic ticket in. I know they came and handed the ticket to the inspector, Mr. Chandler, and when a colored man would hand him the ticket Mr. Chandler held the ticket so the Republican challenger outside could see that it was a Democratic ticket and they challenged their votes.

Q. Did they vote?—A. Some of them voted afterwards that I seen.

Q. Did not every one of those men that were challenged vote at that precinct?—A. That is more than I can tell you.

Q. Do you know of a single man that did not get to vote at that precinct, that was challenged?—A. I expect they all voted afterwards. I don't know whether they all did or not. Some of them I know voted afterwards, and voted the Republican ticket. I was arrested and taken away from there for about three hours, and during that time Mr. Republican party got their dirty work in.

Q. What work do you refer to?—A. Got in votes that would otherwise have gone Democratic or was illegal.

Q. How do you know, if you were not there?—A. From what I could learn.

Q. Can you give the name of any man that voted there that was not entitled to vote?—A. I cannot give them, but there is another man that was down there who will give it.

Q. What is his name?—A. Mr. Hall.

Q. What is his first name?—A. I do not know what his first name is.

Q. You don't know of a single man that was challenged that day but what got his vote in?—A. I don't know about that.

Q. You don't know of a single illegal vote that was polled there that day, do you?—A. I don't know; but that gentleman knows.

Q. I am asking you, what you know?—A. I don't know whether there was any while I was away. I believe I was taken away just for that purpose. They arrested me there twice just for the purpose of getting their dirty work in that day.

Q. State what you were arrested for that day?—A. They charged me with trying to bribe a nigger with $5 to vote the Democratic ticket.

Q. What are your politics?—A. I am a Democrat, sir.

Re-examination by Mr. WILSON:

Q. You said you were arrested twice?—A. Yes, sir.

Q. What was you arrested for the second time?—A. They accused me of trying to give some whisky away.

Q. State the circumstances of that arrest, please.—A. Mr. Ben. Thornton, the Republican policeman, and three other men, went to my house unbeknowns to me, and knocked at the door and called my wife, and my wife came to the door, and they says, "Mr. Deitch sent me to get some whisky," and my wife says, "we have no whisky on the place except what little whisky I have in the house for our own use;" says he, "you won't refuse us, Mr. Deitch sent us."

(Objection to the testimony as hearsay, and motion that it be stricken from the record.)

Q. State when you were arrested the second time.—A. I was arrested the second time about half-past two o'clock in the afternoon.

Q. What did they do with you?—A. Took me up to the station-house.

Q. What did they do with you there?—A. I gave bail for my appearance before the mayor the next morning.

Q. Who bailed you?—A. Mr. Seidensticker.

Q. Did you appear before the mayor the next morning?—A. Yes, sir.

Q. What was done?—A. It was ruled out of court—no evidence there against me.

Q. The first time you were arrested where were you taken?—A. To the station-house first.

Q. Who bailed you out?—A. Mr. William E. English—young Mr. English. I was taken from there to the marshal's office—the United States marshal's office—and there Mr. English bailed me out again under the bail of $1,000.

Q. You went back to the polls?—A. Yes, sir.
Q. How long were you back there the first time before they arrested you the second time?—A. I reckon about an hour and a half.
Q. Did the same man arrest you again that arrested you the first time?—A. Yes, sir.
Q. Was it Ben. Thornton?—A. Yes, sir; the colored man.
Q. Was he the policeman?—A. Sometimes he acted as policeman and sometimes he had his badge off and acted as challenger.
Q. He was a member of the police force was he, at that time?—A. Yes, sir; he was a member of the police force.
Q. Did you appear in the United States court under that arrest afterwards?—A. I did, sir.
Q. What was done?
(Objected to for the reason that the record of the court will show.)
A. There was no records made there. It was ruled out of court. They had no charges against me.

Questions by Mr. PEELLE:

Q. I will ask you, if on that day, you had any money to use at the election?—A. I had not, to influence votes.
Q. None whatever?—A. I had no money to use.
Q. You say you used no money that day at all?—A. I did not spend 5 cents for any votes whatever. I used money to pay for wagons and other legitimate expenses.
Q. You used no money there that day?—A. Not to buy votes.
Q. Did you have any whisky there?—A. None in my possession, sir.
Q. Did you have the control or direction over any?—A. I had not.
Q. How did Mr. English know you were arrested on that day?—A. He just happened to stand there in his buggy when the arrest was made, and Mr. English jumped out of his buggy and came running to me, and says: "You go ahead up there, I will be there before you will, and bail you out."
Q. What was the result in that precinct?—A. The result of the precinct, I think, was two hundred and some forty-odd Republican votes given there that day, and their majority larger than usual.
Q. Do you know what the majority had been theretofore?—A. I cannot say exactly.
Q. Who did you say it was went with Ben. Thornton, or do you know that he went there, except from hearsay?—A. He told me so himself.
Q. Who did he say went with him?—A. I don't know; I did not ask him who it was. He told me himself, and he said: "I was there at your house—me and three other men;" and he said "We got some whisky and cigars."
Q. Did he mention who it was went with him?—A. No, sir; he didn't tell me the name. I told you that Mr. Ben. Thornton and three other men went to my house and deceived my wife to give them some whisky and cigars, when I did not send them there, or know anything about it.
Q. What is your business?—A. I am in the buggy and carriage trade.
Q. You were the Democratic committeeman for that precinct that day?—A. Yes, sir.

Question by Mr. WILSON:

Q. Did I understand you to say how many votes were lost there that day, at that precinct, by virtue of the use of that Republican ticket, to the Democrats?
Mr. PEELLE. He did not state.
The WITNESS. I did not state. I could not state. I just stated that the majority in that precinct was larger for the Republicans that day than usual.
Q. Do you know what caused that?—A. It was through "bulldozing." They got in lots of work while they arrested me, and they got work in some other way. They arrested me for that purpose—to keep me away from there. I was too hot on it and watched them too close.
Q. How many working Democrats were there at that precinct, working or looking on?—A. There were four challengers and myself.

By Mr. PEELLE:

Q. Four Democratic challengers?—A. Yes, sir.
Q. What is the vote up there in that precinct for Congress—how many votes did Mr. English get in that precinct for Congress?—A. Ninety-eight or ninety-nine; I forget now which.
Q. What majority was the vote polled there for Mr. Peelle over Mr. English?—A. That is more than I can tell you now.
Q. I will ask you if it is not a fact that Mr. English ran far ahead of his ticket in that precinct?—A. I don't think he did. I can't tell you for sure.
Q. You don't remember his vote there?—A. I remember that they said he had either 98 or 99 votes when the polls closed. I put other parties in to watch the count.

By Mr. WILSON:

Q. Was Mr. English's vote there along with the ticket, or ahead of the Democratic ticket, or was it about the same?—A. It was about the same, I think. I don't think he ran any ahead at all.

Q. Mr. Peelle, was he ahead, or along with his ticket at that precinct?—A. I cannot tell you exactly. I cannot answer that question now. Anything I don't know I don't want to answer.

E. DEITCH.

HIRAM W. MILLER, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, att'y for Mr. English:

Q. State your name, age, and residence.—A. Hiram W. Miller; I am lacking a little of 39; my residence, Wayne Township, Marion County, Indiana.

Q. How long resided there?—A. I was born and raised there.

Q. Have you ever held any official position; if so, what?—A. I have; I was trustee of Wayne Township for four years.

Q. Did you attend and vote at the election held on November 7th, 1882, in that township for Congress and other offices; and, if so, where?—A. I did.

Q. What precinct?—A. It is a new precinct—precinct No. 4—Wayne Township.

Q. In what capacity, if any, did you act at that election at that precinct on that day?—A. I did not really act in any capacity, anything further than I had the poll-book of the precinct probably two-thirds of the day. Sometimes I would hand it over to another party.

Q. That was the Democratic poll-book?—A. Yes, sir.

Q. Did you see the tickets voted at that election at that precinct?—A. I did.

Q. I call your attention to Exhibit F to the deposition of Austin H. Brown, headed "Republican ticket," and I will ask you if that was the ticket that was used and voted by the Republicans in your precinct?—A. Yes, sir.

Q. I call your attention to this ticket, marked Exhibit G to the deposition of Austin H. Brown, and headed "Democratic ticket," and ask you if the Democrats voted that ticket at your precinct?—A. Yes, sir.

Q. Could you tell that Republican ticket from other tickets voted that day, all of said tickets being folded with the names inside?—A. Yes, sir; I could.

Q. Did you so tell one from the other as they were being voted?

(Objected to as leading.)

A. Yes, sir.

Q. Did you ever before know election tickets to be printed on such material as that Republican ticket is printed upon?

(Objected to as immaterial.)

A. No, sir.

Q. Did the use of that Republican ticket on that material impair the secrecy of the ballot at your precinct at that election?

(Objected to as conclusion of law.)

A. I think it did.

Q. Did its use prevent persons voting the Democratic ticket at your precinct who would have voted it if they could have voted their sentiments without it being known by the use of said Republican ticket how they voted?

(Objected to as incompetent and immaterial and leading.)

A. Yes, sir; I think it did.

Cross-examination by Mr. PEELLE:

Q. What is your politics?—A. Democrat.

Q, Was there any complaint made there on the day of the election to the board in reference to these Republican tickets by any one? And, if so, state who they were.—A. No. sir; I do not think there was.

Q. Were they counted without objection, so far as you know?—A. Yes, sir; they were counted.

Q. Do you know of anybody who would have voted differently if the Republican ticket had been printed on the same kind of paper the Democratic ticket was printed on? And, if so, state who they were.—A. I do not know exactly. I do not believe I do.

Q. You have been standing at the precinct there before, have you not, at election times?—A. No, sir.

Q. Never stood there before?—A. No, sir. The precinct never was there before.

Q. You have been standing there in that township at its precincts before that on election days?—A. Not very much. For four years I was trustee, and, of course, I was on the election board.

Re-examination by Mr. WILSON:

Q. Did the use of the Republican ticket at your precinct prevent any person from voting his sentiments, if you know?—A. I think I answered that once before.

Q. What is the answer?—A. I answered that I believed it did, and Mr. Peelle wanted to know who, and I told him the paupers from the county farm.

Q. Did it affect the votes of any number of persons?—A. There was quite a number from that place that voted.

Q. Do you know what their politics were?—A. I think I do.

Q. What were they?—A. I think two-thirds of them were Democrats.

Q. How do you know that?—A. Well, sir, they had voted for me, and I claim to be a Democrat.

Q. How did they vote on that day?—A. They voted the Republican ticket.

Q. I mean on November 7th, 1882?—A. They voted the Republican ticket.

Q. How many of such votes were there?—A. I polled the house, and I made it 50 or 51; something like that. There was 57 voted that day—paupers and seven employés.

Q. I understood you to say that any one voting at that precinct, or any one looking on at that precinct, knew when a man voted the Republican ticket when it went in the ballot-box.—A. Yes, sir; so he could. I will state a little further in counting these tickets, if you want anything else. They counted these tickets by fives, and the inspector could readily pick up a Republican ticket from a Democratic ticket in the box.

Q. Without looking at the face of it?—A. Without opening the tickets.

Q. What were the politics of the officers of the poor-house, if you know?—A. They were Republican.

Q. How did those voters come down from the poor-house to the precinct?—A. They came down in wagons.

Q. Could they have voted the Democratic ticket without it being known by those who had charge of them what ticket they were voting?—A. I think not.

Q. Who had charge of them when they came down?—A. Well, sir, a part of the officers and employés of the farm.

Q. Would two-thirds of those voters in that poor-house have voted the Democratic ticket on that day if they could have voted it without any influence—if they could have voted themselves?—A. That is my impression.

Questions by Mr. PEELLE:

Q. Were they challenged?—A. Yes, sir; part of them were, I think. I challenged several voters myself.

Q. Were they sworn in or did they vote?—A. They were sworn in.

Q. Were they legal voters at that precinct?—A. Well, sir, that is something I am unable to say.

Q. Has there ever been any prosecution on account of the men sworn in?—A. No, sir; not that I know of.

Q. State the names of anybody that brought those paupers there.—A. Mr. Wright, the superintendent; Mr. Pfaff, the doctor or janitor—I don't know which you might call him; he is probably the doctor of the house—and another one; I do not remember his name.

Q. Anybody else?—A. The engineer that stays there. I could not positively say, but I think his name was Hill, or some such name, or Hilton.

Q. The county asylum is located in Wayne Township?—A. Yes, sir.

Q. You were a candidate for township trustee on the Democratic ticket some years ago?—A. Yes, sir; I was twice; I was elected twice.

Q. You say about two-thirds of those folks voted for you when you were candidate for township trustee?—A. Yes, sir; I think there was more than that.

Q. You polled them at the last election, did you?—A. No, sir.

Q. How did they come to be on that poll-book; you said you polled them and there were 51?—A. I did not take their politics at all.

Q. Did you poll it at all?—A. Yes, sir.

Q. For what purpose?—A For election purposes. Mr. Wright and his daughter gave me their names.

Q. You had voted them before for you?

Mr. WILSON. He did not say that.

Q. They had voted before for you?—A. I think they had.

Q. And they were polled out there that time by the Democrats for election purposes?—A. Yes, sir; I polled them four days before the election.

Questions by Mr. WILSON:

Q. When they voted for you was there any difference between the tickets used by the two parties at your precinct?

(Objected to for the reason that the ticket is the best evidence of the fact.)

A. There was not any.
Q. I mean no difference in the ticket.
(Objected to for the reason that the ticket is the best evidence of the fact.)
A. No distinguishing difference.
Q. Under whose control was the poor-house, what party, and what were the politics of the men in control of the poor-house when you were elected?—A. Republicans.
Q. Were they the same men that are now in control?—A. Yes, sir—that is, at one election they were and one they were not. The first election it was under the control of Mr. Larry Logston and at the last or second election they were under the control of Mr. Wright, the same man that controlled them on November 7th, 1882.
Q. How many years ago was that election held there, the first time when you were elected?—A. That was in the spring of 1877, I think.
Q. The second election, what date was that?—A. It was two years later.
Q. 1879 that would be?—A. Yes, sir.
Q. Do you know what became of the tickets that was used at those two elections?—A. I cannot state positively, but my recollection is I have some of those tickets.
Q. Will you bring them in?—A. Yes, sir; I can.
Q. Bring them in, the Democratic and Republican.—A. Yes, sir; it is my impression I have them. They were at my house. I am talking about the tickets that were at my house. I think they were at my place, that is, the township ticket.
Q. Those that were put in the box?—A. Yes, sir; the township tickets, those that were put in the box. They were turned over to me as township trustee.

H. W. MILLER.

JOSEPH H. SHEPARD, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Q. State your name, age, and residence.—A. I am 40 years old; I live in Marion County, Indiana, in the city of Indianapolis, at No. 95 Minerva street.
Q. How long have you lived in this city?—A. Twelve years.
Q. Did you attend and vote at the election held November 7, 1882, in this city, for Congress and other officers?—A. Yes, sir.
Q. Whereabouts—what precinct?—A. I voted in the first precinct of the 14th ward, and, being ward committeeman I attended the second precinct that day. I voted in the first precinct.
Q. You attended that day?—A. Yes, sir.
Q. In what capacity were you there?—A. A kind of general manager in the capacity of county committeeman about the polls.
Q. Did you observe the tickets that were used there that day by Democrats and Republicans?—A. Yes, sir.
Q. I call your attention to this ticket headed "Democratic ticket," and marked Exhibit G to the deposition of Austin H. Brown, and I will ask you is that the ticket voted by the Democrats that day.—A. To the best of my knowledge it is; yes, sir.
Q. I call your attention to this ticket marked as Exhibit F to the deposition of Austin H. Brown, and headed "Republican ticket," and I will ask you if that is the ticket voted by the Republicans that day at that precinct.—A. Yes, sir; as near as I can recollect.
Q. Did you see those tickets put in the box, any of them?—A. Oh, yes, sir.
Q. Could you, whilst they were going in the ballot-box and whilst looking at them, tell the difference between the Republican ticket and the Democratic ticket?—A. Yes, sir.
Q. How could you do that?—A. By getting up close to the voter and, as the inspector held out his hand to take the vote, I could tell whether he was voting Republican or Democratic ticket, by the ticket being stiff.
Q. You mean the Republican ticket being stiff?—A. Yes, sir.
Q. Did you ever before know election tickets to be printed on such material as that Republican ticket is printed on?
(Objected to as incompetent and immaterial.)
A. I do not know as I ever did.
Q. Did the use of that Republican ticket impair the secrecy of the ballot at your precinct at that election?
(Objected to as leading and a conclusion of law.)
Q. Did its use prevent persons voting the Democratic ticket at that precinct who would have voted if they could have voted their sentiments without it being known by the use of the Republican ticket?—A. Their sentiments I cannot say, but I know that ticket prevented their voting the Democratic ticket, and they were challenged on one side; if they did not have that kind of a ticket they were challenged, and if they had that ticket in their hands they were permitted to vote.
Q. You mean by "that ticket" the Republican ticket?—A. Yes, sir. They could vote right straight along and not be challenged.

Cross-examination by Mr. PEELLE:

Q. Was there anybody challenged that day that did not get their vote in?—A. Yes, sir. I cannot call them by name now; there was several. There were some challenged in the morning that had the Democratic ticket in their hands, and in the afternoon they voted.

Q. Who was it?—A. I cannot call their names.

Q. Were they entitled to vote there?—A. They certainly must have been.

Q. You know whether they were or not?—A. I cannot say. The parties that challenged them in the forenoon let them vote in the afternoon without challenge.

Q. What is your impression; were they legal voters or not?—A. I judged them to be legal voters.

Q. Was there any complaint made to the board that day about the character of the Republican ticket?—A. Yes, sir.

Q. By whom?—A. By Joseph Shepard, myself.

Q. By you?—A. Yes, sir.

Q. Were the tickets counted without objection?—A. I believe not; but not being on the inside, there was an objection made; but I was not on the inside; I was outside.

Q. You do not know about that?—A. No, sir.

Questions by Mr. WILSON:

Q. How did they vote in the afternoon, those persons that were challenged in the morning?—A. They voted a stiff ticket.

Q. What official position do you hold?—A. I am councilman. I qualified the other day as councilman of the 14th ward, and had been previously councilman for one year from the same ward.

Questions by Mr. PEELLE:

Q. How do you know those men that were challenged in the forenoon voted a stiff ticket in the afternoon?—A. By observing that they did.

Q. Did you have Democratic challengers there?—A. Yes, sir.

Q. Did they challenge them?—A. No, sir.

Q. Then they were legal voters there in the judgment of your challenger?—A. They certainly must have been.

Q. Do you know what their politics were?—A. I do not know. I know they made an attempt to vote the Democratic ticket in the morning by seeing it and they were challenged, and in the afternoon they voted the Republican ticket.

Q. You do not know what their politics were?—A. No, sir; I cannot say.

Mr. WILSON. Were they black or white?

The WITNESS. They were black and white.

J. H. SHEPPARD.

MORITZ POSNER, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Q. State your name, age, and residence.—A. My age was 44 the 4th of last December, and I live 172 Indiana avenue, this city.

Q. How long have you lived in this city?—A. I will be in that place 13 years the 2d of February, in that same square where I do business at present, and I have been here before, but I went back to New York.

Q. Were you in the city of Indianapolis the 7th of November, 1882, the day of the Congressional election?—A. Yes, sir.

Q. Did you attend that election?—A. No; well I gave my vote. I do not know what you call attendance. I understand you 1872; Yes, I did.

Q. You attended that November election, 1882?—A. Yes, sir.

Q. Did you act in any official capacity there?—A. Nothing at all.

Q. Were you there that night when the count was made?—A. I was there because they wanted me up inside by counting the tickets.

Q. Then you were watcher?—A. Yes, sir.

Q. You are a Democrat?—A. Yes, sir.

Q. Did you see the tickets voted there that day?—A. No. I cannot tell nothing about that. I did not go close to the polls where they put the tickets into them.

Q. Did you see the tickets voted after they were voted?—A. Yes, sir; I saw them.

Q. I call your attention to this ticket, marked "Exhibit F," to the deposition of Austin H. Brown and headed "Republican ticket," and I will ask you if that is the ticket the Republicans voted or that was taken out of the box to be counted?—A. That is the Republican ticket. That is the stiff ticket.

Q. I will ask you if this ticket—you say you counted them out of the box—of the Democrats, marked Exhibit G, to the deposition of Mr. Brown, is the ticket used by the Democrats on that day at your precinct?—A. That is the Democratic ticket. That will not spring. I saw them taken out of the box.

Q. I will ask you if you could tell that Republican ticket from the Democratic ticket without looking at the names while they were folded there?—A. All I can tell you is this: I will just come plain out and tell you the whole thing how it was, because I am not a judge in court matters, and if you will let me talk clear through I will tell you the whole of it at once, and it will not take five minutes. First, I have been called in that night to watch the counting of the tickets. I asked Mr. Tom Chandler, he was sitting by the window, and I took my chair next to him; and the box was standing at this side and the front, and some one, I do not know who it was, took a chair, or something, and got the key from another man and opened the box, and run his hand in and shoveled kind of up the tickets. That was the commencement, and he says, "Move a little, I haven't got room enough," and I says, "I don't know, Mr. Chandler, you have room enough to sit here." Mr. Bunts was sitting on the other side, and then they commenced to count, and Mr. Tom Chandler he took the tickets out and called out, and I was a little astonished that he took the stiff paper out and counted it first. All the Republican tickets and the balance was kind of looked like scratched out here, and some Republican tickets also scratched, and the balance of it there was Democratic tickets, and what is the reason to open the box and not take out one ticket like another, and let it run clear through?

Q. Did he count those tickets without looking at the face of them; pick up Republican tickets one after another?—A. Why, no, sir; he really took the stiff papers out. You must know that is the Republican ticket, because all the Republican votes came out first, and that is the idea what it looks so strange to me.

Q. Could you tell the Republican ticket?—A. After he took the first, second, third, and fourth, going on to one hundred, and I saw all the stiff and as soon as that was through I saw the limber ticket come out and I knew that it must be the Republican ticket out first because I did not see any Democratic ticket come.

Q. Did he take them out without looking?—A. Yes sir. He took them out without looking. He never opened the ticket. He took them out and opened them and did call the names out.

Q. How did he count them, one at a time?—A. One at a time, and then he called the names to the secretary; one was Mr. Hovick and the other I don't know.

Cross-examination by Mr. PEELLE:

Q. You are a Democrat?—A. Yes, sir.

Q. You were a Democratic watcher all that night?—A. Yes sir. That is what they called me up for. I did not want to go; they coaxed me

Q. Were those tickets counted without objection?—A. I don't know. I believed Mr. Bunts objected to one or two tickets. I cannot tell exactly. There was some objection to it.

Q. Tickets that were folded together?—A. No, no. I cannot say that.

Q. Were the Republican tickets objected to?—A. There was some objection about it of some kind, or some claim. There was none called.

Q. Was the counting of the Republican tickets there objected to by anybody?—A. No. I believe not.

Q. Did the votes correspond with the tally?—A. I do not know. I cannot tell; it is a matter what I never took any attention to, but I am too green in that business; I did not pay any attention and I do not know anything about it.

MORITZ POSNER.

The further taking of these depositions was by consent of both parties adjourned until Saturday, October 20th, 1882, at two o'clock p. m.

SATURDAY, *October* 20th, 1883—2 o'clock p. m.

Parties met pursuant to adjournment.

FLORECE CASEY, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Q. Your name, age, and residence?—A. Florence Casey; age 31, as near as I can remember; residence, 9 Chadwick street.

Q. How long have you resided in this city?—A. About 11 years.

Q. Were you in this city on the 7th day of November, 1882, the day that the Congressional election took place?—A. Yes sir.

Q. At what precinct?—A. The first precinct of the 25th ward.

Q. Did you act in any capacity there that day other than simply a voter?—A. Yes, sir. I was in the capacity of clerk of the board.

Q. Were you the Democratic clerk?—A. Yes sir. Intended that way.

Q. Did you see the tickets voted?—A. I did sir.

Q. By the Republicans and Democrats at that precinct that day?—A. Yes, sir.

Q. I call your attention now to this ticket here, marked Exhibit G to the deposi-

tion of Austin H. Brown, as the Democratic ticket, and I will ask you if that was the ticket voted by the Democrats at your precinct on that day at that election?—A. I think it was, sir.

Q. I now call your attention to this ticket, marked Exhibit F to the deposition of Austin H. Brown and headed "Republican ticket," and I will ask you was that the ticket voted by the Republicans that day?—A. Yes, sir.

Q. I understood you to say you saw those tickets voted there?—A. Yes, sir. I saw the tickets voted there.

Q. State whether or not you observed the tickets whilst they were being voted; and if so, whether you could tell one from the other—the Republican from the Democratic.—Yes, sir, you could; I think you could. The Republican ticket was larger; it was of a bigger bulk. It was thicker paper by a great deal.

Q. Did you, in fact, tell one from the other—could you whilst looking on when folded as tickets are ordinarily folded?—A. Well, if I could get close to them I could easily tell them if they were folded; perhaps standing a distance away, as much as 10 or 12 feet, I might not tell it.

Q. If the use of that Republican ticket had any effect on the secrecy of the ballot, you can say?

(Objected to as leading.)

A. Well, in counting the tickets, after we got through the votes, I saw three or four, I believe it was, of young Will English's slips on the bottom of the ballot-box. I thought they were pasted on the tickets. It showed that was the vote conclusively, but they did not count them. They let them lay in the bottom of the ballot-box after they got through counting the votes.

Q. That is hardly responsive to my question. I will ask you if you tried to see whether a paster would stick to the Republican ticket?—A. No, sir; we did not try that.

Q. You did not?—A. No, sir.

Q. What was your statement as to pasters in the box?—A. There were, I think, three or four—I could not really say. It was about that, so far as I can remember, of Will English's pasters in the bottom of the ballot-box after we got through counting the votes.

Q. You say they were not counted?—A. No, sir. They were not counted for anybody.

Cross-examination by Mr. PEELLE:

Q. You are a Democrat?—A. Yes, sir.

Q. You were the Democratic clerk there?—Yes, sir.

Q. You don't know who put those pasters you spoke of in the box?—No, sir.

Q. You don't know how they got there?—A. No, sir.

Q. Were those Republican tickets counted without objection?—A. The Republican tickets were all counted; yes, sir.

Q. Without objection?—A. Yes, sir.

FLORENCE CASEY.

JOHN P. FRENZEL, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Q. Your name, age, residence, and occupation?—A. John P. Frenzel; age 30; president of the Merchants' National Bank; residence, Indianapolis, Marion County, Indiana.

Q. How long have you resided in this city?—A. 29 years.

Q. Were you in this city on the 7th of November, 1882?—A. Yes, sir.

Q. Did you attend the Congressional election on that day?—A. Yes, sir.

Q. Did you see the tickets voted by the Republicans, Democrats, and Greenbackers or Nationals at that election?—A. Yes, sir.

Q. I hand you now five (5) tickets, headed "Republican ticket," and I will ask you whether or not those tickets were the tickets voted and used by the Republicans on that day at that election in the city?—A. Yes, sir.

Mr. WILSON. Now I make these as a part of the deposition of Mr. Frenzel, and I wish them to be marked, respectively, exhibits one, two, three, four, and five each to the deposition of Mr. Frenzel.

Mr. PEELLE. To which I object as not being the correct ticket voted at that election.

(The tickets will be found attached to this deposition as a part thereof.)

Q. I now call your attention to two tickets, headed "Democratic ticket," and I will ask you whether or not those were the tickets voted and used by the Democrats on that day?—A. Yes, sir.

Mr. WILSON. I offer those as part of his evidence and ask those to be marked as exhibits Nos. 6 and 7.

(The same will be found attached to the deposition of this witness as part thereof.)

Mr. PEELLE. I object to those tickets on the ground that the ticket has been heretofore introduced in this case, and that they are not the correct ticket voted by the Democrats on that day.

Q. Is that the kind of ticket, or ticket similar to that, or on similar material, that were voted by the Republicans and Democrats on that day?—A. Yes, sir.

Q. Could you tell those Republican tickets from the Democratic ticket on that election, all of the tickets being folded with the names inside?

(Objected to as conclusion of law.)

A. Yes, sir.

Q. Did you so distinguish them at the election?

(Objected to as a conclusion of law.)

A. Yes, sir.

Q. What is the material upon which that Republican ticket is printed, if you know? Describe the material.—A. I think it is card-board.

Q. Could you distinguish those Republican tickets from any other tickets of like length and width printed on plain white print paper, plain white book paper, or plain white writing paper, the tickets being folded with the names inside?

(Objected to as incompetent and immaterial.)

A. Yes, sir.

Q. Can you say, or do you know, whether the Republican challengers and inspectors at that election could tell those Republican tickets from the Democratic tickets, the same being folded whilst they were being voted?

(Objected to as immaterial, for the reason that he is not presumed to know whether other people could tell or not.)

A. I believe I could.

Q. Did you ever know election tickets to be printed on the material upon which that Republican ticket is printed before?

(Objected to as immaterial.)

A. No, sir.

Q. What was the effect of the use of that Republican ticket, if any, on the secrecy of the ballot at that election?

(Objected to as incompetent and leading.)

A. The effect was to destroy the secrecy of the ballot.

Q. Did the use of that Republican ticked or did it not prevent persons from voting the Democratic ticket and for William E. English for Congress who would have voted for him had not the secrecy of the ballot been affected or impaired by the use of that Republican ticket that way?

(Objected to as leading.)

A. I think so.

Cross-examination by Mr. PEELLE:

Q. You are a Democrat, I believe?—A. Yes, sir.

Q. You are now a member of the Metropolitan Police Board in this city?—A. Yes, sir.

Q. Were you not active in the November election, 1882, in the interest of the Democratic party?—A. Yes, sir.

Q. Did you not collect and disburse funds or money in the interest of the Democratic party in 1882?—A. Yés, sir.

Q. Pretty extensively, did you not?—A. No, sir.

Q. Can you tell about the amount you collected and disbursed?

(Objected to as not legitimate cross-examination.)

A. I am not disposed to do so.

Q. Do you decline to answer?—A. Yes, sir; I, do.

Q. Were you at any precinct during that election?—A. Yes, sir.

Q. What precinct were you at?—A. At the first precinct in the 9th ward, and the second precinct in the 17th ward.

Q. Did you stay there all day, or just backwards and forwards?—A. I was most of the day at the 1st precinct in the 9th ward, and part of it at the 2nd precinct in the 17th ward.

Q. You have never been engaged in the business of manufacturing or selling paper, have you?—A. No, sir.

Q. You have no knowledge whatever as to the kind of paper that Republican ticket is printed on as an expert?—A. Only the knowledge that the handling of a great deal of paper in the kind of business I am engaged in would give me.

Q. You have no knowledge as an expert or paper dealer or manufacturer?—A. Not as manufacturer or dealer; no, sir.

Q. Did you have any bet on the result of the Congressional election November, 1882?

Mr. WILSON. The question is whether he had any bet on Mr. English on the last November election.

Mr. PEELLE. Certainly

A. No, sir.

Question by Mr. WILSON:

Q. Mr. Peelle asked you whether you were at present a member of the Metropolitan Police Commission. I will ask you were you in November, 1882?—A. No, sir.

Q. When did you become a member of that commission?—A. In April, 1883.

Q. Do you know when that commission was created?—A. You are speaking about the commission?

Q. Yes, sir.—A. The commission was not created in that month. I am speaking about the law.

Q. I am talking about April, 1883?—A. Yes, sir; I did not take the oath of office until April, 1883. Yes, sir; that is right.

Questions by Mr. PEELLE:

Q. That board is composed of two Democrats and one Republican, is it not?—A. Yes, sir.

Q. Appointed by the State officers, I believe?—A. Yes, sir.

Q. The State officers are Democrats, are they not?—A. Not all of them.

Q. The majority of them?—A. Yes, sir.

Questions by Mr. WILSON:

Q. When were they elected?—A. November, 1882.

Q. And when did they go into office, if you know?—A. At different times, for instance, the treasurer went in the first of February.

Q. And the other, when?—A. Some of them before, I think, and a few of them a short time afterwards.

Q. After February?—A. Yes, sir.

Q. You say you were at what precinct most of the day?—A. First precinct 9th ward.

Q. You spent most of the day there?—A. Yes, sir.

Q. What time did you go to the 2nd precinct of the 17th ward?—A. I think it was about half past one. I went there in the afternoon of that day.

Q. Why did you go?—A. I was called there because of some disturbances that were going on there.

Q. Did you go over there?—A. Yes, sir.

Q. Did you find any trouble there growing out of the use of this Republican ticket; and, if so, what?—A. I found that owing to the Republican ticket being so easily distinguised from the Democratic ticket that when a Democrat went to vote the Republican challenger, and particularly this patrolman, would know that he was voting the Democratic ticket, and immediately when they found that out they would bulldoze and browbeat the man so that he was either afraid to vote or was challenged and left.

Q. How many men were there of that sort, if you know?—A. I think there must have been at least sixty.

Q. Were those 60 Democrats?—A. Yes, sir; I think they were.

Q. What do you mean by patrolman?—A. A member of the police force, called patrolmen.

Q. Was there more than one policeman there?—A. There was one policeman and two captains of police.

Q. Of what politics?—A. Republican.

Q. Do you hold any other office than that which you have named?—A. I am a member of the board of school commissioners of this city.

Questions by Mr. PEELLE:

Q. I will ask you now who made those contributions to you for election purposes?

(Objected to as not cross-examination in any sense.)

A. I do not choose to answer that.

Q. I will ask you if the saloon-keepers of this city did not nearly all to a man contribute liberally to the Democratic fund and place it in your hands to dispose of?—A. No, sir.

Q. Did any of them?—A. No, sir.

Q. None of them at all?—A. No, sir.

Q. Do you know to whom they did?—A. No, sir.

Q. Do you know whether they did or not?

(Objected to as incompetent and not proper cross-examination.)

A. No, sir.

Q. Were there any men at your precinct down there that day that did not vote that were challenged?—A. Yes, sir

Q, Who were they?—A. I do not recollect their names.

Q. Can you give the name of one of them?—A. I cannot now, but I could on Monday. I saw the man again at the last election.

Q. What was his name?—A. I do not remember his name.

Q. You say he was challenged down there; at what precinct in the 17th ward?—A. At the second precinct in the 17th ward.

Q. Was he a voter there?—A. Yes, sir.
Q. Where did he live?—A. He lived in the precinct.
Q. Whereabouts?—A. I do not know just where he lived.
Q. How do you know he was a voter in the precinct?—A. Well, I know it from good authority, and from a passing acquaintance with the man himself and his face. I have seen him down there before.
Q. Was there any other man challenged there that day that did not get to vote?—A. Yes, sir.
Q. Can you name him?—A. No, sir.
Q. Do you know where he lives?—A. No, sir.
Q. Do you know whether he is a legal voter or not in that precinct?—A. I do not know that.
Q. Do you know of anybody else down there that was challenged that did not get to vote that you know to have been a legal voter in that precinct?—A. No, sir.
Q. Then, in point of fact, you know of but one man who was challenged at that precinct that did not succeed in getting his vote in, and that man you do not know where he lives; is not that true?—A. Of my own acquaintance there was only this one man that I could name that was challenged that did not vote, and I could name him in a few days.
Q. Did you have some one down there to swear in votes that day when men were challenged?—A. We thought we had, but owing to the manner in which the police in that precinct were browbeating, the man was scared off.
Q. Who was that man?—A. His name was Chris. Schoettle.
Q. Did he own any real estate in that precinct?—A. Yes, sir.
Q. Where was it?—A. He owned real estate on the corner of Madison avenue and South street.
Q. Did he own real estate in his own name?—A. Yes, sir.
Q. And he left, you say?—A. He left part of the time and the greater part of the time he staid there.
Q. The greater part of the time he was there?--A. Yes, sir.
Q. Did he go away and come back?—A. Yes.
Q. He was not frightened very much then, was he?—A. Yes, sir; very much.
Q. He staid there, though, notwithstanding he was frightened away, did he?—A. He staid there a good part of the day; yes, sir.
Q. After he was frightened away, as you say, he returned again?—A. Yes, sir.
Mr. WILSON. He didn't say "frightened away."
The WITNESS. I did not say he was frightened away.
Q. He returned again after he went away?—A. Yes, sir.
Q. And remained there?—A. Yes, sir.
Q. Did he decline to swear any vote in which was challenged there that day—any Democratic ticket?—A. Yes, sir.
Q. Who was the man he declined to swear in?—A. This particular man I spoke of before, whose name I do not recollect.
Q. Why did he decline to swear him in?—A. Because he was browbeaten and bulldozed by the police.
Q. Was that the only reason that he gave for refusing to swear him in?—A. Yes, sir.
Q. Is it not the fact that the only reason he refused to swear him in was because he did not know he was a voter in that precinct?—A. No, sir.
Q. You say he knew him to be a voter in that precinct?—A. Yes, sir.
Q. And he did not swear him in?—A. No, sir.
Q. He remained there after that?—A. Yes, sir.
Q. And swore others in?—A. No, sir.
Q. Did he swear others in after that?—A. No, sir.
Q. You swore in some votes that day at one of the precincts of the 9th ward, did you not?—A. No, sir.
Q. Are you sure you did not swear in anybodies vote there?—A. I am sure.

JOHN P. FRENZEL.

Exhibit No. 1 *to deposition of John P. Frenzel.—P. C. H., N. P.*

REPUBLICAN TICKET.

STATE TICKET.

For Secretary of State,
EMANUEL R. HAWN.
For Auditor of State,
EDWARD H. WOLFE.
For Treasurer of State,
ROSWELL S. HILL.
For Attorney-General,
DANIEL P. BALDWIN.
For Clerk of the Supreme Court,
JONATHAN W. GORDON.
For Superintendent of Public Instruction,
JOHN M. BLOSS.
For Judges of the Supreme Court,
First District—WILLIAM P. EDSON.
Second District—JOHN G. BERKSHIRE.
Fourth District—JOHN F. KIBBEY.

CONGRESSIONAL TICKET.

For Member of Congress, Seventh Congressional District,
STANTON J. PEELLE.

MARION COUNTY TICKET.

For Judges Superior Court—Term, 1882,
JOHN L. McMASTER.
DANIEL W. HOWE.
For Judge Superior Court—Term, 1884,
LEWIS C. WALKER.
For Judge Criminal Court,
JAMES E. HELLER.
For Judge Circuit Court, Nineteenth Judicial Circuit,
JOSHUA G. ADAMS.
For Prosecuting Attorney, Nineteenth Judicial Circuit,
WILLIAM T. BROWN.
For Clerk,
MOSES G. McLAIN.
For Sheriff,
JAMES W. HESS.
For Treasurer,
WILLIAM G. WASSON.
For Auditor,
JUSTUS C. ADAMS.
For Recorder,
WILLIAM F. KEAY.
For Coroner,
ALLISON MAXWELL.
For County Surveyor,
HERVEY B. FATOUT.
For County Commissioners,
First District—WHARTON R. CLINTON.
Second District—FRIEDERICH OSTERMEYER.
Third District—ARCHIBALD GLENN.
For State Senator,
JOHN B. ELAM.
For Joint Representative Marion, Shelby and Bartholomew Counties,
WILLIAM GILGOUR.
For Representatives,
RALPH HILL,
WILLIAM D. TOBIN,
WILLIAM T. FLETCHER,
DAVID B. SHIDELER,
SAMUEL A. ELBERT.

Exhibit No. 2 to deposition of John P. Frenzel.—P. C. H., N. P.

REPUBLICAN TICKET.

STATE TICKET.

For Secretary of State,
EMANUEL R. HAWN.
For Auditor of State,
EDWARD H. WOLFE.
For Treasurer of State,
ROSWELL S. HILL.
For Attorney-General,
DANIEL P. BALDWIN.
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For Member of Congress, Seventh Congressional District.
STANTON J. PEELLE.

MARION COUNTY TICKET.

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JOSHUA G. ADAMS.
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WILLIAM T. BROWN.
For Clerk,
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JAMES W. HESS.
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First District—WHARTON R. CLINTON.
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For State Senator,
JOHN B. ELAM.
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WILLIAM GILGOUR.
For Representatives,
RALPH HILL,
WILLIAM D. TOBIN,
WILLIAM T. FLETCHER,
DAVID B. SHIDELER,
SAMUEL A. ELBERT.

Exhibit No. 3 to deposition of John P. Frenzel.—P. C. H., N. P.

REPUBLICAN TICKET.

STATE TICKET.

For Secretary of State,
EMANUEL R. HAWN.
For Auditor of State,
EDWARD H. WOLFE.
For Treasurer of State,
ROSWELL S. HILL.
For Attorney-General,
DANIEL P. BALDWIN.
For Clerk of the Supreme Court,
JONATHAN W. GORDON.
For Superintendent of Public Instruction,
JOHN M. BLOSS.
For Judges of the Supreme Court,
First District—WILLIAM P. EDSON.
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CONGRESSIONAL TICKET.

For Member of Congress, Seventh Congressional District,
STANTON J. PEELLE.

MARION COUNTY TICKET.

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DANIEL W. HOWE.
For Judge Superior Court—Term, 1884,
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First District—WHARTON R. CLINTON.
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For State Senator,
JOHN B. ELAM.
For Joint Representative Marion, Shelby and Bartholomew Counties.
WILLIAM GILGOUR.
For Representatives,
RALPH HILL,
WILLIAM D. TOBIN,
WILLIAM T. FLETCHER,
DAVID B. SHIDELER,
SAMUEL A. ELBERT.

Exhibit No. 4 to deposition of John P. Frenzel.—P. C. H., N. P.

REPUBLICAN TICKET.

STATE TICKET.

For Secretary of State,
EMANUEL R. HAWN.
For Auditor of State,
EDWARD H. WOLFE.
For Treasurer of State,
ROSWELL S. HILL.
For Attorney-General,
DANIEL P. BALDWIN.
For Clerk of the Supreme Court,
JONATHAN W. GORDON.
For Superintendent of Public Instruction,
JOHN M. BLOSS.
For Judges of the Supreme Court,
First District—WILLIAM P. EDSON.
Second District—JOHN G. BERKSHIRE.
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CONGRESSIONAL TICKET.

For Member of Congress, Seventh Congressional District,
STANTON J. PEELLE.

MARION COUNTY TICKET.

For Judges Superior Court—Term, 1882,
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For Joint Representative Marion, Shelby and Bartholomew Counties,
WILLIAM GILGOUR.
For Representatives,
RALPH HILL,
WILLIAM D. TOBIN,
WILLIAM T. FLETCHER,
DAVID B. SHIDELER,
SAMUEL A. ELBERT.

Exhibit No. 5 to deposition of John P. Frenzel.—P. C. H., N. P.

REPUBLICAN TICKET.

STATE TICKET.

For Secretary of State,
EMANUEL R. HAWN.
For Auditor of State,
EDWARD H. WOLFE.
For Treasurer of State,
ROSWELL S HILL.
For Attorney-General,
DANIEL P. BALDWIN.
For Clerk of the Supreme Court,
JONATHAN W. GORDON.
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JOHN M. BLOSS.
For Judges of the Supreme Court,
First District—WILLIAM P. EDSON.
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CONGRESSIONAL TICKET.

For Member of Congress, Seventh Congressional District,
STANTON J. PEELLE.

MARION COUNTY TICKET.

For Judges Superior Court—Term, 1882,
JOHN L. McMASTER.
DANIEL W. HOWE.
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WILLIAM GILGOUR.
For Representatives,
RALPH HILL,
WILLIAM D. TOBIN,
WILLIAM T. FLETCHER,
DAVID B. SHIDELER,
SAMUEL A. ELBERT.

Exhibit No. 6 to deposition of John P. Frenzel.—P. C. H., N. P.

DEMOCRATIC TICKET.

Secretary of State,
WILLIAM R. MYERS.

Auditor of State,
JAMES H. RICE.

Treasurer of State.
JOHN J. COOPER.

Attorney General,
FRANCIS T. HORD.

Clerk of the Supreme Court,
SIMON P. SHEERIN.

Superintendent of Public Instruction,
JOHN W. HOLCOMBE.

Judge of the Supreme Court,
1st Dist.—WILLIAM E. NIBLACK.

Judge of the Supreme Court,
2d Dist.—GEORGE V. HOWK.

Judge of the Supreme Court,
4th Dist.—ALLEN ZOLLARS.

——o——

Member of Congress—Seventh District,
WILLIAM E. ENGLISH.

——o——

Judge, Nineteenth Judicial Circuit,
ALEXANDER C. AYRES.

Judges Superior Court, Vacancies Occurring in 1882,
NAPOLEON B. TAYLOR.
JOHN A. HOLMAN.

Judge Superior Court, Vacancy to Occur in 1884,
FREDERICK HEINER.

Judge Criminal Court,
PIERCE NORTON.

Prosecuting Attorney, Nineteenth Judicial Circuit,
FRANCIS M. WRIGHT.

State Senator,
WILLIAM B. FLETCHER.

Representatives,
JESSE S. WHITSIT,
WILLIAM D. BYNUM,
JOHN C. FERRITER,
JOHN R. WILSON,
ELISHA J. HOWLAND.

Joint Representative Marion, Shelby and Bartholomew Counties,
BELLAMY S. SUTTON.

Clerk,
ROBERT L. McOUAT.

Sheriff,
DANIEL A. LEMON.

Auditor,
THOMAS H. LITZENBERG.

Treasurer,
ELI HEINEY.

Recorder,
CORNELIUS KELLY.

Coroner,
CHARLES N. METCALF.

Surveyor,
DANIEL B. HOSBROOK.

Commissioners,
First District—RICHARD SENOUR.
Second District—HENRY GIMBER.
Third District—JOSEPH LOFTIN.

Exhibit No. 7 to deposition of John P. Frenzcel.—P. C. H., N. P.

DEMOCRATIC TICKET.

Secretary of State,
WILLIAM R. MYERS.

Auditor of State,
JAMES H. RICE.

Treasurer of State,
JOHN J. COOPER.

Attorney General,
FRANCIS T. HORD.

Clerk of the Supreme Court,
SIMON P. SHEERIN.

Superintendent of Public Instruction,
JOHN W. HOLCOMBE.

Judge of the Supreme Court,
1st Dist.—WILLIAM E. NIBLACK.

Judge of the Supreme Court,
2d Dist.—GEORGE V. HOWK.

Judge of the Supreme Court,
4th Dist.—ALLEN ZOLLARS.

Member of Congress—Seventh District,
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CHARLES N. METCALF.

Surveyor,
DANIEL B. HOSBROOK.

Commissioners,

First District—RICHARD SENOUR.
Second District—HENRY GIMBER.
Third District—JOSEPH LOFTIN.

JOHN LATHER, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Q. State your name, age, and residence?—A. John Lather; 41 years old; 514 North West street, Indianapolis, Indiana.

Q. How long have you lived in the city?—A. About 15 years: I was away three years down South.

Q. Were you in the city at the time of the Congressional election, November 7, 1882?—A. Yes, sir.

Q. Did you attend that election?—A. Yes, sir.

Q. At what precinct?—A. At the second precinct in the 4th ward.

Q. Did you vote there?—A. Yes, sir.

Q. Did you act in any capacity than that of a voter?—A. I only voted and worked around the poll a little.

Q. What are your politics?—A. I am a Democrat.

Q. Did you see the tickets voted there by the parties?—A. Yes, sir.

Q. I call your attention to this ticket marked Exhibit F to the deposition of Austin H. Brown and headed "Republican ticket" and I will ask you if this kind of a ticket, or one similar to it, was voted by the Republicans that day?—A. I believe that is the ticket.

Q. I call your attention now to the ticket marked Exhibit G to the deposition of Austin H. Brown, headed "Democratic ticket," and I will ask you if that is the ticket voted and used by the Democrats that day?—A. I believe that is the ticket. I voted it. I saw the ticket, and talked about them.

Q. Could you tell that Republican ticket voted there that day when folded with the names inside of it from the Democratic ticket folded?—A. I could; yes, sir.

Q. How could you tell or distinguish it?—A. It was more smooth than the Democratic ticket was and shows like card-board more like.

Cross-examination by Mr. PEELLE:

Q. You have no knowledge of paper whatever as a manufacturer or dealer in paper?—A. I do not know; I deal a little in paper in my business. I keep a grocery up there.

Q. You do not deal in this kind of paper?—A. No, sir.

Q. You have no knowledge of it as a dealer or manufacturer?—A. No, sir.

Mr. WILSON. Were you the Democratic candidate for council at this last election?—A. Yes, sir; at this last election.

JOHN LATHER.

J. T. DOWNEY, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Q. State your name, age, and residence.—A. J. T. Downey, age 43, residence 96 North Alabama street, Indianapolis, Indiana.

Q. How long have you lived in the city of Indianapolis?—A. Since 1869.

Q. What is your occupation?—A. My business is the insurance business.

Q. What official position, if any, do you or have you occupied here in this city?—A. I have been councilman of the 9th ward, but do not hold any position now except I am councilman-elect.

Q. Were you in this city at the election held November 7, 1882, for Congress, and other offices?—A. I was.

Q. Did you see the ticket voted by the Republican party, and Democratic party at that election?—A. Yes, sir.

Q. I call your attention now to this ticket marked "Exhibit F" to the deposition of Austin H. Brown, and headed "Republican Ticket" and I will ask you if that is the kind of ticket that the Republicans voted at that election?—A. Yes, sir.

Q. That is the ticket?—A. Yes, sir.

Q. I call your attention now to this ticket marked "Exhibit G" and headed "Democratic Ticket" to the deposition of Austin H. Brown, and I will ask you if that is the ticket voted by the Democrats at that election?—A. Yes, sir; it is.

Q. Could you tell that Republican ticket from the Democratic ticket voted at that election, both of the tickets being folded with the names inside?—A. Yes, sir; I could very easily distinguish them.

Q. Did you distinguish them on that day?

(Objected to as leading.)

A. I did.

Q. Did you tell them?—A. Yes, sir.

Q. At what precinct were you?—A. I was at precinct No. 1, or the western precinct of the 9th ward.

Q. Do you know what kind of material that Republican ticket is printed on?—A. I am not judge of paper enough to say just the kind of material. I noticed the peculiarity of the ticket at once.

Q. Do you know what it is popularly called?
(Objected to as immaterial.)
Q. I did not ask you for the technical name, if you do not know, but I ask you what it is popularly called, if you know?—A. I do not know as I could answer that. I do not know as I could say what it is popularly called. I might say, if it would be in place, that I was splitting my ticket considerably, and it did not matter to me much which ticket I got hold of. Before I saw the Republican ticket, I got hold of a Democratic ticket before I went to the polls, and I wanted my ticket fixed before going to the polls, and it was very well known I used the Democratic ticket, at least it was spoken about afterwards to me, and parties spoke about it afterwards and said Mr. Anderson the inspector knew that I voted the Democratic ticket, that I put in a Democratic ticket, then I very closely noticed the Republican ticket after that to know just why it could be so distinguished from the Democratic ticket, and it was not a matter of importance to me as I was voting for the men, and it did not matter which ticket I had, and I had already the Democratic ticket and voted it.
Q. Did you ever know election tickets to be printed upon material like that upon which that Republican ticket is printed?
(Objected to as immaterial.)
A. No, sir; I never did. I never saw it before or since.
Q. What sort of material are tickets usually printed on, and have been for the last ten years?
(Objected to as immaterial.)
A. That would be something I would not know. I would not know what the difference might be. When I want work done, I examine paper and know what kind of paper I want, but I do not know the names of the papers.
Q. Could you say what was the effect of the use of the Republican ticket on the secrecy of the ballot at that precinct that you were at?
(Objected to as conclusion of law.)
A. Well, I will say I think it deterred men from using the Democratic ticket that would have used it.

Cross-examination by Mr. PEELLE:

Q. Who were they?—A. I do not think of any man now.
Q. Not one?—A. I did at the time, but I have not borne them in my mind.
Q. How many did you know of at the time?—A. I do not know. I know that was the general feeling on the day of the election.
Q. And you cannot name a single one?—A. No, sir.
Q. Do you know of a single man that would have voted differently if the Republican ticket had been printed on the same kind of paper that the Democratic ticket was printed on?—A. Just a general impression that they seemed to have.
Q. You were elected to council recently by the Democrats in the 9th ward, were you?—A. I do not know about that. I suppose not. I carried the Republican precinct and lost the Democratic precinct. My name was on the Democratic ticket.
Q. Did you have any bet on the result of the Congressional election last November?—A. None whatever, on that result.

JOHN T. DOWNEY.

SIMEON COY, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Q. State your name, age, and residence.—A. Simeon Coy, age 35, South Alabama street, Indianapolis, Indiana.
Q. How long have you lived in the city?—A. I have been here since 1863.
Q. Do you or did you ever hold any official position in this city?—A. I am a member of the city government.
Q. Were you in this city on November 7, 1882, at the time of the election for Congressman from this district?—A. Yes, sir.
Q. Did you take any part in that election?—A. I attended my polling place in my precinct. I stayed there all day.
Q. Did you act in any capacity beside that of an ordinary voter?—A. I was a mem- of the central committee. I was central committeeman of that ward.
Q. Did you observe the tickets voted there that day?—A. Yes, sir.
Q. I call your attention to the ticket headed "Republican Ticket," and marked "Exhibit F" to the deposition of Austin H. Brown and I will ask you how does that ticket compare with the ticket voted by the Republicans at that precinct that day?—A. That was the ticket voted that day.
Q. I call your attention to the ticket marked "Exhibit G" to the deposition of Austin H. Brown, and headed "Democratic Ticket," and I will ask you if that was the ticket that was used by the Democrats that day in that precinct?—A. Yes, sir; that appears to be the ticket that was used that day.

Q. Could you tell that day or distinguish whilst that were being folded and voted with the names inside, one of those tickets from the other?—A. Very readily.

Q. How?—A. For the simple reason it was the thickness of the paper.

Q. Which one?—A. The Republican ticket. The Republican ticket being so thick and heavy you could see as a voter came up very readily the difference between the two tickets.

Q. Do you know what sort of material that Republican ticket is printed on?—A. No, sir. I do not; I am not posted in regard to paper.

Q. Do you know the effect that the use of that ticket had, if any, on the vote at your precinct?—A. I have not the least doubt in the world that it deterred a great many people that would have voted the Democratic ticket from voting that ticket; for instance, men who are employed in factories and one thing and another that are more or less afraid to vote a ticket unless they know how their proprietors are related to it.

Cross-examination by Mr. PEELLE:

Q. Can you give the name of any one who would have voted differently had the Republican ticket been printed upon the same kind of paper the Democratic ticket was printed on?—A. I do not know whether I could just now or not, but perhaps I could at that time.

Q. You do not know of any one?—A. Not at this time.

Q. Do you know the name of any one who was misled or deceived in voting on account of the Republican ticket being on the kind of paper it was?—A. There was one case I know of in particular.

Q. What was his name?—A. His name was Voght, a barber on Virginia avenue.

Q. Do you know of any others?—A. Well, I know very particularly about that.

Q. What is your politics?—A. I am a Democrat.

Q. What is your occupation?—A. I am in the liquor trade.

Q. You are councilman from the 18th ward?—A. Yes, sir.

Q. Elected by the Democrats?—A. I do not know whether the Democrats elected me or not; I suppose I got some of the Republican voters, as that is a Republican ward.

Q. Do you not know it is a largely Democratic ward?—A. No, sir.

Q. Has it not always gone Democratic?—A. I was the first Democrat ever elected in the ward, by 76, and the rest of the Republican ticket was elected from 76 up to one hundred.

Q. It went Democratic last election?—A. Yes, sir. I was speaking of the first election. The last election it went Democratic.

Q. It is regarded as a pretty reliable Democratic ward, is it not?—A. No, sir. That is the first time it went Democratic. It always went Republican heretofore, and it was considered one hundred Republican on the State ticket.

Questions by Mr. WILSON:

Q. Was it the use of that ticket that prevented that barber there voting, and if so explain how?—A. I get shaved there considerable. [Objected to as hearsay.] I will state while I was getting shaved a morning or two after the election he spoke to me about having intended to vote the Democratic ticket and I asked him if he had voted and he said he had voted the Republican ticket and I said, didn't you vote the Democratic ticket, and he said no he could not; he said there was an officer came down there and inquired if he had been to vote and he told him he had and he says, "I didn't want to vote the Republican ticket, but the officer went up and made an examination and found I had not voted and he came back and I had to go up and I had to vote the Republican ticket." It appears he was let off the stone pile upon the condition he would vote the Republican ticket if they would let him out, and the gentleman is here in the city, at least I saw him the other day.

Q. What do you mean by the "stone pile"?—A. It is a place where city prisoners are sent to work out their fines. It is located in the 18th ward.

Questions by Mr. PEELLE:

Q. What is the name?—A. Voght.

Q. Where is he now?—A. Working on the corner barber shop of Delaware and South streets, at the Ray House. At that time he had a barber shop on Virginia avenue.

Q. Do you know how long he had been on the stone pile?—A. Only a few days. I remember of his arrest. He was arrested for fast driving.

Q. What was his politics?—A. He was a Democrat.

Q. How long had he been a Democrat?—A. Well, I could not say that, but I know he had theretofore voted the Democrat ticket.

Q. How do you know he voted the Republican ticket that day?—A. For the simple reason he told me he did.

Q. All you know about it is what he told you?—A. Yes, sir.

Mr. WILSON. The city prison—is that the jail?—A. Prisoners there are taken down from the station-house. A. that time they were taken from the station-house and taken to the stone pile.

SIMEON COY.

CHARLES JOHNSON, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Q. State your name, age, and residence.—A. Charles Johnson, Indianapolis, Indiana, age 35.

Q. How long have you lived in this city?—A. Different times for the last ten years.

Q. Were you in this city on the 7th day of November, 1882, at the date of the Congressional election and election of other officers?—A. Yes, sir; I was clerk of the election board at the 10th ward.

Q. Did you see the tickets used there that day?—A. Yes, sir.

Q. How do these tickets, one headed "Republican ticket" and marked "Exhibit F" to the deposition of Austin H. Brown, and the other headed "Democratic ticket" and marked "Exhibit G" to the deposition of Austin H. Brown, compare to the tickets used by the Democrats and Republicans?—A. They are similar to the tickets voted that day.

Q. Are they the same material?—A. Yes, sir.

Q. Could you that day there at the polls tell one of those tickets from the other when they were folded and being voted?—A. Yes, sir.

Q. Do you know whether others could standing there?—A. I know from what they said.

Q. Do you know how they could?—A. On account of the stiffness of the paper.

Q. The stiffness of the paper; do you mean Republican ticket?—A. Of either. One was limber and the other was stiff. The Republican ticket was stiff, and Arthur L. Wright often mentioned that such a ticket was a Republican ticket and the other was a Democratic ticket.

(Objected to as hearsay.)

Q. What officer was he?—A. He was inspector.

Q. You heard him as inspector make that remark?—A. Yes, sir.

Q. Go on and state what it was.

(Objected to as incompetent and immaterial.)

A. He expressed his knowledge of knowing what ticket was voted, whether it was a Democratic or Republican ticket.

Q. Did any one around you keep tally of the vote?—A. Yes, sir.

Q. State who.

(Objected to as immaterial and incompetent.)

A. I do not know his name. I think he was a reporter of the News; he had a sheet with him, a tally sheet, and he noted each ticket, and observed very closely and craned his neck every once in a while to see whether it was on stiff paper or limber paper.

Q. As they were being voted?—A. Yes, sir.

Q. Did he make a tally?—Yes, sir,

Q. Do you know what the result of that tally was?—A. No, sir. Only he seemed to be keeping pace with the vote. That is, he expressed knowledge of the result as it was going on, as the vote was going on.

Cross-examination by Mr. PEELLE:

Q. You say he strained his neck in order to ascertain whether it was a Republican or Democratic ticket?—A. No, sir; he craned his neck, and he seemed to be energetic about it.

Q. He did not pretend to keep accurate count?—A. Yes, sir; he pretended to.

Q. Did he make any note of the result there?—A. Yes, sir; every once in a while.

Q. Was he there all day?—A. Yes, sir; most of the day.

Q. What was his name?—A. I do not know.

Q. You say he was a reporter of the News?—A. I think he was.

Q. As I understood you, you were the Democratic clerk there?—A. Yes, sir.

Q. In the interset of the Democratic party?—A. Always.

Q. Was there any objection made to the board that day about the character of the Republican ticket?—A. I do not know.

Q. Were you there all the time?—A. Yes, sir.

Q. You did not hear any?—A. No, sir.

Q. Was any objection made to the counting of the Republican tickets?—A. No, sir.

Q. None whatever?—A. There was an intimation that I heard that they should not be counted because they were on stiff paper.

Q. Who made that?—A. I think it was Mr. Staub.

Q. Who is he?—A. The Democratic judge.

Q. Did he make any written protest?—A. None that I know of.

Q. Or any formal objection?—A. I do not know how formal it was. I do not think it was written.

Q. A man had to watch pretty close to tell that ticket, one from the other, when they were folded?—A. No, sir; they did not. It was very easily discerned. I could

have told them without craning my neck where they were as close to me as where they were to this young man that was keeping an account.

Q. When the tickets were folded as tickets are ordinarily folded when they are voted, and a man comes up the shute to vote, could you tell the difference between them?—A. Yes, sir.

Q. How?—A. By the stiffness of the paper.

Q. How could you see the stiffness of the paper?—A. And by its form; the form of the printing. We had plenty of daylight.

Q. The tickets were folded?—A. Yes, sir; most of them.

Q. And you could not see when it was folded, could you?—A. Yes, sir; I could. I saw it several times.

Q. Were the tickets universally folded so you could see that head through them?—A. I do not know whether they were universally or not; I think that the tickets I saw were folded.

Q. Could you see through the Democratic ticket?—A. No, sir.

Q. You could not see through the top of the Democratic ticket when it was folded on much thinner paper?—A. No, sir.

Questions by Mr. WILSON:

Q. You refer to the heading of the Republican ticket?—A. Yes, sir.

Q. You could not see the name?—A. The form of this head is what I spoke of. It is generally folded so it could be seen.

Question by Mr. PEELLE:

Q. There is no difference in the color of those two tickets, Democrat and Republican.—A. No, sir; there was not that day.

Q. So far as color was concerned it was about the same, was it not?—A. Yes, sir.

Q. How long were you at the polls that day?—A. All day.

Mr. WILSON: When you speak of color you speak of color not as an expert.—A. As a non-expert.

JESSE S. WHITSIT recalled:

Direct examination by Mr. WILSON, attorney for Mr. English:

Q. You are the same gentleman who has testified already?—A. Yes, sir.

Q. We called your attention to these tickets when you testified before, didn't we?—A. Yes, sir.

Q. And you answered as to the power to tell one ticket from another.—A. Yes, sir; I was examined on that.

Q. I will ask you if you know of any one who was prevented from voting his sentiments because of the fact that the Republican ticket was printed on the material it was printed on [objected to as immaterial and incompetent], or in any ways affected so far as his vote was concerned?—A. Well, I cannot say that I do know that any one was actually affected. I was asked by a party whether there was any difference.

(Objected to as hearsay.)

A. (Continued.) I was asked by a party if any one could tell which ticket he was voting and if there was enough difference to distinguish what he voted.

Q. Was that before he voted?—A. Yes, sir.

Q. Before he had gotten to the polls?—A. Yes, sir.

Q. State what occurred then?—A. I met the gentlemen about two squares, as near as I can remember now, about 9 o'clock in the morning, and he was talking to me about politics, and he had always been known as a Democrat and I gave him a ticket.

Q. What sort of a ticket?—A. Democratic ticket, and he asked me if there was any difference between the tickets and I do not remember what reply I made to him, but having worked to secure his vote I tried to leave the impression on his mind, although I knew there was a difference at the time, and one or two spoke about the matter, and among other things left the impression on my mind that he was under a little obligation to vote for certain Republicans on the ticket, or felt compelled to if they would know his ticket, as he had a partner who was a Republican, the man who was backing him in business, and most of his customers were Republicans, and it left the impression in my mind that he was expected by those parties to vote the Republican ticket, although I am sure he wanted to vote the Democratic ticket if it would not be found out on him.

(This testimony objected to as incompetent and irrelevant.)

Q. You say impressions; was that what he stated to you?—A. Yes, sir; from the conversation, I do not recollect the exact language.

Q. That was the substance of it?—A. Yes, sir.

Q. Do you know what he did vote?—A. No, sir; I do not know what he voted. I took a Republican ticket and wrote the names of the candidates on it and whether he voted it or not I do not know.

Q. What names did you put on that Republican ticket?—A. Democratic names straight through.

Questions by Mr. PEELLE:

Q. You tried to convince him that there was no difference between the tickets at that time?—A. It was my endeavor to leave the impression with this man that there was no difference.

Q. And he could vote one as well as the other without being discovered?—A. Yes, sir.

JESSE S. WHITSIT.

DORMAN N. DAVIDSON, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Q. State your name, age, and residence.—A. Dorman N. Davidson; reside in Indianapolis; age 43.

Q. How long have you lived in the city?—A. Pretty near 43 years; born here.

Q. Were you in the city November 7th, 1882?—A. Yes, sir.

Q. Did you attend the election held for Congress on that day?—A. I attended that election. I do not remember the date of the election, but I was at the election.

Q. Did you act in any capacity on that day?—A. I was Democratic clerk of the board.

Q. What precinct was that?—A. It was in the engine-house precinct of the second ward.

Q. Did you see the tickets voted there that day?—A. Most of them.

Q. You saw the kind of tickets they were?—A. Yes, sir.

Q. I call your attention to the ticket marked "Exhibit F" to the deposition of Austin H. Brown, and headed "Republican ticket," and I will ask you, was the ticket voted by the Republicans made on that material or similar to that?—A. Yes, sir; I have one of them, I think. That was the ticket, I think. I kept one. I think that was the ticket voted at that precinct.

Q. I call your attention to this ticket headed "Democratic ticket," and marked "Exhibit G" to the deposition of Austin H. Brown, and I will ask you, was that the Democratic ticket used on that day, or was it the same kind of a ticket printed on the same material?—A. It was the same kind of paper.

Q. Could you tell one of those tickets from the other, Republican from the Democratic, that day when the tickets were folded together as they are usually folded when voted, if you could see one of them as they came up to the chute to put them in?—A. Yes, sir; when a man would come up with a ticket in his hand crumpled, if I could see the ticket at all I could tell.

Q. How would you tell one from the other?—A. I told by the thickness and the way the ticket would refuse to fold.

Q. You refer to what ticket when you say that?—A. The Republican ticket. To make the thing more clear, when a ticket came up folded, creased down closely and folded closely, we could see by the stiffness of it that it would fold closely and the other would not, and it would be like folding a piece of cardboard, or folding a bristol card close. You see there would be a break in it, and you take a piece of soft paper and fold it closely and there would be no break. We could tell by the appearance of it.

Q. One was a good deal thicker than the other?—A. Yes, sir.

Q. What kind of material would you say the Democratic ticket was on in general terms?

(Objected to as immaterial.)

A. The paper I should say ——

Q. Ordinary ——

(Objected to as leading.)

A. I should say ordinary paper. I should suppose, without knowing what I suppose the same material is, on about the same material that the ordinary newspaper is printed on.

Q. Now, what is the character as compared to the Democratic ticket and Republican ticket?—A. I should call that cardboard.

(Objected to as immaterial; that the question should be what it is, not what he calls it.)

Cross-examination by Mr. PEELLE:

Q. Do you know what paper is, from any knowledge of manufacturing or dealing in it?—A. No, sir; I have no technical knowledge of it.

Q. Then you do not know what kind of paper that Republican and Democratic ticket is printed on, in point of fact?—A. What it would be called in the trade I would not know.

Question by Mr. WILSON:

Q. Did you ever know tickets to be printed on material for elections before like that that the Republican ticket is printed upon?

(Objected to as immaterial.)

A. I never saw them

Questions by Mr. PEELLE:

Q. Any complaint made there to the election board that day of which you were a member about the Republican tickets?—A. To the board?

Q. Yes, sir.—A. I do not know of any made to the board.

Q. That is all I am asking you about. Were the tickets counted by the board without objection?—A. All the tickets were counted except two tickets.

Q. Was there any objection to the counting of the Republican tickets because of their being on the kind of paper they were?—A. No, sir.

Q. Two tickets you spoke of not being counted; were they found folded together?—A. They were two tickets folded one inside of the other.

Q. And they were not counted?—A. They were thrown out.

Q. You are a Democrat?—A. Yes, sir.

Questions by Mr. WILSON:

Q. You say those tickets were thrown out?—A. They were not counted there.

Q. Were they Democratic tickets or Republican tickets?—A. Republican tickets.

Q. After throwing out those tickets, how did it leave the poll-book as compared with the number of votes?—A. The tickets corresponded then with the number of names on the poll-book.

Q. In other words, the actual number of tickets counted at the poll and the book corresponded?—A. Yes, sir.

Q. Mr. Peelle asked you whether any complaint was made to the board; were you on that board?—A. Yes, sir; I was one of the clerks.

Q. Where was the board; inside?—A. Yes, sir; inside.

Q. You mean to say when you answered that question that there was no formal complaint tendered to the board?

(Objected to as leading.)

A. I would answer this way, that I heard of no complaint to the board. I do not know that there was none, but I heard none.

DORMAN N. DAVIDSON.

PATRICK HAROLD, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Q. State your name, age, and residence.—A. Patrick Harold. I reside No. 225 South West street, Indianapolis, Marion County, Ind.

Q. How long have you resided in this city?—A. Ten years last May.

Q. Were you in this city on the 7th day of November, 1882, the day of the Congressional election?—A. Our last general election?

Q. Yes, sir.—A. Yes, sir; I was there all day.

Q. What precinct?—A. Precinct No. 2, 15th ward

Q. Have you ever occupied any official position in this city?—A. Well, I was in the council once.

Q. What capacity, if any, did you act in on the day of the election at the precinct?—A. I was ward committeeman.

Q. Were you at the polls all day?—A. Yes, sir; I was from the time the polls were opened in the morning until they closed at night without ever leaving.

Q. Did you see the tickets as they were voted by the two parties there?—A. Yes, sir; I saw most of them.

Q. I call your attention to this ticket, marked Exhibit F to the deposition of Austin H. Brown and headed "Republican ticket," and I will ask you if that was the ticket voted by the Republicans at your precinct?—A. Yes, sir; I would suppose that was the ticket.

Q. I call your attention to this ticket, marked Exhibit G to the deposition of Austin H. Brown and headed "Democratic ticket," and I will ask you if that was the Democratic ticket voted and used at your precinct?—A. I should think that was the ticket. I handled them all day long.

Q. I understand you to say you saw a good many of those tickets voted—most of them?—A. Yes, sir; I saw most of them.

Q. Could you—when those tickets were folded and voted—could you see them and could you tell the Republican ticket from the Democratic ticket?

(Objected to as leading.)

A. Well, in some cases. Really in most cases I could always tell the Republican ticket going in. As a general thing I could tell the Republican ticket going in.

Q. How could you tell?—A. Well, I suppose there was two causes. In fact I knew a great many of the Republicans, and in the next instance I could tell by the fold of the ticket, because it was stiffer and it didn't fold as close. It was on stiffer paper to fold and did not close down as close, but worked a little stiffer.

Cross-examination by Mr. PEELLE:

Q. You were a Democratic committeeman down there that day?—A. Yes, sir.

Q. You knew most of the Republicans in that precinct?—A. Yes, sir; a good many of them.

Q. And when they came up to vote you could tell what ticket they were going to vote without seeing them vote?—A. No, sir; there were some instances where they came by that a person going by me with a ticket lightly folded I could tell.

Q. State your business?—A. Railroad man.

Q. Are you in any other business?—A. No, sir; no other business.

PATRICK HARROLD.

MICHAEL CLUNE, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON, attorney for Mr. English:

Q. State your name, age, and residence.—A. Michael Clune; I am going on 41 years; I reside 633 South Meridian street, and the factory is 700 South Meridian street, Indianapolis, Ind., in the 24th ward.

Q. What is your business?—A. I am a lounge and mattress manufacturer.

Q. How long have you lived in the city?—A. I came here in 1864.

Q. About 19 years?—A. Yes, sir.

Q. Were you in this city on the 7th day of November, 1882, the day of the Congressional election?—A. Yes, sir.

Q. Did you attend that election, and if so, what precinct?—A. I was there in the 24th ward.

Q. What capacity, if any, did you act in?—A. I was acting as Democratic judge.

Q. Did you see the tickets voted by the Democrats and Republicans at that precinct that day?—A. Yes, sir; I watched them all pretty closely.

Q. I call your attention to these two tickets, one marked as Exhibit F to the deposition of Austin H. Brown and headed "Republican ticket," and the other marked Exhibit G to the deposition of Austin H. Brown and headed "Democratic ticket," and I will ask you whether those are the tickets voted and used that day at that precinct at that election?—A. That is the kind of paper I think that the Democratic names were printed on, and the Republican ticket they had paper similar to this.

Q. Were they gotten up in that style and printed with that head?—A. They had a kind of big heading something like that.

Q. You think that is the ticket?—A. I would not say that one was the ticket, but it was a similar ticket to that. I know the Republican names were on very heavy paper, quite a difference from that that the Democrat names were printed on.

Q. Could you tell the difference in the tickets, being folded?—A. Yes, sir; in the size I could tell when they were folded up. One looked stiffer than the other.

Q. Where were you when the tickets were being counted?—A. I was right at my post watching the thing.

Q. Could you tell what the ticket was before it was opened by its appearance?—A. Oh, you could see it in the box when they were put in. They kind of sprung open, that is, when the box was opened.

Q. What ticket?—A. Republican ticket.

Q. How many votes were cast at your precinct, if you know?—A. That I could not say now. I did not keep run of the thing; I know it went pretty heavy Democratic in our ward.

Q. Did you ever fold one of those Republican tickets; did you try any experiment in that?

(Objected to as immaterial.)

A. After the election was over, I had heard so much about it, I thought I would fold one to see how it worked.

Q. State how you found it would work.

(Objected to as incompetent and immaterial.)

A. Of course if I would squeeze the ticket down and press it I could almost break it, that is, I would make a crease in it.

Q. If you didn't crease it?—A. If you did not press it down it did not go together.

Q. Did you ever try any experiment with pasters on those tickets?—A. No, sir, I did not.

Q. Do you know whether a paster would stick to that Republican ticket?—A. I think if I put it on I would make them stick. When I put them on I looked to put them on so they could not get them off.

Q. Did they stick; do you know whether they did stick or not?—A. We found some sticking on there on the Republican ticket.

Q. Did you find any off in the box?—A. I think there was a paster or two out. I am not positive to that part of it. We had some tickets remaining over that we did not have registered names for. We had more tickets than names.

Cross-examination by Mr. PEELLE:

Q. You were Democrat judge on the board that day?—A. Yes, sir.

Q. Was there any complaint made to the board that day by any one, and if so by whom, concerning the Republican ticket?—A. I did not hear any.

Q. Were those Republican tickets counted without objection?—A. They were counted. Yes, sir.

Q. Anybody object to it?—A. There was nothing said to the inspector or judge as to their counting the tickets.

Q. That vote that day was an unusually large Democratic majority, wasn't it?—A. Yes, sir; it was an unusually large that day in the ward in the whole thing.

Q. The whole Democratic majority in the 24th ward was unusually large?—A. Yes, sir.

Q. How much larger than usual?—A. That part of it I am not positive.

Q. Was there not one hundred more than it had been at any time before?

(Objected to as incompetent and immaterial.)

A. It was considerable larger, of course. That ward is growing; they will have to have some more wards down there. I believe in the 25th ward they ought to make three or four out of it the way it is growing.

Q. That 25th ward is largely Democratic too, is it not?—A. I cannot say anything about the 25th.

Q. Do you not know, as a matter of fact, the 25th ward is one of the leading Democratic wards in the city?—A. I expect it is; it generally has a big Democratic majority.

M. CLUNE.

Whereupon the further taking of testimony in chief on the part of the contestor is finally closed.

STATE OF INDIANA,
Marion County, ss:

I, Paul C. Hendricks, notary public within and for said county and State, do hereby certify that the witnesses, whose depositions are hereunto attached, were by me first duly sworn according to law, to testify the truth, the whole truth, and nothing but the truth, relating to matters in controversy in the cause hereinafter mentioned, and that said witnesses were examined according to law, and the foregoing depositions, to which this certificate is attached, were taken and reduced to writing by me, and under my direction by disinterested parties, and subscribed to by said witnesses as aforesaid stated. I further certify that the taking of said depositions commenced on Monday, October 1st, 1883, at 9 o'clock a. m., at the law office of Duncan, Smith & Wilson, No. 76 East Washington street, and continued from day to day, as hereinbefore set forth; that the contestor, William E. English, was present in person and by counsel, Mr. John R. Wilson, of the firm of Duncan, Smith & Wilson; and that the said contestee, Stanton J. Peelle, was present in person and by counsel, William L. Taylor, of the firm of Peelle & Taylor. I further certify that the foregoing depositions were taken in pursuance of the notice and agreements of parties hereto attached, and at the time and place therein specified, to be used on behalf of the contestor, William E. English, as evidence in the matter of the contested election for a seat in the 48th Congress of the United States, from the 7th Congressional district of the State of Indiana, in which William E. English is contestor and Stanton J. Peelle is contestee.

In testimony whereof I have hereunto set my hand and affixed my seal, this 5th day of December, 1883.

[SEAL.]

PAUL C. HENDRICKS,
Notary Public.

(No. 2.)

TESTIMONY FOR THE CONTESTEE.

WILLIAM H. ENGLISH, being first duly sworn, testified as follows:

Direct examination by Mr. HINES, attorney for Mr. Peelle:

Q. State your name.—A. William H English.

Q. Your age and residence?—A. My age is 61. My residence is No. 60 Circle street, Indianapolis, Indiana.

Q. You are the father of the contestant in this case?—A. Yes, sir.

Q. I hand you a paper and ask you to state if that is a copy of the notice that was served on me, or sent to me, by William E. English, the contestant?—A. It seems to me to be a copy.

Q. That is his signature to it, is it not?—A. I think it is.

Mr. PEELLE. I now offer this notice in evidence as a part of the deposition of Mr. English, and ask the notary to mark it as Exhibit No. 1.

The WITNESS. I do not know it to be a copy, but I think it is. Has it not been already put in?

Mr. PEELLE. You have it in your case, sir.

(The notice is objected to by Mr. English as incompetent, irrelevant, and immaterial:)

(The notice will be found attached to this deposition, and marked as Exhibit No. 1.)

Q. I now hand you what purports to be the answer of Mr. Peelle to the notice of contest of Mr. English in this case, and I will ask you to state if that is the answer that was served on Mr. William E. English, and on which he accepted service?—A. That is his signature, I think.

Q. Was you not present when he accepted that?

Mr. WILSON. Just let the record show that that is his answer.

Mr. PEELLE. I now offer this in evidence as a part of the deposition of Mr. English, and ask that the same be marked by the notary as Exhibit No. 2.

(The paper was marked as Exhibit No. 2, and will be found attached to this deposition.)

Q. I now hand you what purports to be an agreement between the contestant and Mr. Peelle for the delay in taking the testimony in this case, and I will ask you to examine that and see if that is the agreement?—A. I think it is. That is one of the agreements. There are two.

Q. You have the other one in your case?—A. You have a copy of it.

Q. We have originals, both of us.—A. Is this the first agreement?

Q. The first agreement for delay in taking the testimony until after the first of September.—A. Yes, sir; that is right.

Mr. PEELLE. I offer this as a part of the deposition of Mr. English, and ask that the notary mark it as Exhibit No. 3.

(The paper was marked as Exhibit No. 3, and will be found attached to this deposition.)

Q. I now hand you what purports to be the agreement for further time given to the contestant in this case, and I will ask you to state if that is the agreement that was made?—A. I think it is.

Mr. PEELLE. I offer this as a part of the deposition of Mr. English, and ask that the notary mark it as Exhibit No. 4.

(The paper was marked as Exhibit No. 4, and will be found attached to this deposition.)

Q. I now hand you what purports to be a notice on Mr. English, containing the list of witnesses to be examined in this case, and I will ask you to examine it and see if that is his signature to it?—A. Yes, sir; it is. I have never examined it.

Mr. PEELLE. I offer this as a part of the deposition of Mr. English, and ask that the same be marked as Exhibit No. 5.

(The paper was marked as Exhibit No. 5, and will be found attached to this deposition.)

WM. H. ENGLISH.

Exhibit No. 1 *to deposition of William H. English.—Paul C. Hendricks, Notary Public.*

Contested election of Representative in Congress, seventh Congressional district of Indiana.

NOTICE OF CONTEST.

To Hon. STANTON J. PEELLE:

You are hereby notified that I shall, and do hereby, contest your election to the office of Representative in the Congress of the United States, for the Seventh Con-

gressional district, in the State of Indiana, as declared by the official canvass of the election therefor, held on 7th day of November, 1882.

I contest your said election on the following grounds:

That the official returns legally made by the election boards of the several election precincts of said Seventh Congressional district of Indiana show that the contestor, William E. English, received a greater number of legal votes at said election, held November 7, 1882, for Representative in Congress for said Congressional district than did the said contestee, Stanton J. Peelle.

That the claim that said Stanton J. Peelle received a plurality of eighty-seven votes at the said election is not correct, for said William E. English in fact received a greater number of the legal votes cast at said election for Representative in Congress for said district than did the said Stanton J. Peelle.

That 12,551 ballots were received and counted for said Peelle at said election in the city of Indianapolis and county of Marion, in said Seventh Congressional district, that were illegal and void because in violation of the following law of the State of Indiana, viz:

"All ballots which may be cast at any election hereafter holden in this State shall be written or printed on plain white paper of a uniform width of three (3) inches, without any distinguishing marks or other embellishments thereon except the names of the candidates and the offices for which they were voted for. (Section 4701, Revised Statutes of 1881.)

That said 12,551 ballots so counted for Peelle were not on "plain white paper," "without any distinguishing marks or embellishments," but were, in fact, on the material known as lithographic, plate, or cardboard, so thick, sized, and super calendered as to be easily distinguished both by sight and touch, and so constructed as to come unfolded in the ballot-box, thus facilitating the voting of double ballots, and commonly called on these accounts spring-back tickets, or cardboard tickets.

That said tickets had other "distinguishing marks or embellishments," and were designed for the purpose, and, in fact, did destroy the secrecy of the ballot, intended to be secured by the above recited law and by the constitution of Indiana, and were, therefore, clearly illegal and void.

That the effect of destroying the secrecy of the ballot by the use of these cardboard spring-back tickets was greatly to the injury of this contestor, aside from the counting of such illegal ballots for said Peelle, as all of the Federal officeholders, all the county and city officials, the police force, and most of the officers of wealthy corporations in said city and county were and are Republicans and supporters of said Peelle, and hundreds of colored men, laborers, employés, and others were prevented from voting for this contestor by reason that the secrecy of the ballot was destroyed by the use of these cardboard spring-back tickets, that could be easily and certainly distinguished to be Republican tickets by either sight or touch.

That said cardboard spring-back tickets were intended to and did promote frauds in double voting, there being over 100 more ballots voted at said election than persons voting, most of said ballots being wrongfully counted for said Peelle.

That said cardboard spring-back tickets were further designed to and did prevent persons from voting for this contestor who desired to do so, because said tickets were not printed on "plain white paper," as required by law, but on cardboard so sized and supercalendered that the name ot this contestor could not be securely placed over the name of said Peelle, by reason of which 100 votes were lost to this contestor.

That Republican inspectors of said election, supporters of said Peelle, refused to receive the votes of 200 qualified voters at said election who presented legal ballots, containing the name of this contestor for Representative in Congress from said district, by reason of which unlawful and unjust refusal 200 votes were lost to this contestor.

That in all, or nearly all, the election precincts in said district the supporters and agents of said Stanton J. Peelle circulated spurious and fraudulent tickets, being in exact similitude of the Democratic ticket on which said William E. English's name appeared for Representative in Congress, except that said counterfeit tickets had the name of Stanton J. Peelle printed in the place of the name of this contestor, and in some instances the name of other Republican candidates for other offices were printed in place of the Democratic candidate, but in all cases such fraudulent tickets, so circulated by the supporters and agents of said Peelle, were headed "Democratic ticket," with the names of the Democratic candidates for State offices thereon, and in many cases with the names of all the Democratic candidates thereon except the name of said English, for which the name of said Peelle was substituted, by reason of which fraudulent devices and practices 300 electors voted at said election for said Peelle who in truth and in fact intended to vote for said English, and actually supposed they had so voted until said fraudulent and spurious tickets were discovered.

That in the city of Indianapolis, in said district, a number of persons, who were qualified electors in said city, who desired and intended to vote for this contestor in the precincts in which they were entitled to vote, were deterred and prevented from so doing by the threats, menaces, and intimidation of Republican policemen, United

States deputy marshals, and others, working in the interests of said Stanton J. Peelle at said election, and that by reason of said wrongful and unlawful threats, menaces, and intimidations used in behalf of said Peelle by his supporters at said election, a large number of voters, to wit, 200 votes, were at said election, in said precincts, cast for said Peelle by the electors so threatened, menaced, and intimidated, which votes would have been cast and counted for this contestor but for such threats and menaces; and 200 other legal voters were deterred from voting for this contestor by reason of said threats, menaces, and intimidations, and did not, by reason thereof, vote at all.

That Republican officials or others, working in the interest of said Stanton J. Peelle, took from the Marion County jail and the station houses of the city of Indianapolis 100 prisoners, and caused them to vote 100 ballots for said Stanton J. Peelle for Congress at said election, the said 100 persons so voting not being qualified voters, or voting for said Peelle because of the threats, intimidations, and undue influences of said Republican officials or others.

That Republican officials or others working in the interest of said Stanton J. Peelle took fifty-seven paupers out of the Marion County poor-house, and by threats, intimidation, and undue influence caused them to vote for the said Stanton J. Peelle for Congress at said election, which they would not have done but for the wrongful acts of said Republican officials or others.

The Republican officials or others working in the interest of said Stanton J. Peelle took thirty-five persons out of the city hospital of said city of Indianapolis, and by threats, intimidations and undue influence caused them to vote for said Peelle for Congress at said election, which they would not have done but for the wrongful acts aforesaid.

That persons working in the interest of Stanton J. Peelle imported persons into said district who were not entitled to vote therein, but who voted at said election for said Peelle to the number of 200 ballots, which ballots were wrongfully counted for said Peelle, and 100 other persons voted for said Peelle in election precincts in said district in which they were not entitled to vote, and such votes were wrongfully counted for said Peelle.

That said election was wrongfully interfered with by Republican officials of the United States Government, who, under the pay of the General Government, came from Washington city and elsewhere in large numbers, to wit, the number of 100, to control and overawe the lawful electors of said district to elect the said Stanton J. Peelle; and to further that end a large fund was raised by assessments upon Federal officeholders by J. A. Hubbell's committee, and by other parties, and brought into said district by the said Stanton J. Peelle, or his agents or supporters, and was, with other moneys, unlawfully and corruptly used to promote the election of the said Stanton J. Peelle, whereby he received 500 more votes than he would have received but for such corrupt and wrongful interference.

That in several of the election precincts in said district, ballots that were for this contestor for Congress, or intended by the person voting to be for him, were wrongfully rejected and not counted for him because they contained the wrong middle initial letter of his name, and for other insufficient causes, and in several precincts the return made is not a true and correct return of the legal ballots voted at such precincts.

Wherefore, this contestor alleges that said Stanton J. Peelle was not, but that the said William E. English was, duly and lawfully elected Representative in Congress from said district at the election aforesaid.

November 29, 1882.

WILLIAM E. ENGLISH.

Exhibit No. 2 to the deposition of William H. English.—Paul C. Hendricks, Notary Public

Seventh Congressional district of Indiana.

WILLIAM E. ENGLISH, CONTESTANT,
vs.
STANTON J. PEELLE, CONTESTEE.

Contestee's answer.

To Hon. WILLIAM E. ENGLISH:

SIR: Your notice of intention to contest my election to the Forty-eighth Congress of the United States from the seventh Congressional district of the State of Indiana, as the result of an election held in said State on the seventh day of November, A. D. 1882, was received by me on the seventh day of December, A. D. 1882, and service thereof accepted by me on that date without waiving any objection thereto; and now reserving all benefit and advantage thereof, I make the following objections to your notice and the allegations contained therein, that is to say—

First. I object to your notice because the same does not contain a statement in writing of the grounds upon which you rely in the contest, and for the further reason that said notice was not duly and legally served, or within the time or in the manner required by law and the practice in such cases.

Second. Protesting against the truth of the allegations in said notice, I object, and say that said notice is so insufficient and defective and so general in its terms that I need not deny or admit the allegations therefor, for the reasons, to wit: Said notice does not specify particularly the grounds upon which you rely in your contest or intend to rely, and gives no reasons for your failing to do so.

Third. Your allegations are only conclusive of law and general averments of wrong-doing in some undefined portions of the said district by unnamed election officials of precincts not specified, or by persons not named or described, and in counties, and in places, and by means not specified, and in violation of laws and the rights of others not designated.

Fourth. Your allegations are so vague and uncertain that I am not informed as to the persons or officials whom you accuse of wrong-doing, and of violating law, and of intimidating electors in said district by threats and menaces, or where such acts were committed; nor do you aver wherein the official returns, legally made by the election boards of the several election precincts in said district, show that you received a greater number of legal votes in said district than I received; nor do you show what distinguishing marks, complained of by you, were on the tickets or ballots voted for me at the several election precincts in the city of Indianapolis in said district, or wherein said tickets destroyed, as you allege, the secrecy of the ballot, or the names of the persons who were deceived or misled thereby; nor do you aver and set forth the names of the electors in said district who were refused the legal right to vote, or the places where such persons were refused; nor do you allege and set forth the names of the persons whom you aver circulated spurious or counterfeit tickets with my name printed thereon, or the names of those whom you allege were deceived or misled thereby, or that such tickets were unlawful; nor do you aver that said tickets were not printed and circulated by you or your supporters among your party friends only, to my detriment and to promote your election; nor do you set forth the names of the electors of said district whom, you aver, were prevented from voting by threats and menaces, or the names of those committing such acts, or the places where such acts were committed, or that such names and places were unknown to you; nor do you set forth the names of those confined in the Marion County jail, the city hospital, and station houses of the city of Indianapolis, and in the poor-house of said county, whom, you aver, were taken out by Republican officials and influenced to vote for me, by threats and menaces; nor do you allege the names of the officials or persons making such threats, or the places where made, or that such inmates were not legal voters in said district; nor do you set forth the names of those persons who voted at said election whom, you aver, were not legal voters, or the places where such persons voted; nor do you set forth the names of the persons by whom you allege money was corruptly and unlawfully used in said district to promote my election to Congress, or the places where such acts were committed, or that the result of the election was thereby changed; nor do you allege that the persons and officials whom you accuse generally of wrong-doing, and the places where such acts were committed, were unknown to you, or that such wrong-doings and unlawful acts, so complained of, were not instigated by you or your supporters, or that such acts were known to or acquiesced in by me, or that the result of the election was changed by reason of the matters set forth in your notice.

Fifth. I object and except to your specifications of grounds of contest, because the same are unsufficient in law, and do not set forth facts sufficient, or of such character, as to enable or entitle you to contest my election aforesaid.

Sixth. I further object to your notice, and the vague and general allegations therein, because of the wholesale charges and averments of all kinds of crime and wrong-doing therein made, without specifications of persons or places, not because you had reason to believe that any one of them had been committed to your injury and to promote my election, but with the deliberate purpose to evade the limitation of the statute, and to speculate upon any future discoveries of evidence, real or intended, and so you have made unlawful, vexatious, and fraudulent use of the notice and process authorized by statute, and the same should be quashed and dismissed, for which I shall move at each stage of the progress in this case. Therefore, without waiving any objection to the manifold and vital defects of said notice, or my exceptions aforesaid, but reserving all benefit and advantage thereof, I make answer and say:

1. I deny each and every ground of contest set forth in said notice and deny each and every allegation contained therein; and aver that throughout said Congressional district, and in each any every precinct and county thereof, a fair and lawful election was held, except wherein you and your supporters prevented the same as hereinafter shown, and that the returns of said election were duly and legally made, and the results thereof duly certified to the secretary of State in said state, in the manner, and

by the officers, required by law so to do; and now for a more particular answer to your vague, uncertain, defective, and general allegations, and without waiving my objections and exceptions aforesaid, but reserving all benefit thereof, I say:

1. I deny that the official returns, legally made by the election boards of the several precincts of said district, show that you received a greater number of legal votes at said election than I received, or that there were a greater number of legal votes received and counted for you than were received and counted for me; upon the contrary, I aver, and will prove, that said returns, so made as aforesaid, show that I received a greater number of legal votes at said election for Representative in Congress than you received, to wit, eighty-seven votes more than you received, and therefore I deny that the claim, as you aver, that I received a plurality of eighty-seven votes in said district is incorrect; upon the contrary I aver that said claim is correct.

2. I deny that there were 12,551 illegal and void ballots, or any other number, more or less, of such ballots, received and counted for me in the city of Indianapolis, or elsewhere, in said district, that were in violation of section 4701 of the revised statutes of 1881, cited by you in your said notice, or that were in violation of any law; upon the contrary, I aver that said ballots so received and counted were in all respects as required by said section of the said statutes.

3. I deny that there were 12,551 ballots, or any other number of ballots, received and counted for me in said city of Indianapolis, or elsewhere in said district, that were not printed on plain white paper, without any distinguishing marks or other embellishments. And I deny that said ballots so received and counted for me, as aforesaid, were designed for the purpose, or that they, in fact, did deceive or mislead any person; or that such ballots were printed on card-board paper or any other kind of paper except that required by law; or that such tickets were commonly called "spring-back" tickets; or that said tickets so voted in any way destroyed the secrecy of the ballot; or that said ballots facilitated double voting; or that more than one ballot was voted by any one person; or that there were more ballots counted than there were persons voting; or that there were 100 more ballots voted than there were persons voting; or that such tickets promoted or tended to promote fraud; or that such ballots were in any way in violation of law; or that such ballots, or any number of such ballots, were illegally received or counted for me; or that any legal voter was deceived or thereby prevented from voting for you. And I deny that your name could not be securely placed over my name on said ticket; or that you lost 100 legal voters, or any other number of legal voters, therefor. Upon the contrary, I allege and will prove, that said ballots so received and counted for me were in all respects according to law, the same having been "printed on plain white paper of a uniform width of three (3) inches without any distinguishing marks or other embellishments," except those in common use in printing.

4. I deny that Republican inspectors at said election refused to receive the votes of 200 qualified voters, or any number of qualified voters of said district, who presented legal ballots containing your name for Representative in Congress, or that you lost any legal vote or votes thereby. Upon the contrary, I allege, and will prove, that all qualified voters in said district who presented legal ballots in the precincts where they were entitled to vote were permitted to vote and that the ballots of all such persons were received and counted by the Republican inspectors in said district for whomsoever voted.

5. I deny that in all or in any of the election precincts in said district my agents or supporters circulated spurious or fraudulent tickets, in exact similitude of the Democratic ticket except that my name was printed therein instead of yours; or that any qualified voter was deceived or misled thereby; or that 300 electors, or any other number of electors in said district, by reason thereof, voted for me who intended to vote for you, or that thereby any qualified elector in said district voted for me who actually supposed he had voted for you, or that you lost any legal votes thereby, or that any such tickets were voted at all in said district; upon the contrary, I allege, and will prove, that in Hancock County in said district there were a large number of Democratic voters, to wit, three hundred, who desired to vote for me, but who were unwilling to vote for any other Republican candidate, and that such friendly Democrats of their own motion and at their own expense, without my knowledge, procured printed the tickets of which you complain, and circulated them for several days prior to and on the day of election, and that the circulation of such tickets, both before and on the day of the election, was well known, and particularly to all electors in said district who voted such tickets.

6. I deny that 200 qualified electors or any other number of electors in the city of Indianapolis, or elsewhere in said district, who desired and intended to vote for you were deterred or prevented therefrom because of threats and menace by Republican policemen, deputy United States marshals, or any other person or official, or that 200 qualified electors in said district, or any other number of qualified electors in any part of said district, refrained or refused to vote because of threats and menaces, as alleged by you in your notice, or that any threats or menaces were made in said dis-

trict at any precinct thereof, by any Republican official or other person in my interest, or that deputy United States marshals were appointed in said district on account of said election, or that any deputy United States marshal in any way interferred with said election or any qualified voter in said district or any part thereof; upon the contrary, I allege and will prove that in said district, and in each and every precinct thereof, a fair election was held, and that no qualified elector thereof was deterred or prevented from voting for you by any official or other person, or by any threats, menaces, or other means.

7. I deny that Republican officials or others working in my interest took from the Marion County jail and the station-houses in the city of Indianapolis 100 prisoners, or any other number of such prisoners, and caused them to vote for me by reason of threats and menaces, or by any other undue influences, or that such prisoners were not legal voters, or that fifty-seven paupers or any other number of paupers were taken out of the Marion County poor-house by Republican officials or other persons and unlawfully voted for me for Congress, or that such paupers were not legal voters, or that thereby 35 persons or any other number of persons were taken out of the city hospital of the city of Indianapolis by Republican officials or others and unlawfully influenced to vote for me for Congress, or that such persons were not legal voters.

8. I deny that persons working in my interest imported 200 persons, or any other number of persons, into said district who were not entitled to vote therein, or that any such persons voted for me for Congress, and I deny that 100 other persons, or any other number of persons, voted for me in said district for Congress at election precincts in which they were not entitled to vote, or that any such votes were received and counted for me.

9. I deny that the election in said district was in any way unlawfully interfered with by 100 Republican officials of the United States Government, or any other number of such officials or other persons, or that such officials exercised any unlawful control over said election, or that they attempted to overawe the lawful electors of said district to secure my election, or for any other purpose.

10. I deny that any money or fund was raised by assessment or otherwise upon Federal office-holders by "J. A. Hubbell's committee," or by any other committee, or by any person, for unlawful use in said district, or that any money was unlawfully or corruptly used in said district by such officials or other persons to promote my election, or that 500 more votes or any number of votes more were received by me in said district because of corrupt or unlawful interference or because of corrupt and unlawful use of money, or that there was any corrupt or unlawful use of money on the part of any one working in my interest in said district. Upon the contrary, I allege, and will prove, that you, by your agents, supporters, and friends, used large sums of money in each and every precinct and county in said district, to wit, the sum of $25,000 in said district unlawfully and corruptly, and with the avowed purpose of promoting your election to Congress, and which money so unlawfully and corruptly used did, in fact, secure you 1,000 votes you would not otherwise have received, and which votes, but for such unlawful and corrupt use of said money, would have been lawfully received and counted for me.

11. I deny that any ballots were rejected at any election precinct in said district on account of the middle initial letter of your name being wrong, or that the electors, if any who voted such tickets, intended to vote for you for Congress, or that such tickets, or any other tickets containing your name for Congress were unlawfully rejected at any precinct in said district, or that the returns made from the several election precincts in said district are not true and correct returns as made of the legal ballots voted in said district at said election, or that said returns are in any way unlawful. And now, by way of counter-charges, I allege and will prove:

1. That you fell behind your party ticket at the said election in each and every county in the said Congressional district for the following among other reasons: (1) Because of the general belief—whether true or not—that you possess large wealth and that you can command large sums of money and are indifferent about its use to further or promote your ends; (2) coupled with this general belief was the further belief—whether true or not— upon the part of many, if not general, that you secured your nomination as a candidate for Congress in said district by the corrupt and unlawful use of money, and that you defrayed the expenses of a special train to convey the delegates selected in Marion County to represent that county in the convention which nominated you in Shelbyville, and that at said convention, as well as going to and returning therefrom, much dissipation was indulged in, which was or became well known to the electors of said district to your unpopularity and injury; and for the further reason that while making your canvass in Shelby County as such candidate you habitually associated and mingled with what was known in said county as ringsters and ring candidates, and that large crowds would accompany you in said county when you were making said canvass, who indulged in much dissipation, all of which was well known and believed in said county to your political injury.

2. I allege and will prove that the ballots voted for you in each and every precinct

in Shelby County, in said district, and which ballots were the only ballots received and counted for you in said county, were not in accordance with law, the same not being "printed on plain white paper of a uniform width of three (3) inches, without any distinguishing marks or other embellishments," but was in fact a less width than three inches, to wit, two and a half (2½) inches in width, and that said ballots so received and counted for you contained distinguishing marks not in common use in printing, but were designed for the purpose and did in fact deceive and mislead the electors in said county and did destroy the secrecy of the ballot, in violation of the constitution and laws of said State.

3. I allege and will prove that at least one hundred persons voted for you at the several precincts in Shelby County who had not been citizens and residents thereof for six months prior thereto, as by the constitution and laws of said State required.

4. I further allege and will prove that at least 100 persons voted for you, whose ballots were counted in the several precincts of Shelby County, who had not resided in the township where they voted respectively for sixty days prior thereto, and that at least 100 more persons voted for you, whose ballots were counted in the said precincts, who had not resided in the precincts where they voted respectively for thirty days prior to said election, as required by the constitution and laws of said State; and that at least 100 more persons voted for you in said precincts in Shelby County, whose ballots were counted, that were not of lawful age, being under the age of twenty-one years.

5. I further allege and will prove that in the east precinct of Shelby Township, in Shelby County, in said district, the election board did not comply with section 4712 of the revised statutes of 1881 of said State, by reason of which violation of law there were ninety-four votes unlawfully canvassed and counted for you by the county board of commissioners of said county that should not have been canvassed and counted.

6. I further allege and will prove that in the east precinct of Noble, in the west precinct of Hendricks, and in the south precinct of Liberty Township, in said Shelby County, section 4713 of the revised statutes of 1881 of said State was violated, by reason of which violation five hundred ballots were canvassed and counted for you that should not have been canvassed and counted by the county board of canvassers of said county.

7. I further allege and will prove that the returns and tally-sheet from Moral Township, in said Shelby County, were altered and changed by persons in your interest after the same had been returned to the county board of canvassers by the precinct inspector, to wit: Said tally-sheet was changed by changing the figure 7 to a 9, which change was made with the corrupt intent to defraud me out of 150 legal votes, received and counted for me by the precinct election board in said township, by deceiving the county board of canvassers of said county, and of thereby inducing them to reject the votes so received and counted for me in said township.

8. I allege and will prove that in each and every precinct in the several wards in the city of Indianapolis, in Marion County, Indiana, your agents and supporters used large sums of money corruptly and unlawfully to promote your election, and that by reason thereof at least 500 persons were induced to vote and did, in fact, vote for you that would not otherwise have voted for you, and which persons, but for said corrupt and unlawful use of money, as aforesaid, would have voted for me.

9. I allege and will prove that in Hancock County, in said district, 100 paupers in the county poor-house of said county were taken out by Democratic officials, and by threats and menaces and by other unlawful influences were induced to vote for you, and that the ballots of such persons were received and counted for you at the several precincts in the city of Greenfield, and that such persons were not legal residents of the township or precinct where voted.

10. I allege and will prove that in each and every precinct of the several counties in said district your agents and supporters had large sums of money for the unlawful and corrupt purpose of influencing the qualified electors of said district to vote for you, and for the corrupt and unlawful purpose of securing the votes of persons not qualified to vote, all of which was well known to you, and that said corrupt and unlawful use of money, as aforesaid, did, in fact, secure you at least 1,000 votes in said district you would not otherwise have received, and which votes, but for said corrupt and unlawful use of money, would have been received and counted for me.

11. I allege and will prove that your agents and supporters caused to be printed and circulated in the city of Indianapolis, Indiana, spurious tickets—that is to say, tickets, as alleged by you, "in exact similitude of the Democratic ticket," except that on said spurious ticket my name was printed thereon instead of yours—which spurious tickets were printed and circulated by your agents and supporters in the several precincts in the said city among your own supporters and friends for the purpose of exhibition to my supporters and party friends for the unlawful and unfair purpose of prejudicing such persons against me, and to thereby prevent them from voting for me, as they otherwise would have done, and that by reason of such spurious tick-

ets, so printed and circulated, as aforesaid, and for the unfair purpose aforesaid, I lost at least 50 votes that would otherwise have been given to me and counted.

12. I allege and will prove that the ballot-box in the 2d precinct of the 12th ward in the city of Indianapolis, in said district, together with the certificate of returns and tally-sheet, and the ballots received and counted at said precinct, and which were all enclosed in said box, was taken to the office of the Democratic township trustee of Center Township, in Marion County, and that the said box and contents disappeared or was removed from said office in an unlawful manner, and has never since been heard of, to my knowledge, and was conveyed to said office through some influence and in some manner unknown to me, and that at said precinct there were 291 ballots received and counted for me, and only 192 ballots received and counted for you, and that the disappearance, loss, or removal of said ballot-box aforesaid was caused by some person unknown to me, but was for the corrupt and unlawful purpose of preventing the canvass of said vote so certified, as aforesaid, by the county board of canvassers of said county; and I further allege and will prove that at the time the removal or loss of said ballot-box became known it was also known that there had probably been received and counted for me in said district about 100 more votes than you had received.

13. I further allege and will prove that there were received and counted for you in the several election precincts in Marion County 12,300 void and illegal ballots, for the reason that said ballots were not "printed on plain white paper of a uniform width of three (3) inches, without any distinguishing marks or other embellishments," as required by law, but was, in fact, of a greater width than three (3) inches, to wit., of the width of three and one-half ($3\frac{1}{2}$) inches, and because said ballots contained distinguishing marks in this, to wit, said ballots were printed on paper so thin and porous that the names and heading thereon could easily be seen through and on the backs thereof.

14. I further allege and will prove that the ballots received and counted for you by the election board in the several election precincts in Hancock County, in said district, were not "printed on plain white paper of a uniform width of three (3) inches, without any distinguishing marks or other embellishments," as required by law, but was, in fact, of a less width than three (3) inches, to wit, of the width of two and one-half ($2\frac{1}{2}$)inches, and that said ballots so received and counted contained distinguishing marks, as I am informed, but the particular kind of distinguishing marks is now unknown to me.

Wherever the allegations contained in the counter-charges hereof are so general and indefinite as not to inform you of the grounds upon which I rely to defeat your contest, I expressly reserve the right to amend such counter-charges at any time before the completion of taking the testimony in said case, as authorized by law and the practice in such cases.

Wherefore, and by reason of the matters and things among others set forth, I aver that at the said election in said district, at the time aforesaid, I was duly and legally elected a Representative to the Forty-eighth Congress of the United States from the seventh Congressional district of the State of Indiana, that the governor of said State duly issued to me a certificate thereof, as by law he was required to do.

Respectfully,

STANTON J. PEELLE.

December 30, 1882.

I, William E. English, contestant in the foregoing entitled election contest, hereby accept service of notice of the above and foregoing answer to my notice of contest, and hereby acknowledge that a copy of said answer was left with me this 4th day of January, A. D. 1883, all of which I accept without waiving any objection thereto.

WILLIAM E. ENGLISH.

Exhibit No. 3 to the deposition of William H. English.—Paul C. Hendricks, Notary Public.

Contested election for a seat in the 48th Congress from the 7th Congressional district of Indiana.

WILLIAM E. ENGLISH
vs.
STANTON J. PEELLE.

Whereas in this case it would be inconvenient for the said Stanton J. Peelle, the contestee, to attend to the taking of testimony until after the adjournment of the present session of Congress, he being a member thereof, and he having requested a postponement of the taking of testimony in this case, the said William E. English, the contestor, and the said Stanton J. Peelle, the contestee, have mutually agreed, and do hereby mutually agree, that the time for taking the testimony in this case

shall be postponed to the first day of next September, when the said contestor shall take his evidence within forty days from that date, and the said contestee his evidence in the next forty days thereafter, and the said contestor his evidence in rebuttal in the next ten days thereafter, so that the whole shall be taken within ninety days from said first day of next September, instead of within ninety days from the time of serving the answer of the contestee, as provided by the act of Congress, each of said parties hereby waiving the taking of evidence within said last-mentioned period, and agreeing that no objection shall be made or advantage taken because of not taking evidence within that period, and hereby agreeing that the same may be taken within ninety days from said first of September, 1883, in the same manner and shall have the same effect as if the same had been taken within ninety days from the time of service of said contestee's answer. Witness our hands this 20th day of January, 1883.

STANTON J. PEELLE.
WILLIAM E. ENGLISH.

Exhibit No. 4 to the deposition of William H. English.—Paul C. Hendricks, Notary Public.

Seventh Congressional district of Indiana.

WILLIAM E. ENGLISH, CONTESTANT,
v.
STANTON J. PEELLE, CONTESTEE.

It is mutually agreed by and between the contestant and the contestee above named that, for the mutual convenience of both parties, the time for the taking of testimony in said case shall be ninety days from the 10th day of September, 1883, and that the said contestant shall have until October 20th, 1883, within which to take his testimony in chief, and the said contestee shall have forty days from said Oct. 20th, 1883, within which to take his testimony, or so much thereof as he may require: *Provided*, That if the said contestee consumes less time than forty days in taking his testimony, then, and in that case, the said contestant hereby agrees to commence at once to take testimony in rebuttal, consuming the ten days allowed him by law therefor, so as not to take time beyond the assembling of the Forty-eighth Congress; and it is further mutually agreed that the depositions to be taken shall be taken before notaries public.

WILLIAM E. ENGLISH.
STANTON J. PEELLE.

Exhibit No. 5 to deposition of William H. English.—Paul C. Hendricks, Notary Public.

UNITED STATES OF AMERICA,
State of Indiana, Marion County:

In the matter of the contested election for a seat in the 48th Congress of the United States from the 7th Congressional district of the State of Indiana.

WILLIAM E. ENGLISH, CONTESTOR,
vs.
STANTON J. PEELLE, CONTESTEE.

To WILLIAM E. ENGLISH:

You are hereby notified that in the above entitled cause and contest that on the seventh day of November, 1883, beginning at 9 o'clock a. m of said day, before Paul C. Hendricks, a notary public within and for the county of Marion aforesaid, and at room No. 17, Bates block, on North Pennsylvania street, in the city of Indianapolis, Indiana, the said Stanton J. Peelle, the contestee in said cause, will proceed to take the depositions of the following-named witnesses, whose places of residence are set opposite to their respective names, to wit:

William Wallace, No. 342 Home avenue	Indianapolis,	Indiana.
Dr. P. H. Jameson, No. 296 Broadway	"	"
Theodore P. Haughey, No. 237 N. Meridian st	"	"
N. S. Byram, No. 956 N. Illinois st	"	"
James T. Layman, No. 545 N. Alabama st	"	"
E. C. Divine, No. 596 N. Alabama st	"	"
Alfred D. Clark, 121 N. Mississippi st	"	"
Col. Samuel Merrill, No. 345 Broadway	"	"
Charles D. Meigs, No. 457 N. Penn st	"	"
Otto H. Hasselman, New Denison hotel	"	"
Col. N. R. N. Ruckle, No. 923 N. Ill. st	"	"
Horace Randall, No. 343 N. Liberty st	"	"

L. G. Dynes, No. 45 Linden st.....Indianapolis, Indiana.
D. M. Ransdell, No. 461 N. Tenn. st..... " "
Hon. J. W. Gordon, Grand hotel..... " "
I. S. Gordon, No. 19 E. Ohio..... " "
Henry Salsbury, N. Tenn. st..... " "
W. C. David, U. S. Collector's office..... " "
W. C. Newcomb, 107 St. Joe st.....City
Robert W. Cathcart, E. Washington st..... "
W. O. Anderson, S. Meridian " ..... "
M. M. Reynolds, No. 108 Brookside ave.....Indianapolis, Indiana
L. D. Martin, first ward..... " "
Wade Ritter, No. 524 E. Eighth st..... " "
Charles S. Roney, No. 302 Park avenue..... " "
Thomas Endley, No. 578 Park avenue..... " "
W. A. Pattison, No. 640 N. Illinois st..... " "
A. C. Harris, No. 744 N. Meridian st..... " "
John W. Hadley, No. 289 Indiana ave..... " "
Amos Clifford, No. 374 N. West st..... " "
Marcus L. Brown, No. 371 N. Mississippi st..... " "
W. S. R. Tarkington, 477 N. Tennessee st..... " "
B. Ward, No. 387 N. New Jersey..... " "
James McMurray, 525 N. Alabama..... " "
Thomas D. Amos, No. 302 E. North st..... " "
John Reinschild, seventh ward..... " "
Ed. C. Jones..... " "
H. C. Buddenbaum, 396 E. Ohio..... " "
Christian Zimmerman, 309 E. Merrill..... " "
George Anderson, No. 185 E. Market st.....Indianapolis, Indiana
Fred. Thoms, No. 76 N. East..... " "
B. W. Cole, No. 144 E. New York..... " "
John Reynolds..... " "
John Reynolds, No. 287 N. Alabama..... " "
James C. Yohn, No. 206 N. Delaware..... " "
J. H. Vajen, No. 128 N. Meridian..... " "
P. H. Fitzgerald, No. 274 N. Mississippi..... " "
John A. McGaw, No. 166 N. Mississippi..... " "
T. E. Chandler, No. 284 W. Vermont..... " "
James A. Isgrigg, No. 223 W. New York..... " "
J. R. Overman, 86 Minerva st..... " "
John Drake, cor. Mich. and Hiawatha..... " "
W. W. Dye, West Indianapolis..... " "
John Burns..... " "
Adam Scott, No. 136 W. Maryland..... " "
Wm. Gulliver, No. 79 Kentucky st..... " "
Albert Byrket, No. 115 W. South st..... " "
Martin Kepple, No. 36 W. Louisiana..... " "
B. F. Hetherington, No. 41 Madison ave..... " "
G. W. Hill, No. 110 S. East st..... " "
John Montieth, No. 127 S. East st..... " "
John T. Pressley, No. 119 S. East st..... " "
G. C. Krug, No. 67 S. Noble st..... " "
Dr. S. L. Ferree, No. 715 E. Washington st..... " "
Wesley Adams, 56 Fletcher ave..... " "
Joseph Morris, No. 186 Huron st..... " "
Edgar Brundage, 225 English avenue..... " "
Levi Bowser, No. 67 Woodlawn avenue..... " "
Thos. F. Quill, No. 447 E. McCarty st..... " "
Isaiah C. Crane, No. 101 Dougherty st..... " "
M. Steinhauer, No. 340 S. East st..... " "
Fred Ward, No. 100 Yinzer st..... " "
Levi Southerland, 59 E. McCarty st..... " "
Isaac Stott, 321 Union st..... " "
Johnston Wallace, No. 199 W. Merrill st..... " "
Amer J. Funk, No. 82 Maple st..... " "
John Souerbier, No. 164 W. Morris..... " "
W. H. Speer, Wayne Township..... " "
Dick Norwood, second ward..... " "
Joseph H. Humphries, No. 908 N. Alabama..... " "
W. H. Pritchard, No. 955 N. Mississippi..... " "
Samuel Headley, No. third ward..... " "

L. M. Johnson, No. third ward	Indianapolis,	Indiana.
Lee Morris, No. 35 Center st	"	"
Wm. Petty, No. 391 Indiana ave	"	"
Marian Wilson, No. 367 N. California	"	"
Wm. Wilson, No. fourth ward	"	"
James L. Fletcher, No. 344 N. Tennessee st	"	"
Caleb S. Denny, No. 477 N. Illinois st	"	"
M. L. Johnson, No. 546 N. Illinois st	"	"
Gen. R. S. Foster, No. 352 N. New Jersey st	"	"
John W. Pfaff, No. 384 N. New Jersey st	"	"
Dr. F. J. Van Vorhis, No. 174 E. Walnut st	"	"
W. C. Newcomb, No. 128 St. Mary st	"	"
Gus Smith, No. 203 Union st	"	"
E. A. Brown, No. 502 N. Alabama st	"	"
James A. Wildman, No. 415 N. Penn. st	"	"
David W. Coffin, No. 432 N. Penn. st	"	"
Thomas Johnson, seventh ward	"	"
Gen. Fred Knifler, No. 630 E. Washington	"	"
Gen. George F. McGinnis, 715 E. Market st	"	"
John Forrest	"	"
W. H. Martz, No. 189 N. Noble st	"	"
C. B. Feibleman, No. 127 N. Noble st	"	"
John Koerner, eighth ward	"	"
J. L. Mathershead, No. 153 E. Ohio st	"	"
W. H. Cobbs, No. 124 E. Ohio st	"	"
Jacob L. Bieler, No. 275 E. Ohio st.	"	"
Charles H. Reynolds, 269 E. Market st	"	"
Leon Kahn, No. 164 N. East st	"	"
G. S. Wright, 275 N. Delaware st	"	"
Thomas I. Heiskell, cor. Penn. and Vermont	Indianapolis,	Indiana.
Wm. M. French, No. 221 E. North st	"	"
Merrill Moores, No. 232 N. Alabama st	"	"
D. F. Swain, No. 116 Christian ave	"	"
W. A. Van Buren, No. 194 E. Michigan st	"	"
Samuel McClure, No. 221 E. Michigan st	"	"
Robert E. Smith, No. 172 N. Delaware st	"	"
John C. Walker, No. 130 N. Penn st	"	"
George T. Porter, 30 Talbot bl'k	"	"
W. J. Freaney, No. 35 Park avenue	"	"
D. B. Shideler, No. 112 N. Meridian st	"	"
R. Rorison, 272 N. Meridian	"	"
John W. Coons, Chicago, Ill	"	"
W. H. Morrison, 267 N. Mississippi st	"	"
Isaac Hammond	"	"
M. F. Connett, No. 252 Bright st	"	"
Derk De Reiter, 194 N. California	"	"
John Cowie, 233 Douglass st	"	"
John Palmer, 232 Douglas st	"	"
Christian Wilson, 122 Minerva st	"	"
Hamilton Rankin, 300 Douglass st	"	"
Ephraim Alberts, 382 Blake st	"	"
Nelson Hooven, 311 W. Washington	"	"
Joseph Morrow, 302 W. Maryland st	"	"
A. W. Moore, 265½ W. Washington st	"	"
James Splann, No. 91 S. West st	"	"
Isaac Cline, No. 232 S. Missouri st	"	"
Charles T. Dashiel, 39 S. West st	"	"
J. H. Drummond, 277 S. Missouri st	"	"
Bruce Carr, Bates block	"	"
E. F. Cullen, 57 W. Maryland st	"	"
H. Kimberlin	"	"
Wm. Russell, 123 W. South st	"	"
Frank Wiley, 50 Henry st	"	"
James Sulgrove, 125 W. South st	"	"
R. R. Shiel, Grand hotel	"	"
I. N. Paterson, Grand hotel	"	"
Ed. Conway, 271 S. Delaware st	"	"
Samuel Garber, 53 Maple st	"	"
Leonard Crane, 5 Stevens Place	"	"
Robert Kaufman, eighteenth ward	"	"

Jacob Scholl, 25 S. Alabama st.....Indianapolis, Indiana.
A. Harbison, 117 S. New Jersey st..... " "
Fred. Steinhauer, 134 S. East st..... " "
Wm. Howard, 243 E. South st ..... " "
Charles Wilson, eighteenth ward ..... " "
Harry Lehr, nineteenth ward ..... " "
Joseph Loucks, 197 Bates st..... " "
James Tallentive, 47 Bates st..... " "
Harry Phillips, nineteenth ward ..... " "
Richard Mead, nineteenth ward ..... " "
W. G. Barneclo, 53 Bates st..... " "
L. A. Fulmer, 63 English ave ..... " "
A. W. Wishard, 89 Huron st ..... " "
George Wishard, 89 Huron st ..... " "
A. O. Despo, 282 Fletcher ave ..... " "
George Wallace, 371 E. McCarty st..... " "
W. G. Graff, 195 Olive..... " "
Mike Tooney, twenty-second ward..... " "
Hugh Goudy, 160 Dougherty st ..... " "
Rue Showver, twenty-second ward ..... " "
John R. Clinton, 277 Virginia ave..... "
H. Burke, 342 S. Delaware st ..... " "
Jesse De Haven, 34 Sinker st ..... " "
Wm. Miller, twenty-fouth ward..... " "
A. Cudel, 64 E. McCarty st ..... " "
Ed. Cudel, 29 Mulberry st..... " "
Charles Du Bois, 29 Poplar st..... " "
John Berry, 170 W. Morris st..... " "
John Mountain, 63 Carlos st ..... " "
Charles O. Britton, 477 S. West st..... " "
Andrew Kane, 30 McGinnis st..... " "
G. Saurbier, twenty-fifth ward .....Indianapolis, Indiana.
F. B. Duncan, 400 S. West st ..... " "
Frank Fessler, twenty-fourth ward ..... " "
Samuel White, twenty-fourth ward ..... " "
——— Nichol, twenty-fourth ward..... " "
August Schultz, 30 Yeizer st ..... " "
Henry Stolte, 355 Virginia ave ..... " "
C. C. Glass, 621 Virginia ave ..... " "
Charles Hasley, 494 S. New Jersey st ..... " "
Fred. Gansberg, 57 Prospect st ..... " "
W. C. West, 53 S. Linden st..... " "
T. McCarty, 57 Wyoming st..... " "
Lafayette Williams, fifteenth ward..... " "
T. C. Rutledge, fifteenth ward ..... " "
James Burton, 122 Minerva st..... " "
Charles Rhodes, 231 W. New York st ..... " "
Charles O. Harris, 125 N. West st ..... " "
John Jordon, 172 N. Mississippi st ..... " "
A. R. Hovey, 173 W. New York st..... " "
Wilson Morrow, 222 N. Illinois st ..... " "
G. Jordon, 186 N. Tennessee st..... " "
Frank Reynolds, 15 W. North st ..... " "
John W. Bowles, 115 N. Illinois st..... " "
J. Elliott, 18 E. Michigan st..... " "
W. A. Lyons, Franklin Ins. b'ld'g ..... " "
John T. Lecklider, 196 N. Delaware st..... " "
Henry D. Hamilton, 200 N. Delaware st ..... " "
Charles H. Munson, 286 N. Alabama st ..... " "
B. C. Wright, 275 N. Delaware st ..... " "
S. H. Cobb, 22 Lockerbie st ..... " "
W. H. Irwin, Tenth ward ..... " "
Silas Harvey, 305 E. New York st ..... " "
Fred. Boggs, cor. Alabama and Ohio..... " "
G. W. Wallace, E. Market st..... " "
H. Hutchins, 526 E. Market st ..... " "
H. C. Zimmerman, 105 Davidson st ..... " "
Z. K. McCormick, No. 142 Davidson st..... " "
A. Thompson ..... " "
M. S. Huey, No. 66 Oak st ..... " "

John McC. Wilson ..... Indianapolis, Indiana.
A. Patterson ..... " "
——— McChesney ..... " "
Robert Catterson, No. 24 Kentucky ave ..... " "
Jesse Hubbard, No. 324 Lincoln ave ..... " "
J. R. Raynor, No. 123 W. 4th st ..... " "
L. G. Aikin, No. 80 W. 5th st ..... " "
D. V. Burns, No. 440 N. New Jersey ..... " "
H. McCoy ..... " "
A. B. Summers, 389 N. California st ..... " "
Miles Clifford, No. 384 N. West st ..... " "
John Hannaman ..... " "
Hugh Campbell, No. 162 Brookside ave ..... " "
T. H. K. Enos, No. 325 Belfontaine st ..... " "
Wm. H. Ballard, 4 Vajen's block ..... " "
H. W. Tutewiler, No. 401 N. Mississippi st ..... " "
E. G. Cornelius, No. 348 N. Meridian st ..... " "
C. C. Heckman, 349 N. Mississippi st ..... " "
George W. Stubbs, 230 Christian avenue ..... " "
W. C. Phipps, 202 Christian avenue ..... " "
H. C. Allen, 874 N. Alabama st ..... " "
Horace M. Hadley, 381 N. Delaware ..... " "
Edward Carter, 780 N. Tennessee ..... " "
Hiram D. Castetter, 234 Indiana ave ..... " "
John T. Amstead ..... " "
D. L. Wood, 417 N. Penn st ..... " "
George H. Fleming, 463 N. Penn st ..... " "
W. P. Adkinson, No. 165 Elm st ..... " "
George A. Wallace, 104 Fletcher ave ..... " "
O. R. Weaver, No. 90 Huron st ..... " "
Dan S. Jordan, No. 87 Hoyt ave ..... " "
A. J. Joyce, 264 Fletcher ave ..... " "
Henry Freeman, 60 Summit st ..... " "
R. Campbell, 84 Harrison st ..... Indianapolis, Indiana.
Thomas Tallentire, 333 Fletcher ave ..... " "
John Laufersick ..... " "
Hiram Seibert, No. 143 S. East st ..... " "
Henry C. Huffman ..... " "
E. F. Busher ..... " "
John M. Kemper ..... " "
Thomas Gambriel ..... " "
L. C. Marion ..... " "
J. M. South, No. 17 Virginia ave ..... " "
Wm. A. Zion, Vance bl'k ..... " "
R. O. Hawkins, 83 E. Pratt st ..... " "
Henry C. Adams, 622 N. Alabama st ..... " "
George Weaver, 559 E. 7th st ..... " "
Isaac Thalman, Circle Park hotel ..... " "
Joseph R. Perry, 23 W. St. Clair ..... " "
John R. Rankin, 81 E. Michigan st ..... " "
John B. Elam, 405 College ave ..... " "
Peter F. Bryce, No. 13 E. South st ..... " "
Gen. John Coburn, No. 126 E. Ohio st ..... " "
John H. Bowlby, 263 S. Penn st ..... " "
William H. English, Circle st ..... " "
C. F. Halliday, board of trade ..... " "
John L. McMasters, Brandon block ..... " "
I. N. Pattison, Grand hotel ..... " "
W. H. Ripley, Thorpe block ..... " "
A. J. Treat, Bates block ..... " "
W. N. Harding, E. Washington st ..... " "
C. A. Dryer, Baldwin block ..... " "
A. W. Hatch, Thorpe block ..... " "
William L. Taylor, N. Penn st ..... " "
William R. Myers, sec. of State ..... " "
Horace McKay, U. S. collector ..... " "
Austin B. Prather, E. Market st ..... City.
W. F. Browder, office of reporter supreme ct ..... "
C. Wing ..... Cincinnati, Ohio.

Timothy Splan, 17th ward ..... City.
James P. Baker, Vance block ..... "
John B. Conner, "Indiana Farmer" ..... "
S. E. Perkins, Thorpe block ..... "
William F. Martin, 356 Indiana ave ..... "
William B. Burfard, W. Washington st ..... "
Conrad Baker, S. Penn st ..... "
W. R. Holloway, Circle st ..... "
J. G. Sexton, 51½ N. Penn st ..... "
John B. Jacques, 51½ N. Penn st ..... "
E. B. Martindale, N. Meridian ..... "
Cyrus T. Nixon, 141 Park ave ..... "
Frank H. Smith, N. Penn st ..... "
W. O. DeVay, E. Maryland st ..... "
Austin H. Brown, S. Meridian st ..... "
A. G. Porter, governor ..... "
E. W. Halford, "Journal," ..... "
Henry C. Chandler, E. Market st ..... "
Charles A. Killie, " " " ..... "

The said depositions to be used as evidence at the hearing and in the trial of the above entitled cause and contest by and for the said contestee.

The taking of said testimony will be adjourned from day to day until the same is completed.

Dated this the 2d day of November, 1883.

STANTON J. PEELLE.

I acknowledge service of the above and foregoing notice.

WILLIAM E. ENGLISH.

MOSES G. MCLAIN, being first duly sworn, testified as follows:

Direct examination by Mr. HINES, attorney for Mr. Peelle:

Q. State your name, age, and residence.—A. Moses G. McLain; age, 39; residence, Indianapolis, Ind.

Q. What office do you hold?—A. Clerk of the Marion circuit court.

Q. Otherwise, clerk of Marion County?—A. Yes, sir.

Q. State what this paper is that I hand you?—A. It is a certified copy of the vote cast for candidate for Representative in Congress at the general election held on the 7th day of November, 1882.

Q. Certified by whom and how?—A. Certified by me, as clerk of the Marion County circuit court, under the seal of the court.

Q. I will ask you if you have compared this with the original returns?—A. I have compared that with the original returns made by the board of canvassers of the county, and also by the precinct inspectors of the several precincts of the county.

Q. State whether that is correct.—A. I find that this is correct ——

(Mr. English objected to the answer as incompetent, for the reason that the document will speak for itself.

Mr. HINES. The document does not show for itself except by certificate.

The WITNESS (continuing). That the returns made by the precinct inspectors and the returns made by the board of canvassers are identically the same.

Mr. HINES. We introduce this paper as a part of the deposition of Mr. McLain, and ask that it be marked as Exhibit No. 6, and, independently, we introduce it on the strength of the certificate.

(The paper was marked as Exhibit No. 6, and will be found attached to this deposition as a part thereof.)

Cross-examination by Mr. WILSON:

Q. You are clerk of this county, you say. Were you the clerk at the time this return was made?—A. No, sir

Q. Then the return was made to your predecessor in office?—A. Yes, sir.

Q. I will ask you if you compared the number of votes, as you state them here to be, for each precinct, with the return of the board, and with the return of each precinct inspector for each precinct?—A. Yes, sir.

Q. All the way through—every item here?—A. Yes, sir; we took them out and had the tally-sheets and the returns there. You see they are put away in boxes and filed separately.

Q. Did you do that, or your deputies?—A. I had two deputies there, and I stood by and saw it done.

STATE OF INDIANA,
Marion County, ss:

Be it remembered, that among the papers and records on file in my office in relation to a general election held on the seventh day of November, A. D. 1882, it appears that Stanton J. Peelle, William E. English, and Robert W. Medkirk, as candidates for Representative in the 48th Congress of the United States from the 7th Congressional district, in the State of Indiana, each received in the several voting precincts, in said county of Marion, the number of votes set opposite their respective names, as follows, to wit:

		Stanton J. Peelle	William E. English	Robert W. Medkirk
First ward,	precinct No. 1.	160	109	2
" "	" " 2.	197	101	2
" "	" " 3.	139	132	5
Second ward,	" " 1.	314	61	0
" "	" " 2.	288	102	8
Third ward,	" " 1.	289	94	3
" "	" " 2.	261	99	5
Fourth ward,	" " 1.	156	126	11
" "	" " 2.	189	141	3
Fifth ward,	" " 1.	202	140	2
" "	" " 2.	267	96	2
Sixth ward,	" " 1.	302	86	2
" "	" " 2.	295	106	1
Seventh ward,	" " 1.	208	99	5
" "	" " 2.	197	106	4
" "	" " 3.	93	173	4
Eighth ward,	" " 1.	115	203	1
" "	" " 2.	176	220	3
Ninth ward,	" " 1.	226	135	0
" "	" " 2.	204	231	2
Tenth ward,	" " 1.	184	162	1
" "	" " 2.	202	79	4
Eleventh ward,	" " 1.	201	111	2
" "	" " 2.	203	115	3
" "	" " 3.	137	85	1
Twelfth ward,	" " 1.	246	114	1
" "	" " 2.	290	192	5
Thirteenth ward,	" " 1.	249	98	3
" "	" " 2.	317	234	2
Fourteenth ward,	" " 1.	115	218	2
" "	" " 2.	282	151	2
Fifteenth ward,	" " 1.	85	238	1
" "	" " 2.	155	281	0
Sixteenth ward,	" " 1.	74	133	2
" "	" " 2.	122	191	3
" "	" " 3.	69	178	3
Seventeenth ward,	" " 1.	194	188	2
" "	" " 2.	123	185	0
Eighteenth ward,	" " 1.	146	175	3
" "	" " 2.	175	173	2
Ninteenth ward,	" " 1.	74	188	5
" "	" " 2.	106	172	1
" "	" " 3.	92	138	2
Twentieth ward,	" " 1.	238	161	2
" "	" " 2.	232	165	5
Twenty-first ward,	" " 1.	192	133	6
" "	" " 2.	182	193	10
Twenty-second ward,	" " 1.	138	205	2
" "	" " 2.	137	266	8
Twenty-third ward,	" " 1.	127	262	1
" "	" " 2.	137	353	2
Twenty-fourth ward,	" " 1.	125	229	2
" "	" " 2.	104	269	0
Twenty-fifth ward,	precinct No. 1.	75	211	2
" "	" " 2.	115	252	3
" "	" " 3.	132	208	1
Center T'p, N. W.	" " 1.	135	131	8
" " N. E.	" " 1.	151	91	4
" "	" " 2.	91	93	4
" " S. E.	" " 1.	201	240	4
" " S. W.	" " 1.	107	105	2
Lawrence T'w'p,	" " 1.	61	144	4
" "	" " 2.	102	85	0
" "	" " 3.	104	103	20
Washington T'w'p,	" " 1.	152	97	10
" "	" " 2.	148	122	14
Pike T'w'p,	" " 1.	84	171	12
" "	" " 2.	96	84	78
Warren T'w'p,	" " 1.	102	248	6
" "	" " 2.	127	172	7
Wayne T'w'p,	" " 1.	92	46	8
" "	" " 2.	120	89	0
" "	" " 3.	111	167	1
" "	" " 4.	135	129	4
Perry T'w'p,	" " 1.	177	116	10
" "	" " 2.	122	124	8
Decatur T'w'p,	" " 1.	155	41	0
" "	" " 2.	91	88	4
Franklin T'w'p,	" " 1.	103	165	5
" "	" " 2.	120	183	18
Total: Twelve thousand nine hundred and forty votes		12,940		
Total: Twelve thousand three hundred votes			12,300	
Total: Three hundred and ninety votes				390

STATE OF INDIANA,
Marion County, ss:

I, Moses G. McLain, clerk of the Marion circuit court, within and for said county and State, do hereby certify that the above and foregoing contains a full, true, correct, and complete statement of the number of votes received in said county and State on the 7th day of November, A. D. 1882, at a general election held on said day, by Stanton J. Peelle, William E. English, and Robert W. Medkirk, respectively, as candidates for Representative in the 48th Congress of the United States, from the seventh Congressional district in said State of Indiana, as shown and as fully appears by the returns made to my office by the board of canvassers of said county, on the ninth day of November, A. D. 1882, on file in my office, and as compared with and correctly shown by the original returns made by the several precinct inspectors in said county, also on file in my office, and that said vote is identical with the vote returned by said board of canvassers.

In witness whereof, I hereunto subscribe my name, and affix the seal of said Marion circuit court, at my office in the city of Indianapolis, this 6th day of November, A. D. 1883.

[SEAL.]

MOSES G. McLAIN,
Clerk Marion Circuit Court of Marion County, Indiana.

Q. Do you, of your own personal knowledge, know that these correspond with the specific return for each precinct?—A. Yes, sir.

Q. You did compare each precinct yourself?—A. Yes; I was standing there over the table.

Q. Did you compare the figures yourself; did you look at them yourself, or did you take the statement of your deputy?—A. I looked at the figures and checked.

Q. I believe you are a Republican?—A. There is no question of that, sir.

Q. And you were elected by the Republicans at that election?—A. Yes, sir; by the people. I got a good many Democratic votes, otherwise, I was elected by the Republicans.

MOSES G. McLAIN.

C. F. HOLLIDAY, being first duly sworn, testified as follows:

Direct examination by Mr. HINES, attorney for Mr. Peelle:

Q. Your name, age, and residence?—A. C. F. Holliday; Indianapolis is my residence; my age is 39.

Q. State where you were and how you were engaged on the day of the State election, in the city of Indianapolis, in 1882.—A. Most of the day, in fact all morning and most of the afternoon, I had charge of the poll-book of the ward and checked off the voters as they came up, to see whether they had voted or not.

Q. How large a portion of the day were you there?—A. I must have been there two-thirds of the day. It was in the 2d ward; I do not know what precinct it was. It was at the corner of Ash street and Home avenue.

Q. What is your business?—A. At that time I was the agent of the "Great Eastern" line. Now I am with the board of trade, as assistant secretary.

Q. I will ask you to examine two tickets, one headed "Republican ticket" and the other "Democratic ticket," and to state what you know in reference to those being voted on that day?—A. Both of these tickets were voted there that day; I know that, but I could not tell who voted the ticket, except from the general knowledge I had of the person, that he was a Democrat or Republican. I could not tell whether it was a Republican or a Democratic ticket looking at it when folded.

Q. I will ask you if you made any attempt to distinguish them?—A. No, sir.

Q. So as to mark them?—A. No, sir. That was my first entrance into politics and will be my last.

Q. How near were you to the persons when they were voting?—A. I was leaning over the chute as they walked up the chute.

Q. About how many feet distant from them?—A. It could not have been any feet at all, hardly. It could not have been over a foot or two—hardly two or three feet from the center of the chute to the outside of the chute anyhow, I should not think.

Q. In what manner were the tickets commonly carried by voters?—A. They were folded; sometimes they kept both edges extended before you, and you could see what ticket they had in their hands. You could not always see the ticket before the judge put it in the box.

Q. And you say you were not able to distinguish one ticket from the other by heir appearance, when folded?—A. Not when it was in a man's hand—no, sir.

(The tickets were introduced in evidence as Exhibits A and B, to the deposition of Mr. Holliday, and will be found attached to the same.)

Cross-examination by Mr. WILSON:

Q. You are near-sighted, are you not?—A. Yes, sir.

Q. You are very near-sighted?—A. I am, when I have not got my spectacles on. I do not go very much on my eyesight.

Q. Did you, whilst standing there challenging, attempt or try to tell the voters from the tickets, or, did you observe the tickets that they had, as they had them?—A. I seldom looked at a man's ticket. Sometimes I saw it as they came up, and sometimes I did not.

Q. If you saw these tickets, the Democratic and Republican, could you tell one from the other when they were folded and held up, as the inspector held them in his hand?—A. Could I tell them?

Q. Yes, sir.—A. As the difference between the Democratic ticket and the Republican ticket?

Q. Yes, sir. As the inspector held them in his hand and when he dropped them into the box?—A. No, sir. As I said, the only way I could tell them was that you could generally tell whether a man was a Republican or a Democrat from checking on the poll-books.

Q. Could you tell these tickets if you would take them in your hands and feel them?—A. Why, I undoubtedly could. I always have been able to heretofore, generally, I think.

Q. You always have been able heretofore?—A. Not always. It is my impression

that I could nearly always generally tell the ticket. It has been too long ago to remember exactly about these two tickets. I could tell, taking them in my hands, that there was a difference in the feel of the ticket.

Q. Did I understand you to say that you did not attempt, on that day, to distinguish those tickets, or tell one from the other?—A. That was not my business at all to distinguish the ticket. I was simply there checking off the names. I did not make it my business to look at a man's ticket as he comes up to deposit it.

Re-examination by Mr. PEELLE:

Q. You had your glasses on that day?—A. Yes, sir.

Q. And with your glasses on your eyesight is good?—A. It is, in reasonable distance.

Q. In that distance it is very good, is it not?—A. Yes, sir; it is very good.

Q. I will ask you if, prior to the election of 1882, you were not able to distinguish the tickets on account of the difference in the width, and also as to the weight of the paper?

(Objected to as leading)

A. I could only give my impression now. I think I have been.

Recross-examination by Mr. WILSON:

Q. What election was that?—A. He said on previous elections.

Q. What previous elections could you so distinguish the ticket?—A. I suppose he said the elections since I voted in this town.

Q. Can you name what election it was that you could distinguish the ticket?—A. I remember the election; it was the election between Mr. Porter and Mr. Landers, and Mr. Garfield's election.

Q. How could you distinguish the tickets at that election?—A. I am just giving you my impression now; I cannot give you anything positively. There has always been an impression that there was a difference between the Democratic and Republican tickets, but it is simply an impression. It is an indistinct remembrance, I might say.

Q. Can you give the grounds for that impression?—A. No, sir; I cannot.

Q. You cannot tell which was the thickest ticket at that election that you have referred to?—A. No; I cannot.

Q. Did you ever know election tickets to be on as heavy material before as that upon which the Republican ticket is printed, and shown to you; and, if so, at what election and by what party were the tickets used?—A. No; I could not answer that.

C. F. HOLLIDAY.

Exhibit A to deposition of C. F. Holliday.—Paul C. Hendricks, Notary Public.

REPUBLICAN TICKET.

STATE TICKET.

For Secretary of State,
EMANUEL R. HAWN.
For Auditor of State,
EDWARD H. WOLFE.
For Treasurer of State,
ROSWELL S. HILL.
For Attorney-General,
DANIEL P. BALDWIN.
For Clerk of the Supreme Court,
JONATHAN W. GORDON.
For Superintendent of Public Instruction,
JOHN M. BLOSS.
For Judges of the Supreme Court,
First District—WILLIAM P. EDSON.
Second District—JOHN G. BERKSHIRE.
Fourth District—JOHN F. KIBBEY.

CONGRESSIONAL TICKET.

For Member of Congress, Seventh Congressional District,
STANTON J. PEELLE.

MARION COUNTY TICKET.

For Judges Superior Court—Term, 1882,
JOHN L. McMASTER.
DANIEL W. HOWE.
For Judge Superior Court—Term, 1884,
LEWIS C. WALKER.
For Judge Criminal Court,
JAMES E. HELLER.
For Judge Circuit Court, Nineteenth Judicial Circuit,
JOSHUA G. ADAMS.
For Prosecuting Attorney, Nineteenth Judicial Circuit,
WILLIAM T. BROWN.
For Clerk,
MOSES G. McLAIN.
For Sheriff,
JAMES W. HESS.
For Treasurer,
WILLIAM G. WASSON.
For Auditor,
JUSTUS C. ADAMS.
For Recorder,
WILLIAM F. KEAY.
For Coroner,
ALLISON MAXWELL.
For County Surveyor,
HERVEY B. FATOUT.
For County Commissioners,
First District—WHARTON R. CLINTON.
Second District—FRIEDERICH OSTERMEYER.
Third District—ARCHIBALD GLENN.
For State Senator,
JOHN B. ELAM.
For Joint Representative Marion, Shelby, and Batholomew Counties,
WILLIAM GILGOUR.
For Representatives,
RALPH HILL,
WILLIAM D. TOBIN,
WILLIAM T. FLETCHER,
DAVID B. SHIDELER,
SAMUEL A. ELBERT.

(Indorsed:) Exhibit A to deposition of C. F. Holliday.

Exhibit B to deposition of C. F. Holliday.—Paul C. Hendricks, Notary Public.

DEMOCRATIC TICKET.

Secretary of State,
WILLIAM R. MYERS.
Auditor of State,
JAMES H. RICE.
Treasurer of State,
JOHN J. COOPER.
Attorney-General,
FRANCIS T. HORD.
Clerk of the Supreme Court,
SIMON P. SHEERIN.
Superintendent of Public Instruction,
JOHN W. HOLCOMBE.
Judge of the Supreme Court,
1st Dist.—WILLIAM E. NIBLACK.
Judge of the Supreme Court,
2d Dist.—GEORGE V. HOWK.
Judge of the Supreme Court,
4th Dist.—ALLEN ZOLLARS.

Member of Congress—Seventh District,
WILLIAM E. ENGLISH.

Judge, Nineteenth Judicial Circuit,
ALEXANDER C. AYRES.
Judges Superior Court, vacancies occurring in 1882,
JOHN A. HOLMAN,
NAPOLEON B. TAYLOR.
Judge Superior Court, vacancy to occur in 1884,
FREDERICK HEINER.
Judge Criminal Court,
PIERCE NORTON.
Prosecuting Attorney, Nineteenth Judicial Circuit,
FRANCIS M. WRIGHT.
State Senator,
WILLIAM B. FLETCHER.
Representatives,
JESSE S. WHITSIT,
WILLIAM D. BYNUM,
JOHN C. FERRITER,
JOHN R. WILSON,
ELISHA J. HOWLAND.
Joint Representative Marion, Shelby, and Bartholomew Counties,
BELLAMY S. SUTTON.
Clerk,
ROBERT L. McOUAT.
Sheriff,
DANIEL A. LEMON.
Auditor,
THOMAS H. LITZENBERG.
Treasurer,
ELI HEINEY.
Recorder,
CORNELIUS KELLY.
Coroner,
CHARLES N. METCALF.
Surveyor,
DANIEL B. HOSBROOK.
Commissioners,
First District—RICHARD SENOUR.
Second District—HENRY GIMBER.
Third District—JOSEPH LOFTIN.

(Indorsed:) Exhibit B to deposition of C. F. Holliday.

WILLIAM WALLACE, being first duly sworn, testified as follows:

Direct examination by Mr. HINES, attorney for Mr. Peelle:

Q. State your name, age, residence, and occupation.—A. William Wallace; 58 years old; Indianapolis, Indiana; lawyer.

Q. How long have you resided in Indianapolis?—A. Since September, 1837.

Q. I will ask you if you have, since you became of age, generally voted at the different elections in Indianapolis?—A. Yes, sir; all of them, I believe. I do not know of any that I have been absent.

Q. I wish you would examine the four tickets that I now present to you, one marked "Republican ticket," and headed "National Candidates, James A. Garfield for President," and one marked "Republican ticket," "State ticket, for governor, Albert G. Porter," and one marked "Democratic ticket," headed "For governor, Franklin Landers," and one marked "Democratic ticket, for President, Winfield Scott Hancock," and I will ask you to state if you recognize those tickets as being such as were used at the several elections where those candidates were voted for.

(Mr. English objected to the question as incompetent, irrelevant, and immaterial.)

A. Yes, sir. I take these tickets to be the tickets voted at the elections for which the names are given; the candidates for governor at the governor's election and at the Presidential election of 1880.

(The tickets were introduced in evidence as a part of the deposition of Mr. Wallace, and marked Exhibits C, D, E, and F, respectively.)

(Mr. English objected to the introduction of the same as incompetent and immaterial.)

Q. You may look at what is marked Republican ticket, Exhibit A, and Democratic ticket, Exhibit B, to the deposition of Mr. Holliday, and I will ask you if you recognize these as tickets that were voted at the election in 1882?—A. That kind of a ticket, yes, sir. There is no doubt about it.

Q. You may explain in your testimony, or describe in your testimony, the heading of the Democratic ticket marked Exhibit D?—A. That ticket has the words "Democratic ticket" printed across the national flag. The flag and the words are diagonal—not at right angles.

Q. You will compare that ticket with the Republican ticket, marked as Exhibit C, that was voted the same year, as to any characteristics that strike your mind.—A. There are no distinguishing characteristics except the peculiar heading the Republican ticket has.

(Mr. English objected to the answer of the witness on the ground that the ticket will speak for itself.)

A. The printer could better tell what kind of type that was, than I can, only it is unusual type, but still it is plain type, but still unusual. I suppose there is a distinct name for it.

Q. And the Democratic ticket, about in the center of it, where it reads "For sheriff, Daniel A. Lemon"; what would you call that——

Mr. PEELLE. Scroll.

A. A printed scroll around the name of the governor, Franklin Landers, and a printed scroll——

(Objected to as incompetent and immaterial.)

A. (Continued) in the middle of the ticket about the center of it around the name of Daniel A. Lemon for sheriff.

Q. What, if any, differences are there in the character and width of the paper used in the respective tickets?—A. That Democratic ticket is a little darker, but I do not know whether that would be a fair—that has been used.

Q. The Democratic ticket is a little wider, a quarter of an inch, is it not?—A. I would call it a quarter of an inch wider——

(Objected to as incompetent and immaterial, for the reason that the ticket will speak for itself.)

A. (Continued) a little more than a quarter of an inch.

Q. And as to the character of the paper?—A. Well, the paper of the Republican ticket is a little smoother than the paper of the Democratic ticket. It seems to be a little whiter than the one presented in evidence. That may be attributed to the fact that one seems to have been handled a great deal more than the other.

Q. What difference is there, if any, in the thickness of the paper used?—A. There is not much difference in the thickness of the paper. This Republican ticket seems to be glazed or enameled a little, and the other does not. The Republican ticket is a purer white, as shown here, than the other. That is all. The Republican ticket may be a little thicker paper than this. I guess it is.

Q. As to the National tickets for the same year?—A. Well, there are no distinguishing marks at all. The paper is the same, but it is a quarter of an inch, at least, may be a little more, wider than the Republican ticket.

Q. When you say the paper is the same, what do you mean?—A. Did I say the paper was the same?

Q. Yes, sir.—A. I did not mean that, because they are not the same. They are, obviously, not the same. The Republican ticket has the peculiar type by which the ticket is designated at the top "Republican ticket." There is nothing unusual about it except the type. I cannot give the technical name for it. The Democratic ticket is fully a quarter of an inch wider than the Republican ticket, and an inch and a half longer.

Q. As to the thickness of the paper, you may describe that.—A. The Republican ticket is a thicker paper to the touch and to the feeling. I think that is obvious, and, as to these two shown, it is the whiter ticket, and not so dark as the Democratic ticket.

Q. I will ask you to take this ticked headed "Republican ticket," voted for President in 1880, for James A. Garfield, and also the Republican ticket voted in the November, 1882, election, and state the difference, if you can, between the quality of the paper in the two tickets.

(Objected to as incompetent and immaterial for the reason that the ticket will speak for itself; and for the reason that the witness has not shown himself to be an expert.)

A. I think it is the identical paper.

Q. Is there any difference in the weight of the paper?—A. I should think not; it is as thick paper. This National ticket of 1880 has been used and is a little more pliable than this (?) which has, evidently, not been handled much.

Q. State if you were at the polls at the election in this city in 1882.—A. I was.

Q. What precinct did you vote in, if you know?—A. I voted at one of the precincts in the second ward in Indianapolis; the precinct in which I resided.

Q. State if, when that Republican ticket that you hold in your hand is folded, as ordinarily folded by the voters when they are going to the polls, it could be told from the Democratic ticket voted at that election, and which you now have in your hand and have identified in evidence.—A. I think not by sight; it could by feeling.

Q. State if you have been able to distinguish and tell the difference between the tickets at previous elections by the thickness of the paper, or the width of the tickets.

(Objected to as incompetent and immaterial.)

A. I could not testify about a matter which I have never thought anything about or took any notice of; I never paid any attention to it at all, consequently I could not testify.

Q. You have just examined that ticket voted for Franklin Landers for governor in 1880, and also the Republican ticket voted for Albert G. Porter in 1880; I will ask you to state, when those tickets are folded, whether or not you would be able to tell one ticket from the other in consequence of the width of the tickets.

(Objected to as incompetent and immaterial.)

A. I don't think I would have my attention called especially to that fact; if I was called to notice the difference it is very possible I might be able to do it, but just as they are ordinarily voted, or as I cast a vote, and as I notice votes being cast, I would not see any, and I don't now see any unless my attention was called to it. There is no difference between these two tickets.

Q. What ones do you mean?—A. The tickets cast at the election in 1882. Those tickets are clean, and have not been handled, and the mere color—the ordinary observer would not notice any distinguishing color to them. I could not see it.

Cross-examination by Mr. WILSON:

Q. When you referred to certain marks that you call distinguishing marks, scrolls, &c., on those tickets a while ago, they were the tickets voted prior to 1882, were they?—A. Yes, sir; they were the tickets voted at the October election, 1880.

Q. Those marks you referred to were on the face of the ticket?—A. Yes, sir.

Q. When those tickets were folded you could not see those distinguishing marks in any way?—A. I think not, sir, unless my attention would be specially called to it, and I have not examined with reference to that.

Q. I call your attention to two tickets now, both headed "Republican ticket," and I ask you which of those tickets were voted at the November election, 1882?—A. Why, they both seem to be the regular Republican ticket; I do not see any difference in the names.

Q. Or the quality of the paper?—A. As to the quality of paper, they are the same.

Q. (Mr. WILSON.) I now hand the stenographer the ticket headed "Republican ticket," which I have just shown to Mr. Wallace, and ask him to mark it as Exhibit Q.

(Shown to Mr. Wallace, P. C. Hendricks, notary, which is done.)

Q. Were you in the precinct in which Mr. Holliday acted, or did you hear his testimony?—A. I heard a few questions; I did not hear it all.

Q. Did you act as challenger?—A. No, sir.

Q. Did you stand at the chute and watch the vote?—A. No, sir; not at the chute; around at th outside.

Q. Did you try to ascertain whether or not you could distinguish those tickets when folded, and when handled as they are when voted—I mean these Republican tickets?—A. Only by touch.

Q. Did you try at the door where the box was and watch the box to see if you could tell one of them from the other?—A. I think not, sir; I made no special effort in that direction.

Q. Was your attention directed to that matter whilst they were voting at the chute at all?—A. No, sir; in no sense of the word except in the matter of feeling the thickness of the ticket. My attention was called to that matter early in the day.

Q. Thickness of what ticket?—A. The difference in the two tickets. The Republican ticket was thicker to the touch. You could distinguish it very easily by feeling.

Q. The Republican ticket was much thicker than the Democratic ticket?—A. Well, it seemed to be.

Q. If they were folded and presented to you and you were allowed to see them without touching them, do you believe that thickness was such that you could tell one from the other, looking all around them?—A. I think not, sir; not unless I had the ticket in my hands. I don't think you could distinguish between them. The question was asked me as of the ordinary voter and whether in the ordinary observation used at an election.

Q. You could distinguish them by touching and handling them?—A. I think there is no doubt about that.

Q. If you were inspector, could you, in handling the tickets, tell the difference?—A. I think I could, sir; whoever takes the tickets in his hand may have made the distinction, but in no other way.

Q. You don't testify as an expert here?—A. No, sir; in no sense of the word.

Q. You do not know the technical names of this paper upon which this Republican ticket is printed?—A. I do not, sir; I am only testifying to what I see and have seen.

Q. You are a Republican?—A. There is no doubt about that; I think that will be conceded; I am not so much of a Republican but that I can tell the truth if I am called upon to testify.

Q. You say that the first tickets shown to you were used in the Presidential election of 1880; you believe they were the tickets used and voted at that election?—A. Such tickets?

Q. Such tickets, of course, I mean.—A. Yes, sir.

Q. Do you know that of your own knowledge?—A. I would not have described those tickets unless I had seen them; but when I see the ticket it refreshed my memory, and I then remembered the fact that they were the kind of tickets used.

Q. Do you recognize those tickets by the names upon them or by the character of the paper, &c., when they are shown to you?—A. By the general features of the ticket and the general character, take it all the way through.

Q. I do not know as I exactly understand you; it is altogether, with the names?—A. Altogether, and with the names too.

Q. Is it not true that the ticket that is called the Democratic ticket, headed with Franklin Landers for governor, is very much faded in color and torn and badly used?—A. The back of that ticket seems to have been in some way or other dirtied, by handling or in some other way; if you notice it, it is not a clean ticket.

Q. And it is torn?—Yes, sir.

Q. And the edges are frayed?—A. Yes, sir; they seem to be.

WILLIAM WALLACE.

Exhibit C to the deposition of William Wallace.—Paul C. Hendricks, Notary Public.

REPUBLICAN TICKET.

STATE TICKET.

For Governor,
ALBERT G. PORTER.
For Lieutenant-Governor,
THOMAS HANNA.
For Judges Supreme Court,
3d District—BYRON K. ELLIOTT.
5th District—WILLIAM A. WOODS.
For Secretary of State,
EMANUEL R. HAWN.
For Auditor of State,
EDWARD H. WOLFE.
For Treasurer of State,
ROSWELL S. HILL.
For Attorney-General,
DANIEL P. BALDWIN.
For Superintendent of Public Instruction,
JOHN M. BLOSS.
For Reporter of Supreme Court,
FRANCIS M. DICE.
For Clerk of Supreme Court,
DANIEL ROYSE.

CONGRESSIONAL TICKET.

For Representative to Congress, Seventh District.
STANTON J. PEELLE.
For Prosecuting Attorney, Nineteenth Judicial Circuit,
NEWTON TAYLOR.

COUNTY TICKET.

For Judge Superior Court,
LEWIS C. WALKER.
For Sheriff,
HENRY C. ADAMS.
For Treasurer,
JOHN L. MOTHERSHEAD.
For Recorder,
JACOB L. BIELER.
For Coroner,
ALLISON MAXWELL.
For County Surveyor,
HERVY B. FATOUT.
For Joint Senator, Marion, Shelby, and Hancock Counties,
SIMEON T. YANCEY.
For Senators,
FLAVIUS J. VAN VORHIS,
GEORGE H. CHAPMAN.
For Joint Representative, Marion, Shelby, and Bartholomew Counties,
NELSON B. BERRYMAN.
For Representatives,
THOMAS McSHEEHY,
JAMES S. HINTON,
VINSON CARTER,
JOHN W. FURNAS,
ISAAC N. COTTON.
For County Commissioner,
JOHN H. SMITH.

(Indorsed:) Exhibit C to deposition of William Wallace.

Exhibit D to the deposition of William Wallace.—Paul C. Hendricks, Notary Public.

DEMOCRATIC TICKET.

For Governor,
FRANKLIN LANDERS.
For Lieutenant-Governor,
ISAAC P. GRAY.
For Judge of the Supreme Court, Third District,
JOHN T. SCOTT.
For Judge of the Supreme Court, Fifth District.
JOSEPH A. S. MITCHELL.
For Secretary of State,
JOHN G. SHANKLIN.
For Auditor of State,
MAHLON D. MANSON.
For Treasurer of State,
WILLIAM FLEMING.
For Attorney-General,
THOMAS W. WOOLLEN.
For Superintendent of Public Instruction,
ALEXANDER C. GOODWIN.
For Reporter of the Supreme Court,
AUGUSTUS N. MARTIN.
For Clerk of the Supreme Court,
GABRIEL SCHMUCK.
For Representative to Congress, Seventh District,
STANTON J. PEELLE.
For Judge of the Superior Court,
MYRON B. WILLIAMS.

For Sheriff,
DANIEL A. LEMON.
For Treasurer,
RICHARD J. CONNER.
For Recorder,
SAMUEL B. CORBALEY.
For Coroner,
THOMAS J. FOULDS.
For Surveyor,
ALEXANDER A. JOHNSTON.
For Joint Senator, Marion, Hancock, and Shelby,
ANDREW HAGEN.
For Senators,
JOSEPH W. NICHOL,
WILLIAM B. FLETCHER.
For Joint Representative, Marion, Shelby, and Bartholomew,
GEORGE REYER.
For Representatives,
LEWIS JORDAN,
EDWIN TAYLOR,
ROMUS F. STUART,
THOMAS K. BARRETT,
JOHN W. HOLCOMBE.
For Commissioner, First District.
JOHN WILSON.

(Indorsed:) Exhibit D to deposition of William Wallace.

Exhibit E to the deposition of William Wallace.—Paul C. Hendricks, Notary Public.

DEMOCRATIC TICKET.

For President,
WINFIELD SCOTT HANCOCK.
For Vice-President,
WILLIAM H. ENGLISH.

Electors for the State at Large,
DAVID S. GOODING.
JOHN R. COFFROTH.
District Electors,
First District—
HENRY C. PITCHER.
Second District—
JOHN C. BRIGGS.
Third District—
BARTHOLOMEW H. BURRELL.
Fourth District—
GREENE DURBIN.
Fifth District—
FRANCIS T. HORD.
Sixth District—
DAVID W. CHAMBERS.
Seventh District—
OLIVER J. GLESSNER.
Eighth District—
JOHN E. LAMB.
Ninth District—
FRANCIS JOHNSON.
Tenth District—
DAVID D. DYKEMAN.
Eleventh District—
JAMES F. M'DOWELL.
Twelfth District—
ANDREW ELLISON.
Thirteenth District—
WOODSON S. MARSHALL.

(Indorsed:) Exhibit E to deposition of William Wallace.

Exhibit F to the deposition of William Wallace.—Paul C. Hendricks, Notary Public.

REPUBLICAN TICKET.

National Candidates.
JAMES A. GARFIELD, for President.
CHESTER A. ARTHUR, for Vice-President.

Presidential Electors for the State at Large.
WILLIAM W. CURRY.
JAMES M. SHACKELFORD.

District Electors.
1st Dist.—FRANCIS B. POSEY.
2d Dist.—ADEN G. CAVINS.
3d Dist.—NICHOLAS R. PECKINPAUGH.
4th Dist.—JOHN W. LINCK.
5th Dist.—WILLIAM P. McNARY.
6th Dist.—BENJAMIN S. PARKER.
7th Dist.—WILLIAM WALLACE.
8th Dist.—ARED F. WHITE.
9th Dist.—JAMES TULLIS.
10th Dist.—WILLIAM D. OWEN.
11th Dist.—JAMES O'BRIEN.
12th Dist.—LINDLEY M. NINDE.
13th Dist.—HENRY G. THAYER.

(Indorsed:) Exhibit F to deposition of William Wallace.

Exhibit Q, shown to William Wallace.—Paul C. Hendricks, Notary Public.

REPUBLICAN TICKET.

STATE TICKET.

For Secretary of State,
EMANUEL R. HAWN.
For Auditor of State,
EDWARD H. WOLFE.
For Treasurer of State,
ROSWELL S. HILL.
For Attorney-General,
DANIEL P. BALDWIN.
For Clerk of the Supreme Court,
JONATHAN W. GORDON.
For Superintendent of Public Instruction,
JOHN M. BLOSS.
For Judges of the Supreme Court,
First District—WILLIAM P. EDSON,
Second District—JOHN G. BERKSHIRE,
Fourth District—JOHN F. KIBBEY.

CONGRESSIONAL TICKET.
For Member of Congress, Seventh Congressional District.
STANTON J. PEELLE.

MARION COUNTY TICKET.
For Judges Superior Court—Term, 1882,
JOHN L. McMASTER,
DANIEL W. HOWE.
For Judge Superior Court—Term, 1884,
LEWIS C. WALKER.
For Judge Criminal Court,
JAMES E. HELLER.
For Judge Circuit Court, Nineteenth Judicial Circuit,
JOSHUA G. ADAMS.
For Prosecuting Attorney, Nineteenth Judicial Circuit,
WILLIAM T. BROWN.
For Clerk,
MOSES G. McLAIN.
For Sheriff,
JAMES W. HESS.
ForTreasurer,
WILLIAM G. WASSON.
For Auditor,
JUSTUS C. ADAMS.
For Recorder.
WILLIAM F. KEAY.
For Coroner.
ALLISON MAXWELL.
For County Surveyor.
HERVEY B. FATOUT.
For County Commissioners,
First District—WHARTON R. CLINTON.
Second District—FRIEDERICH OSTERMEYER.
Third District—ARCHIBALD GLENN.
For State Senator,
JOHN B. ELAM.
For Joint Representative Marion, Shelby, and Bartholomew Counties,
WILLIAM GILGOUR.
For Representatives,
RALPH HILL,
WILLIAM D. TOBIN,
WILLIAM T. FLETCHER,
DAVID B. SHIDELER,
SAMUEL A. ELBERT.

(Indorsed:) Exhibit Q, shown to Mr. Wallace.—P. C. Hendricks, Notary,

JAMES T. LAYMAN, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. James T. Layman; age, 39 years; residence, Indianapolis, Indiana.

Q. State your business?—A. Merchant.

Q. State what official position, if any, you hold or have held?—A. I am a member of the board of aldermen.

Q. How long have you been in that position?—A. I have been a member of the municipal government since either the spring of 1877 or 1878; I have forgotten which.

Q. I will ask you to take this ticket which I hand to you, headed "Republican ticket," and marked as Exhibit A to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket or a ticket similar to the one voted in 1882 in this city by the Republicans?—A. Yes, sir.

Q. I now hand you a ticket headed "Democratic Ticket," marked Exhibit B to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket, or a ticket similar to the one voted by the Democrats in 1882 at the November election?—A. Yes, sir; I think it is.

Q. State if you were at the polls on the day of election in 1882?—A. Yes, sir.

Q. At what precinct and ward?—A. Precinct No. 2, sixth ward.

Q. Did you act in any official capacity at the polls?—A. I believe I was a member of one of the committees.

Q. Were you inside or outside?—A. Outside.

Q. I will ask you to state if you observed the tickets as they were being voted there by the voters when voting?—A. I did not, sir.

Q. State if when this Republican ticket was folded by the voters as they are ordinarily folded when voted, if you could tell or distinguish it from the Democratic ticket when similarly folded?—A. By looking at that?

Q. Yes, sir.—A. No, sir.

Cross-examination by Mr. WILSON:

Q. In the sense in which that question was asked you did not observe the tickets as they were folded?—A. No, sir.

Q. Do not you think if you were standing right up at the box and the voter came up with his ticket exposed and your attention had been called to the difference in the thickness of these tickets; that by looking at them carefully and watching them as the inspector would put them in the box and as he would hold them up in his fingers by the end, in this way [indicating], do not you think you could tell that Republican ticket from the Democratic ticket?—A. I do not, unless there was some distinguishing mark about it.

Q. Could not you tell by the thickness and appearance?—A. I could not without touching it.

Q. Then you could tell them by handling them?—A. I could by touching them.

Q. You think your sense of touch would be better than your sense of sight?—A. Yes, sir; I think it would.

Q. Could you tell them by handling?—A. I think there is some little difference in the paper.

Q. What is the difference?—A. I think that is a little thicker [referring to the Republican ticket].

Q. You could tell by handling that one was a little thicker than the other, and when seen closely in that way that there was a difference; do not you think there was a difference to the eye, and that you could tell that difference?—A. I was not an expert to watch the tickets closely.

Q. I am asking you the question upon the theory that you did watch them closely that way; with such difference that you could tell by handling, could you not, by watching them carefully, tell one from the other?—A. I do not think I could, sir.

Q. If you had been acting as inspector at that election and were to handle the tickets as they came in, you think you could tell the difference, do you?—A. I think I could; yes, sir.

Re-examination by Mr. PEELLE:

Q. State whether or not, in elections prior to 1882, you were or were not able to tell the difference in tickets voted in this city by handling them?—A. I think there has always been some difference in the paper by handling.

Q. State whether or not there has not been a difference in the width of the tickets prior to the election of 1882 in this city?

(Mr. English objected to the question as incompetent, irrelevant, and immaterial.)

A. Yes, sir.

Q. State whether, if the tickets are printed upon a different paper, although they have the same general characteristics, you would not be able to distinguish them when folded?—A. On the same kind of paper?

Q. The paper with different characteristics; if the paper were a little heavier than the other, or one paper a little thicker than the other?—A. I do not think I should notice that when folded.

Q. In handling them, how would it be?—A. No, sir; I think not, unless I would see the face of it.

Recross-examination by Mr. WILSON:

Q. You would have to see the paper to distinguish in this case?—A. See the face of the ticket.

Q. So that if one should have these characteristics which Mr. Peelle described, you could not distinguish it under the circumstances he described.—A. Unless the paper was so thin you could see under the ticket, you could not.

Questions by Mr. HINES:

Q. Suppose the ticket of one party is printed upon a plain white paper, and the ticket of the other party is printed upon plain white paper and of a different weight and thickness; I will ask you whether in handling those tickets, knowing that fact, you would not be able to tell them ordinarily?—A. Yes, sir; I think I would.

Questions by Mr. WILSON:

Q. You are a Republican?—A. Yes, sir.

Q. And hold office in this city as such?—A. Yes, sir.

JAMES T. LAYMAN.

I. S. GORDON, being first duly sworn, testified as follows:

Direct examination by Mr. HINES, attorney for Mr. Peelle:

Q. State your name, age, and residence.—A. I. S. Gordon; my age is 3[illegible], and my residence is 613 North Illinois street, Indianapolis, Indiana.

Q. What is your business?—A. Wholesale saddlery hardware.

Q. How long have you been engaged in this business?—A. Ten years.

Q. In this city?—A. Yes, sir.

Q. State if you attended the election in November, 1882, in this city?—A. Yes, sir.

Q. Were you at the polls that day?—A. Yes, sir.

Q. What precinct or ward?—A. It is the eleventh ward, and the precinct I do not remember. It is on Ohio street, between Pennsylvania and Meridian streets.

Q. Were you at other precincts that day in the city?—A. Yes, sir; I was at one other.

Q. I will ask you to take this ticket which I now show you, headed "Republican ticket," and marked as Exhibit A to the deposition of Mr. Holliday, and state if that is the ticket or the kind of ticket that was voted at the election in 1882, in November?—A. I should say it was. I do not know whether these names here are all right or not. I did not read it from the beginning.

Q. It is your impression that that is the kind of ticket that was voted?—A. Yes, sir.

Q. I hand you now the ticket headed, "Democratic ticket," and marked as Exhibit B to the deposition of Mr. Holliday, and I will ask you to state if that is the kind of ticket voted by the Democrats in 1882?—A. I should say it was.

Q. Did you observe the tickets on election day?—A. I did; yes, sir.

Q. State if, when that Republican ticket that you have in your hand is folded as tickets are ordinarily folded by voters when they vote them, if you could distinguish that ticket from the Democratic ticket similarly folded.—A. Not in the hands of anybody else—of the voter.

Q. That is what I mean. Standing at the polls and looking on as men vote with their tickets folded, going to the polls to deposit their ballot, could you tell one ticket from the other?—A. Standing at the side of the chute, I could not. I tried to that day two or three times, and I could not tell them.

Q. You could not tell one ticket from the other when they were folded in the hands of the voter?—A. No, sir.

Cross-examination by Mr. WILSON:

Q. You could tell the difference in these tickets by handling them?—A. If I felt of them I could tell them.

Q. How could you do that?—A. One is a little stiffer than the other. There is a little difference.

Q. And when folded it is thicker?—A. Yes, sir; a little thicker.

Q. And when folded it makes a larger bulk, that Republican ticket does?—A. I do not know that I am prepared to say that.

Q. You say it is thicker than the Democratic ticket?—A. Yes, sir.

Q. Those two tickets, the Democratic and Republican, are the same length?—A. I will have to look again—yes, sir.

Q. And the same width substantially? You say they are the same length and same width, and the Republican ticket is thicker. Handling them, you could tell the difference between the Republican and Democratic tickets?—A. Yes, sir.

Q. And, when folded, do you say there is no difference in the bulk of them?—A. Not that I could observe. I tried to keep track of certain parties when going into the chute, and tried to watch the vote, but could not tell from that how they voted.

Q. If your attention was called to it, and you were standing within two feet, and the tickets were held up, and you were to look at them carefully, you say you could not tell, from the appearance, one ticket from the other?—A. I could not.

Q. If you were to see the ends of the tickets could you tell the difference?—A. That I do not know. I do not know that I saw them in that shape.

Q. If they were folded with the ends to you could you tell the difference when you could see them distinctly?—A. I really do not know. Without seeing them folded and put in that way, I do not believe I could.

Q. Now, I call your attention to two tickets; one headed "Democratic ticket" and one headed "Republican ticket," and I will ask you, are those the tickets voted at the November election in 1882 by the Democrats and Republicans, respectively?—A. Now, I would hardly be able to say whether these are the ones or not. I should say they were very similar, if I remember correctly about them. I could not have described them. I remember this type at the head of the ticket. I would not testify as to the heft or thickness of the paper for either one, as shown to me now, from memory.

Q. Those two tickets that I have handed you are similar tickets to the ones Mr. Peelle showed you that were made exhibits to Mr. Holliday's deposition?—A. I should say they were similar; so far as the thickness of the paper, and, in fact, the type of the Republican ticket—I can remember that type.

Q. I ask you to fold those tickets as they are usually folded by the voter?—A. They are folded in many ways.

Q. Fold it as if you were going to vote it. [Witness did as requested.] Now I show you those two tickets, and hold them in the ends of my fingers, and I hold them about two feet from you and show you their size and the ends—all around; do you say there is no difference in the thickness of those two tickets at the end, as shown you?—A. It would not be perceptible in the hands of the voter, to me. I know; I tried that.

Q. I ask you, in my hand, as I hold it here, cannot you see a difference in the ticket?—A. Not in this light.

Q. By that light? [Indicating.]—A. I do not believe I would notice the difference. That is, I do not believe I could distinguish it.

Q. Now, as I hold them that way, close to the end, folded, and show you the end, can you see any difference?—A. Yes, sir, I can, at this distance.

Q. At the distance of about two feet you can see a difference?—A. Yes, sir.

Q. Which is the thickest?—A. The Republican ticket.

Q. Is that difference perceptible?—A. It is, right here.

Mr. WILSON. I offer those two tickets that I have just shown to the witness in evidence, and ask that they be marked Exhibits "R" and "S," to his deposition.

(The tickets will be found attached to this deposition so marked.)

Re-examination by Mr. PEELLE:

Q. Those two tickets that Mr. Wilson just held up before you were both held up together, were they not?—A. Yes, sir.

Q. And you could more readily tell the difference between the two tickets when held up together, than you could when voted separately, as they are, could you not?—A. Yes, sir.

Q. State also if, when the tickets were held up by Mr. Wilson, if you did not fold the tickets yourself?—A. Yes, sir.

Q. And, therefore, you knew at the time, because you had just folded the tickets, and had just handled them and handed them to Mr. Wilson, had you not?—A. Yes, sir.

Mr. WILSON. You are a Republican?

The WITNESS. Yes, sir.

I. S. GORDON.

Exhibit R, shown to I. S. Gordon.—Paul C. Hendricks, Notary Public.

REPUBLICAN TICKET.

STATE TICKET.
For Secretary of State,
EMANUEL R. HAWN.
For Auditor of State,
EDWARD H. WOLFE.
For Treasurer of State,
ROSWELL S. HILL.
For Attorney-General,
DANIEL P. BALDWIN.
For Clerk of the Supreme Court,
JONATHAN W. GORDON.
For Superintendent of Public Instruction,
JOHN M. BLOSS.
For Judges of the Supreme Court,
First District—WILLIAM P. EDSON.
Second District—JOHN G. BERKSHIRE.
Fourth District—JOHN F KIBBEY.

CONGRESSIONAL TICKET.
For Member of Congress, Seventh Congressional District.
STANTON J. PEELLE.

MARION COUNTY TICKET.
For Judges Superior Court—Term, 1882,
JOHN L. McMASTER.
DANIEL W. HOWE.
For Judge Superior Court—Term, 1884,
LEWIS C. WALKER.
For Judge Criminal Court,
JAMES E. HELLER.
For Judge Circuit Court, Nineteenth Judicial Circuit,
JOSHUA G. ADAMS.
For Prosecuting Attorney, Nineteenth Judicial Circuit.
WILLIAM T. BROWN.
For Clerk,
MOSES G. McLAIN.
For Sheriff,
JAMES W. HESS.
For Treasurer,
WILLIAM G. WASSON.
For Auditor,
JUSTUS C. ADAMS.
For Recorder,
WILLIAM F. KEAY.
For Coroner,
ALLISON MAXWELL.
For County Surveyor,
HERVEY B. FATOUT.
For County Commissioners,
First District—WHARTON R. CLINTON.
Second District—FRIEDERICH OSTERMEYER.
Third District—ARCHIBALD GLENN.
For State Senator,
JOHN B. ELAM.
For Joint Representative Marion, Shelby and Bartholomew Counties,
WILLIAM GILGOUR.
For Representatives,
RALPH HILL,
WILLIAM D. TOBIN.
WILLIAM T. FLETCHER,
DAVID B. SHIDELER,
SAMUEL A. ELBERT.

(Indorsed:) Exhibit R. Shown to Mr. Gordon.

Exhibit S, shown to I. S. Gordon.—Paul C. Hendricks, Notary Public.

DEMOCRATIC TICKET.

Secretary of State,
WILLIAM R. MYERS.
Auditor of State,
JAMES H. RICE.
Treasurer of State,
JOHN J. COOPER.
Attorney-General,
FRANCIS T. HORD.
Clerk of the Supreme Court,
SIMON P. SHEERIN.
Superintendent of Public Instruction,
JOHN W. HOLCOMBE.
Judge of the Supreme Court,
1st Dist.—WILLIAM E. NIBLACK.
Judge of the Supreme Court,
2d Dist.—GEORGE V. HOWK.
Judge of the Supreme Court,
4th Dist.—ALLEN ZOLLARS.

Member of Congress—Seventh District,
WILLIAM E. ENGLISH.

Judge, Nineteenth Judicial Circuit,
ALEXANDER C. AYRES.
Judges Superior Court, Vacancies Occurring in 1882,
JOHN A. HOLMAN,
NAPOLEON B. TAYLOR.
Judge Superior Court, Vacancy to Occur in 1884,
FREDERICK HEINER.
Judge Criminal Court,
PIERCE NORTON.
Prosecuting Attorney, Nineteenth Judicial Circuit.
FRANCIS. M. WRIGHT.
State Senator.
WILLIAM B. FLETCHER.
Representatives,
JESSE S. WHITSIT,
WILLIAM D. BYNUM,
JOHN C. FERRITER,
JOHN R. WILSON,
ELISHA J. HOWLAND.
Joint Representative Marion, Shelby and Bartholomew Counties,
BELLAMY S. SUTTON.
Clerk,
ROBERT L. McOUAT.
Sheriff,
DANIEL A. LEMON.
Auditor,
THOMAS H. LITZENBERG.
Treasurer,
ELI HEINEY.
Recorder,
CORNELIUS KELLY.
Coroner,
CHARLES N. METCALF.
Surveyor,
DANIEL B. HOSBROOK.
Commissioners,
First District—RICHARD SENOUR.
Second District—HENRY GIMBER.
Third District—JOSEPH LOFTIN.

(Indorsed:) Exhibit S. Shown to Mr. Gordon.

JOHN L. MCMASTER, being first duly sworn, testifies as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. John L. McMaster; age, 40; residence, Indianapolis, Ind.

Q. State your business.—A. Attorney at law.

Q. State what official position, if any, you have.—A. I have none as yet; I am the mayor-elect of the city of Indianapolis.

Q. State if you attended the election in November, 1882, in this city.—A. I was about the polls the greater portion of the day in my own precinct, and I think I visited two or three other precincts during the day in this city.

Q. Were you at any particular precinct very long at a time?—A. Not long at a time, except my own; I was there the greater portion of the day; that is, a precinct in the second ward.

Q. I hand you this ticket headed "Republican ticket" and marked as Exhibit A to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket or a ticket similar to the ticket voted by the Republicans in November, 1882?—A. My recollection is that this is the kind of a ticket that was used by the Republicans.

Q. I now hand you a ticket headed "Democratic ticket" and marked as Exhibit B to the deposition of C. F. Holliday, and I will ask you to state if that is the ticket voted and used at that election by the Democrats, or a similar ticket?—A. I should think that it was, but my judgment about it is more from the names I see on it.

Q. State if, when the Republican ticket was folded, as it ordinarily is by a voter, if you could tell or distinguish the Republican ticket in the hands of the voter, when folded, from the Democratic ticket similarly folded?—A. You could not with the ordinary inspection of it in the hands of the voter.

Q. You could not tell by observation of the ticket, as folded, one from the other?—A. Not without a close i spection. I suppose if a person would get close to it he might distinguish it by the thickness of the paper in the hands of the voter, but by ordinary, casual inspection of it in the hands of the voter, folded as tickets are usually folded for the purpose of voting, you could not distinguish the difference.

Q. I will ask you what you may know about the difference in the tickets voted at elections in this city previous to 1882?

(Objected to as incompetent, irrelevant, and immaterial.)

A. My recollection is only general as to that. I could not go into particulars, but I know that there has generally been enough difference in the tickets so that by a close inspection of them you could probably tell the difference when they are folded.

Q. Both by the weight and the width of the tickets?

(Objected to, as leading.)

A. I do not know; yes. There is sometimes a difference in the width and sometimes a slight difference in the color of the paper or tinge of the paper, or something of that kind, by which the difference could be told.

Cross-examination by Mr. WILSON:

Q. Were you a candidate at that November election, 1882?—A. I was.

Q. Your name is one of the names on that Republican ticket?—A. My name is one of the names on that Republican ticket.

Q. You said that ordinarily, in the hands of the voter, casually—just looking on—you could probably not tell the difference between this Republican and Democratic ticket. I will ask you, if you were standing right near the ballot-box by the chute watching carefully with the design and desire of ascertaining what ticket a man was voting, and if the voter came up and held his ticket in his fingers in that way [indicating] and handed it to the inspector, and the inspector were to take it in his fingers the same way and just hold it in his hand, could you not tell that that was the Republican ticket?—A. I don't know; I did not try to distinguish them in that way.

Q. I ask you what you could do?—A. I cannot tell which ticket that is that you have there.

Q. You cannot tell that?—A. No, sir.

Q. I hold these two tickets together, in that way [indicating].—A. You can press them together. I judge that the one next to you is the Republican ticket, and that the other is the Democratic ticket.

Q. How would you tell that difference?—A. You have them pressed together and there seems to be a difference in the thickness.

Q. Is there not a marked difference in the thickness?—A. There is a difference in the thickness.

Q. And cannot you tell that Republican ticket by handling it if you take it in your hand?—A. I think I could tell that from the other.

Q. And you could tell it by its thickness?—A. I could tell it from the handling because it is thicker paper; I could tell it from the thickness of the paper, but not from the general appearance of it, except from the thickness of the paper.

Q. If you had occasion to see a ticket of each kind unfolded, and watched them folded, and carefully looked at them being folded and ascertained definitely so that you could tell the difference with your fingers, and had then gone to the chute, and you were to see the ticket held as I hold this now [indicating], do you not think you could watch there and tell the Republican ticket as it was held by the end, before going into the box, by sight?—A. I don't think I could with any certainty; I just examined that ticket in your hand a moment ago.

Q. You could tell by feeling?—A. Yes, sir; I could tell it by feeling.

Q. How?—A. By its weight and thickness

Q. Then your eyesight would not be as valuable in the instance I have named, about telling that ticket, as your sense of touch?—A. I think not; you get very close.

Q. I am not very close.—A. I say *if* you get very close and can see the difference in the thickness of the paper.

Q. And if you familiarized yourself beforehand with them, do you say, standing close and looking on——

A. (Interrupting). I do not know that; I am unable to say, because I made no such test as that; I am simply saying that standing and looking at the voter coming up to vote his ticket with it folded as voters usually fold them, ready to go in the box, that from the mere outside appearance of the tickets you could not distinguish them.

Q. I understood you to state that? I asked you a different question.—A. I stated that I had made no such test as you mention.

Q. Did you watch the election there carefully that day; did you stand near the chute in the attitude I named?—A. I watched the election carefully; I did not lean up in the chute, or anything of that kind; I was personally interested in it; I was on the ticket, and I may say this, that I watched it with the care which the average voter about the polls would watch it.

Q. You did not watch it in the manner I named a while ago; to get up and try to ascertain what ticket a man was voting?—A. I did not watch it in that manner.

Q. You spoke of previous elections, and the tickets. Can you give us an instance where, at any previous election, a ticket of the same material and same thickness was used as this Republican ticket that has been shown you here that was used in November, 1882?

(Objected to as not cross-examination.)

A. No; I do not know that I can.

Q. Then you never knew a ticket as thick as this, and of this material, to be used by any party before at any election?

(Objected to as not cross-examination.)

A. Well, I don't know that I do.

Re-examination by Mr. PEELLE:

Q. When Mr. Wilson took these two tickets in his hand and held them up before you there a while ago, about how far was he from you?—A. About three feet, I should think.

Q. I will ask you if, when he held the ticket up before you, it was not the fact that you could not tell one from the other except by taking the two together?—A. I could not tell until he took the two together and held them compressed in his fingers, and then I noticed that one was a thicker ticket than the other.

Q. Voters never vote them, do they, with two tickets in their hands, voting one and holding the other?

(Objected to as incompetent and irrelevant.)

A. I never have seen them do it in that way; no, sir.

JOHN L. McMASTER.

CALVIN L. DIVINE, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. Your name, age, and residence?—A. C. L. Divine; age, 51; residence, Indianapolis.

Q. What is your occupation?—A. I am a printer.

Q. What particular position do you occupy as a printer?—A. I am superintendent of the Daily Journal.

Q. How long have you been in that position?—A. About ten years.

Q. Are you familiar with the different qualities and grades of paper?—A. Well, yes; somewhat.

Q. Take that ticket headed "Republican ticket," and marked as Exhibit A, to the deposition of Mr. Halliday, and state whether or not you ever saw that ticket, or one similar to it, before.—A. I do not know; I suppose it is the ticket that was voted last fall.

Q. In 1882?—A. Yes, sir.

Q. Did you attend that election?—A. Yes, sir.
Q. What precinct and ward?—A. Second precinct, second ward.
Q. Did you stand at the polls and watch that day?—A. Well, I was around three or four different polls that day; I did not stay long anywhere.
Q. State, if you know, what material that Republican ticket is printed on?—A. About 80-pound paper.
Q. What kind of paper is it?—A. News; 80-pound news, I would call it; you might call it book.
Q. Has it any other name that you would call it in the trade?—A. No.
Q. What is the color of that ticket?—A. White.
Q. Is it plain white?—A. Plain; it is not calendered.
Q. What is that kind of paper known as in the trade?—A. I suppose this would be called "book" or heavy "news;" I could not call it to mind just now; but I have seen a paper occasionally that would have an issue just like that.
Q. Take this ticket headed "Democratic ticket," and marked Exhibit B, to the deposition of Mr. Halliday, and state the material upon which that ticket is printed.—A. I judge that is about 36 "news." It may run to 40.
Q. State what difference, if any, there is between the paper upon which that Democratic ticket is printed, and the paper upon which that Republican ticket, which you now have in your hand, is printed.—A. The only difference I see is that one is heavier than the other; a heavier grade.
Q. What is the difference in the color of the two tickets?—A. They are both white. Some paper is a little whiter than others. For instance, paper that is made in Pittsburgh is whiter than paper that is made some place else.
Q. What grade of white do you call those two tickets?—A. "News."
Q. What grade of white, I mean? Is it a tint of buff or a plain white?—A. Plain white paper. There is no tint about it; not any more than there is a difference in those two papers. I think it is in the water in which they were made. They are both plain white paper. In a roll or ream of white paper some may be a better or a purer white than others.
Q. Can the paper upon which that Republican ticket is printed be used for lithographing purposes?—A. I do not know that I can answer that question. I do not know anything about lithographing.
Q. I now hand you a ticket marked Exhibit F, to the deposition of William Wallace, and headed "Republican ticket," being the national ticket voted for General Garfield in this city, in 1880, and I will ask you to state what kind of material that ticket is printed on.—A. It is plain white paper.
Q. What particular quality is it?—A. Well, it would be heavy "news" or "book" paper; very heavy "news."
Q. State the difference between the paper upon which that ticket is printed and the paper upon which the Republican ticket voted in 1882 was printed.—A. They are about the same quality of paper, and about the same weight.
Q. Is or not one a little heavier than the other?—A. Well, in fact I don't know that I could tell. If I had a piece of some size I might tell. This has been handled and broken.
Q. You mean the National ticket voted in 1880?—A. Yes, sir; I judge that they are both the same paper.
Q. Is there not a difference in the color of the paper?—A. Not that I can see.
Q. I now hand you a ticket headed "Republican ticket" and marked as Exhibit C, to the deposition of William Wallace, and purporting to be the State ticket voted for Governor Porter and others in 1880; and I will ask you to state the material upon which that ticket is printed.—A. It is plain white paper.
Q. What particular grade of paper; is it "print," "book," or what?—A. I would call it "news;" it is not "book."
Q. That is "news" paper, you mean?—A. Yes, sir.
Q. What is the finish of that paper?—A. It is uncalendered, plain white paper.
Q. I now hand you a ticket headed "Democratic ticket" and marked Exhibit E, to the deposition of William Wallace, and purporting to be the national ticket voted in this city in 1881, and I will ask you to state what kind of paper that is?—A. These two are the same.
Q. You say "these two;" what do you mean?—A. One is the Democratic, and the other Republican; I say they are the same paper. There is a slight difference in the color.
Q. You say the Republican State ticket of 1880 and the Democratic ticket of 1880 are the same?—A. Yes, sir; about the same quality of paper.
Q. Is that "news."—A. Yes, sir; that is "news" paper.
Q. I will now hand you a ticket headed "Democratic ticket," and marked as Exhibit D, to the deposition of William Wallace, and purporting to be the State ticket voted for Franklin Landers in this city in 1880, and I will ask you to state the material

upon which that ticket is printed, if you know?—A. That is plain white "news" paper.

Q. Tell what distinguishing mark, if any, there is on the face of that ticket, on the head of it, or any other place?—A. Any one could distinguish that to see the face of it, or the head of it, on account of the flag and flourishes.

Q. What kind of a heading is that?—A. It is a cut of a flag, with the words "Democratic Ticket" engraved with it. It is plain type worked in flourishes. The flourishes are put in there. The flourishes are type, and the other is a cut.

Q. Is that a wood-cut or an engraving, if you know?—A. It is a wood-cut. It is engraved. I judge that is a metal cut.

Q. State if there are any distinguishing marks around the name of Franklin Landers, such as are used in ordinary printing?—A. Yes, sir.

Q. What are those marks?—A. Flourishes in type.

Q. Is that a necessary part of the printing of the ticket?—A. No, sir; it is not necessary at all.

Q. State if there are any distinguishing marks around the name of Mr. Lemon in there?—A. There are.

Q. What is that?—A. A flourish. They are put in there for some purpose. I do not know what. They are not necessary to the printing of that ticket.

Q. State if a "paster" could be placed over the name of Mr. Landers or Mr. Lemon's name on that ticket?

(Objected to as immaterial and incompetent.)

A. No.

Q. Why?—A. Because it occupies too much room. It is too wide for the ordinary paster. I should judge it was made for that purpose—to prevent a paster from covering the name up.

Q. How is the name printed on there; is it in a straight line or on a circle or curve?—A. It is curved.

Q. Is the name of Mr. Lemon curved or straight?—A. It is curved also; a half circle.

Q. I will ask you to state what kind of paper those several tickets that you have had in your hands are known to be in the trade?—A. Well, I should pronounce them all to be plain, white "news" paper, but of different weight.

Q. Would you call them all "news" paper?—A. Yes, sir; I would. The fact of the matter is the difference between "news" and "book" paper is—there are some newspapers that use heavier paper than that. The Evening News will use about a 25 or 30, and the Journal uses about a 40, and the Sentinel uses about a 36, I think.

Q. That Republican ticket voted in 1882; I will ask you to state about what the weight of that paper would be per ream of 500 sheets, 25 by 38 in size?—A. This is about what we call 80 pound paper. I judge it is that. This paper runs up as high as 120. I judge this is about an 80-pound paper. Of course I can not tell unless I would weigh it; but that runs up as high as 120.

Q. I will ask you to state what is known as plain white paper.—A. I do not understand the question?

Q. What is plain white paper?—A. I do not know that I understand what you are driving at.

Q. You know what white paper is, I believe you said. What is known and understood among paper and book men as plain white paper?—A. Well, any paper that is uncalendered, or anything that there is a single ply, but when you come to two ply, you would call it card-board, and three ply and four ply. After you pass from plain white paper it runs into card-board.

Q. Is that Republican ticket which you have in your hand, that was voted in 1882, calendered paper?—A. It is uncalendered paper. It is plain white paper.

Q. What is the weight of a ream of that paper upon which the Democratic ticket is printed, voted in 1882, per ream, being 480 sheets per ream, size 25 by 38?—A. I judge that is about 36. It may run to 40. I used to handle this paper in large sheets, and with this small piece I do not know that I could guess at it on the pound. I think it is probably 40 pounds to the ream.

Q. You were at the election that day, you said, I believe, in 1882?—A. Yes, sir.

Q. I will ask you to state if a Republican ticket was folded as ordinarily folded by voters when voting, if you could tell or distinguish the Republican ticket from the Democratic ticket, thus folded, in the hands of the voters?—A. I think not.

Q. State if you made any effort that day to distinguish or tell the difference by the appearance of the tickets?—A. I did not. I do not remember anything of the kind.

Cross-examination by Mr. WILSON:

Q. Then in answering this question last put to you by Mr. Peelle, that is simply an opinion as to whether you could or not distinguish them. You did not make any experiment with them, and did not try?—A. I did not. I know I cannot tell now which is the Democratic ticket and which is the Republican ticket, looking there.

Q. One of them is partially concealed behind the other and you see only one side and part of the end.—A. I can pretty well see them both.

Q. What is your business?—A. I am a printer; I am superintendent of the Daily Journal.

Q. You are foreman?—A. I am the superintendent of the concern—press room, stereotype room and mail room.

Q. Does the journal do any job printing?—A. No, not at present.

Q. How long have you been connected with the Journal in the capacity in which yau are acting now?—A. About ten years.

Q. Were you ever in the business of buying and selling paper?—A. I have bought a great deal of paper.

Q. Were you ever in that business?—A. I have been in the job printing department in the business; I have worked 35 years in the business.

Q. Were you ever engaged in the buying and selling of paper as a business?—A. No.

Q. Were you ever engaged in the manufacture of paper?—A. No, sir.

Q. Did I understand you to say that this Republican ticket and this Democratic ticket were both printed on "news" paper?—A. "News" paper? Yes; I would call them both "news" paper.

Q. What is the difference between "news" paper and "book" paper?—A. Simply the weight and finish. Book paper is a better finished paper and heavier weight.

Q. How is that difference produced in the weight and finish?—A. I do not know; I never manufactured any paper. The only difference I know between them is that one is a heavier, finer paper than the other.

Q. You do not know how it is produced?—A. It is all the same paper, I believe, except on one the rolls are opened up and allowed to run a thicker paper.

Q. What is the stock that is used in manufacturing and making "news" paper?—A. I do not know that I could tell you the ingredients. Some of it is made of rags and some of it is made of straw. Good book paper is made of rags, I suppose, from what little knowledge I have of it. I never manufactured any paper. I do not know anything about manufacturing paper.

Q. How do you prepare the stock?—A. I do not know. You mean the straw that has been through the mill and sent out in pulp, and how it was reduced from rags to pulp. That is about all I know about it. I never was engaged in the business.

Q. I understood you to say that this Republican ticket was uncalendered. Now, as a matter of fact, is not that paper calendered?—A. No, sir.

Q. Neither side?—A. No, sir.

Q. What is calendering on paper?—A. Calendered paper is the hard finish that is placed on—the ordinary finish.

Q. How is it done?—A. I do not know.

Q. And you say there is no hard finish on either side of that paper?—A. I think not.

Q. Look at it carefully.—A. I have looked at it carefully, when I made my answer. I say that it is simply a heavier paper than the other.

Q. Uncalendered?—A. Yes, sir. I would pronounce it uncalendered. When I was buying that paper if a man would give me that for calendered paper I would not buy it.

Q. At what stage is book paper calendered?—A. I do not know.

Q. Do you know how it is calendered?—A. No, sir.

Q. What is calendered paper?—A. A hard finished paper; that is all I know. It has a glazed finish.

Q. All paper that is hard finished is calendered?—A. All that is glazed finished. If they are glazed they are calendered.

Q. Could not it be glazed with varnish?—A. I never heard of it.

Q. You say that all that is glazed is calendered.—A. I say that all hard finished paper is calendered—what they call calendered.

Q. Did not you say that all calendered paper was glazed paper?—A. All calendered paper is hard finished. I think I used the word "glazed" wrong. That is all.

Q. All that you know about calendered paper is that it is hard finished?—A. Yes, sir.

Q. That is all that you know about it?—A. Yes, sir.

Q. And you do not know how that finish is secured or produced?—A. I do not.

Q. You do not know how it is acquired?—A. No, sir.

Q. Is "news" paper ever calendered?—A. I think not. I never saw any that was calendered.

Q. Is that Republican ticket "sized"?—A. No.

Q. No sizing in it?—A. No, sir; I think not.

Q. Has that Democratic ticket any sizing in it?—A. I do not think there is. I would say "no."

Q. Is it not true that this Republican ticket is sized?—A. I think not.

Q. Not at all?—A. I think not.
Q. Do you know how paper is sized?—A. I do not.
Q. Do you know what sizing is?—A. I do not know that I do understand the question at all.
Q. You do not know what sizing is?—A. I do not know what you mean by it. I suppose you mean glaze.
Q. No, sir; I do not mean glaze. I mean sizing. I asked the question, and you say you do not understand the question.—A. Yes, sir.
Q. I understand you to say that neither the Republican ticket nor the Democratic ticket is sized?—A. Not as I understand sizing.
Q. What is your understanding of sizing?—A. Calendering.
Q. Sizing and calendering are the same thing.—A. Something that is placed over the top of it—hardness.
Q. What did you say was the color of this Republican ticket?—A. White.
Q. Is there any bluing in that?—A. As I said before, I do not know. If I saw a ream of that paper—there might be a change, which is produced, as we understand it, by water; a different kind of water. Some paper we get will run white—a pure white—and there may be two kinds of color in that same ream. That paper is what is considered white paper.
Q. Is it not true that that paper is what is called "toned" paper?—A. No, sir. It was never toned intentionally. It has not been toned what we call intentionally; if it was, it was very poorly done.
Q. Then it is not toned?—A. I think not.
Q. Do you know how paper is toned?—A. I suppose they mix color in the water to tone it. As we call it, to tint it.
Q. To produce what is termed in the trade white paper, do you know what coloring matter is used?—A. I do not.
Q. As a matter of fact, is it—— A. (Interrupting) Made in the water. Perfectly clear water, with good material, makes white paper if they do not tint it. They will color the water if they want to tint it.
Q. Is it not true, on the contrary, that what you call white paper is secured by the use of bluing?—A. I do not know that. I never manufactured any paper. I do not know that I could answer that question at all, for I do not know how it is made. I could only give you my ideas of the way it is made. I know that we buy of that paper, and we have the excuse that the water was bad, or something that gave a different color.
Q. I call your attention to this material that I hand you here, and I ask you to inspect that, and I will ask you what that is; what do you call it?—A. I think that is about a two-ply cardboard; it feels altogether different from this other paper (Exhibit A). I think that is the very lowest quality of cardboard.
Q. You say this material is the lowest quality of cardboard?—A. Yes, sir.
(The paper shown to the witness was identified as shown witness, C. L. Divine, on cross-examination, and at the same time marked by me as follows: "Indianapolis, P. C. Hendricks, stenographer, Nov. 7, 1883.")
Q. You have spoken of the weight of paper. What would be the weight of that material that I have shown you, per ream, size 22 by 28, in your estimation?—A. I should think that was about 100 pounds.
Q. I will ask you what is the color of that?—A. It is white.
Q. Plain?—A. Plain white.
Q. It is paper, is it not?—A. No; it is cardboard, I think. I would call it cardboard.
Q. Is not cardboard paper?—A. Yes, sir; of course it is paper.
Q. Cardboard is paper; it is a kind of paper. Is that paper calendered or not?—A. I should judge it was calendered.
Q. You say it is calendered?—A. No; I would not call that calendered.
Q. Is it sized?—A. I think not.
Q. Neither sized nor calendered?—A. Not what I understand the sizing to be.
Q. I now show you a specimen of paper, and I will ask you what is that material?—A. It is called b otting paper.
Q. Is it white?—A. Yes, sir; I should call it white.
Q. Is it plain?—A. Yes, sir.
Q. You said it was blotting paper. Is that paper?—A. I suppose that comes under the head of cardboard—soft card.
Q. You say blotting paper is soft card?—A. Its common name for it is blotting paper.
Q. Cardboard is paper?—A. Yes, sir.
Mr. WILSON: I hand this to the stenographer and ask him to mark it for identification without now filing it as an exhibit, and to mark it as follows: "Shown to C. L. Divine on cross-examination, Nov. 7, 1883. and at the same time marked by me, the stenographer, as follows: 'Philadelphia.' Paul C. Hendricks, stenographer."

Q. What do you say is the weight of this material last shown to you?—A. I don't know that I could tell you. I do not know anything about the weight of that.

Q. You do not think you can tell anything about the weight of that?—A. We do not use it in our business; I do not know anything about it.

Q. Did you ever print a newspaper on material like that Republican ticket?—A. I do not know that I have; I cannot remember whether I have or not; we get hold of all kinds of paper; it is possible I have.

Q. Did you ever print a newspaper on material like that Republican ticket?—A. Regularly?

Q. Yes, sir.—A. No, sir.

Q. Did you ever see a newspaper that was published that used that material—that stock?—A. Well, I do not know. I remember of "Bill Nye's Laramie Boomerang" being published on paper similar to that; something very nearly as heavy. I do not know how often it was publis ed. I remember of picking it up in the office once or twice, and our attention was called to that heavy paper on which it was printed. I do not know whether it was his regular edition that is printed that way every week or not.

Q. How many papers do you think you ever saw printed on that heavy paper?—A. I cannot tell. I have been in the newspaper business 35 years and I have seen some very heavy paper, and some very fancy paper.

Q. Did you ever print paper on such material as that?—A. I think not.

Q. Is there any paper in this city printed on as heavy paper as that—any newspaper?—A. No, sir; I think not.

Q. How many papers, weeklies and dailys, are published here—do you know?—A. I do not know.

Q. Are there not about 25 and 30?—A. I suppose there are.

Q. Did you ever know it in the history of any of these papers?—A. No, sir; it would cost them too much money.

Q. Is that an expensive paper?—A. I do not know whether it is so expensive. Newspapers, as a rule, get about as cheap as they can.

Q. What did that cost per ream—25 by 38?—A. I do not know what that would be worth. I suppose paper like that would cost—they could get a contract on that I should think for about 6½, if it run regularly and the office would take that paper and run it regularly. I suppose it would cost them 6½ cents a pound.

Q. What do you say is the cost of the material upon which the Democratic ticket is printed, 25 by 38?

(Objected to as not cross-examination.)

A. What they pay for it?

Q. Yes, sir; what is that worth, 25 by 38, the Democratic ticket that Mr. Peelle showed you?—A. Well, now, at this time I suppose that paper could be bought for 6 cents.

Q. And you say, in other words, that the cost of the material upon which the Republican ticket is printed is just about the same as that upon which the Democratic ticket is printed?—A. No sir; I said that was about 6½. I judge that would be about the price of it, and the price of the Democratic ticket 6 cents.

Q. They both sell for the same by the pound, or with the fraction of a cent difference?—A. I think there is one-half cent difference—maybe ¾, in the two papers.

Q. What would be the weight of a ream of the material upon which the Republican ticket is printed?—A. I said I thought about 80 pounds.

Q. And of this Democratic ticket, 25 by 38—each one the same size?—A. I do not know.

Q. Is it not true that one of those papers is about three times as heavy as the other?—A. No, sir; it is not three times as heavy as the other. It is not quite twice as heavy again. It is not more than about once more.

Q. I will ask you, is not this Republican ticket printed on "plate"?—A. No, sir; I think that is not, to understand the question. That has been set up in type, and it may have been stereotyped afterwards, but no live man can tell that. They may have had so many of them to print that they had to stereotype a dozen to work from.

Q. You don't seem to understand what "plate" is. Do you know the meaning of the term in the sense of "plate" as plate paper. Sometimes billed as "plate" and sometimes billed as "plate paper," and catalogued as "plate paper." I will ask you what is plate paper?—A. I do not know what it is.

Q. What are your politics?—A. I do not know. I have been a Republican for a long time. I do not know whether I am now or not.

Q. Do you mean it in earnest when you say you do not know whether you are a Republican now or not?—A. I will tell you what I am. I am an out and out temperance man. That is my idea of politics. It is a dead sure thing that I am not a Democrat. I wish to be understood as saying that the Republican ticket voted in 1882 is "book" paper. I was in error in saying that it was "news."

C. L. DIVINE.

Specimen shown to C. L. Divine.—Paul C. Hendricks, Notary Public.

(Omitted. See original, page 883.)

(In pencil:) Shown to the witness, C. L. Divine, on cross-examination, Nov. 7, 1883, and at the same time marked by me, the stenographer, as follows: Philadelphia, Paul C. Hendricks, stenographer.

A. W. WISHARD, being first duly sworn, testifies as follows:

Direct examination by Mr. PEELLE:

Q. Your name, age, and residence?—A. Albert W. Wishard; 29 years old; residence, Indianapolis.

Q. What is your occupation?—A. Lawyer.

Q. Were you in this city at the time of the November election, 1882?—A. I was.

Q. Did you attend that election?—A. I did.

Q. What precinct and ward?—A. First precinct, 20th ward.

Q. What portion of the day were you there?—A. All day.

Q. I will ask you to state if you noticed the voters as they had their tickets folded and would go the polls and deposit their ballots?—A. I did.

Q. Take this ticket headed "Republican ticket," and marked Exhibit A to the deposition of C. F. Holliday, and state if that is the ticket that the Republicans used on that day, or one similar to it.—A. That is the kind of a ticket that was voted by the Republicans.

Q. I now hand you a ticket headed "Democratic ticket," and marked as Exhibit B to the deposition of Mr. C. F. Holliday, and I will ask you to state if that is the ticket that was used and voted by the Democrats on that day, or one similar to it?—A. That is my recollection; that it was a similar ticket to that voted by the Democrats.

Q. What position were you in that day at the polls?—A. The earlier and better part of the day I was around the polls peddling tickets; from 10 o'clock to 4 I was Republican challenger.

Q. You are a Republican in politics?—A. Yes, sir.

Q. State if that Republican ticket is folded as tickets are ordinarily folded when voted, it could be told by you or distinguished from the Democratic ticket when similarly folded, as men were going to the polls to deposit their tickets?—A. The question is, as they were going to deposit their ballots?

Q. Yes, sir; as the tickets were ordinarily folded and voted when the voters go to the polls to deposit their ballots; could you tell that Republican from the Democratic ticket?—A. I could not.

Q. State if you made any effort that day to distinguish or tell one ticket from the other, by observation?—A. Yes, sir.

Q. Were you, or not, able to tell one from the other; as they were thus folded, I mean?—A. No; not as they were cast.

Q. Do you know the material upon which that Republican ticket is printed?—A. I do not know anything about the qualities of paper only as I see it.

Cross-examination by Mr. WILSON:

Q. Can you tell the Republican ticket from the Democratic ticket when they are folded, holding them in your hands, with your knowledge—having compared them beforehand—having found out that one was on a different paper from the other?—A. I can if I have both tickets in my hands.

Q. If you have carefully considered the matter and studied those tickets and felt of them, do you think, at the polls, thus folded, the tickets should be held in the hands, you could tell whether it was a Republican or Democratic ticket from its weight and its stiffness and its indisposition to bend?—A. I might, from a careful examination and study of the difference between the tickets that day of the election, for the reason that I was challenger. and the practice and custom is that the challenger stands right at the end of the chute next to the ballot-box, and that the person that votes stands between the Republican and Democratic challenger when they cast their vote, and for that reason I made a careful examination of the two tickets, and I can take the two tickets in my hands and feel of them and test the paper, and tell the difference; but when the voter comes up and holds out his ballot and hands it to the judge, if I were two feet from him, or, in fact, if I were as close to him as I could well get in the distance that was allowed between the challengers and the inspector that received the ballot, I could not then distinguish between the tickets.

Q. You could not distinguish between them if you got a fair chance to see it if it was held up within two feet of you; held by the ends of the fingers and then passed to the inspector and held by him for a moment in his fingers; you could not tell

whether it was the Republican or Democratic ticket?—A. I could not ordinarily. If I could see the distinguishing mark or see the face of the ticket I might.

Q. As folded and by the paper?—A. As folded and by the paper I could not tell the difference.

ALBERT W. WISHARD.

N. R. RUCKLE, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. N. R. Ruckle; age, 45; residence, Indianapolis, Ind.

Q. What business are you engaged in?—A. Printing.

Q. How long have you been engaged in that business?—A. I suppose, altogether, 23 or 24 years.

Q. What particular position do you hold just now?—A. I am superintendent of the Journal Company.

Q. What is the difference between the "Journal Company," and "The Indianapolis Daily Journal"?—A. They are two separate and distinct establishments altogether. They have no connection with each other.

Q. You have been a Republican in politics?—A. Yes, sir.

Q. Were you in 1880?—A. Yes, sir.

Q. I now hand you a ticket headed "Republican Ticket," and marked Exhibit A, to the deposition of C. F. Halliday, and I will ask you if that is the ticket, or a similar ticket to the ticket voted in this city in 1882, by the Republicans?—A. Yes, sir; to the best of my knowledge and belief.

Q. I now hand you a ticket headed "Democratic Ticket," and marked Exhibit B, to the deposition of C. F. Halliday, and I will ask you if that is the ticket that was used in this city by the Democrats at the November election, 1882, or one similar?—A. I do not know, sir. I did not see the Democratic ticket.

Q. I now hand you a ticket headed "Democratic Ticket," and marked with the words "Democratic Ticket" in a flag, and marked as Exhibit D, to the deposition of William Wallace, and I will ask you to state if that is the ticket used by the Democrats in this city, at the State election in 1880?—A. Yes, sir; to the best of my knowledge and belief.

Q. What kind of a heading is that on that Democratic ticket, if you know?

(Objected to as incompetent and irrelevant, for the reason that the ticket speaks for itself.)

A. It is an engraved head.

Q. I now hand you a ticket headed "Republican Ticket," and marked as Exhibit C to the deposition of William Wallace, and purporting to be the ticket used in this State in 1880 for governor and other officers, and I will ask you to state if that is the ticket used at that State election, if you remember?

(Objected to as incompetent, immaterial, and irrelevant.)

A. To the best of my knowledge and belief, that is the ticket.

Q. I now hand you a ticket headed "Republican Ticket," and marked Exhibit F to the deposition of William Wallace, and purporting to be the National ticket voted for Garfield in this city in 1880, and I will ask you to state if that is the ticket used at that election, if you know?—A. Yes, sir.

Q. I now hand you a ticket headed "Democratic Ticket," and marked Exhibit E to the deposition of William Wallace, purporting to be the National ticket voted in this city in 1880, for Winfield Scott Hancock and others.—A. I cannot answer as to that, of my own knowledge.

Q. You do not know whether that is the ticket used, or not?—A. I cannot say, except what it purports to be; I have no recollection of it.

Q. Please examine that Republican ticket voted in this city in November, 1882, and state what material that ticket is printed on, if you know?—A. That is paper.

Q. What is it called?—A. I know what it was sold for by the man who sold it; it is supposed to be a cheap kind of plate paper, is what it was sold for.

Q. Is it a heavy or light grade of plate paper?—A. A light grade of plate paper.

Q. State what that is known as in the trade.—A. That is a pretty hard question for me to answer. A plate paper ought to be sized a little more on one side than the other. A regular plate paper, as it comes out of the mill, is sized more on one side than the other. This appears to be sized on both sides about alike. It is about the quality of heavy white book, extra material, sized and calendered both.

Q. State whether that is or not plain white paper.—A. It is white paper. I do not know what you call plain white, because every paper in the trade has some name to it, and has some way or other to distinguish it; and if you would ask a man for plain white paper he would not know what you wanted.

Q. Unless you would ask another question?—A. He would ask what you wanted to use it for—a book, or something else.

Q. Is it a fact or not that you would not be able to tell what a man wanted if he should come to you and ask simply for plain white paper?—A. If he would ask for plain white paper we would ask him what quality.

Q. Is it or not a fact that print, book, flat, and plate paper is plain white paper if it is not tinted or ruled?—A. We call everything white paper that is not tinted or ruled.

Q. I will ask you to state the kind of material that that Democratic ticket is printed on that was voted in this city in November, 1882.—A. I suppose that would be classed as an extra "news" or "No. 3 book."

Q. Would you or not call that plain white paper?—A. Yes, sir; that is white paper, and it is plain.

Q. Would there be any difference in the use of that term between the Republican and Democratic ticket?—A. I should call them both white paper.

Q. What is meant by the term "plain white paper"?—A. I could not answer that. If a man would come in and ask for plain white paper we would give him plain white paper out of that of which we had the most in stock.

Q. State the kind of material that Republican ticket, being the National ticket voted in this city in 1880, is printed on.—A. It is about the same thing as that State ticket.

Q. You mean the Republican State ticket voted in this city in 1882?—A. No, sir. I do not think it is. It has been handled a good deal, and you can't tell whether there was much calendering on it or not.

Q. Could you state what difference, if any, there is between that and the Republican ticket voted in 1882?—A. Yes, sir. There is a difference in the quality of the material and a difference in the finish.

Q. What is the difference in the quality of the material?—A. I think one is a finer material than the other, and better sized.

Q. Which one is better sized?—A. I think this one [indicating].

Q. The Republican ticket voted in 1882?—A. Yes, sir.

Q. Do you know how paper is made?—A. Not practically; no, sir.

Q. The Journal Company does a large publishing business, does it not?—A. Yes, sir.

Q. How long have you been connected with that concern?—A. I have been, the last time, since September, 1877.

Q. You formerly owned the Indianapolis Daily Journal, did you not?—A. I formerly owned a controlling interest in the establishment.

Q. That was when the Journal Company and the Daily Journal were connected?—A. Yes, sir.

Q. Do you do a large jobbing business in the Journal Company?—A. Yes, sir.

Q. What kind of work do you do there?—A. We do a general business of all kinds.

Q. State if you do any work for the county offices, in furnishing duplicates and records for county offices.—A. Yes, sir.

Q. Were you at the polls in this city at the election in November in 1882?—A. No, sir, except to vote.

Q. You did not stay at the polls?—A. No, sir.

Q. I will ask you to take that Republican and Democratic ticket voted in this city in 1882, and look at the tickets and tell what difference there is in the external appearance of the two tickets, if any.—A. As they stand now there is an apparent difference in the weight.

Q. I mean simply in the color of the tickets and the external appearance.—A. There is a little apparent difference in color.

Q. What is the difference? Can you define it?—A. I cannot. There are different degrees of whiteness.

Q. Are there different degrees of white paper—plain white print paper, plain white book paper, plain white flat paper?—A. I do not suppose any two runs of paper out of the same mill are exactly alike. I suppose if you take a run of paper at one time and one at another, you may distinguish a slight difference between them.

Q. I will ask you if you remember election tickets to have been used in this city before on paper similar to that ticket upon which the Republican ticket voted in 1882 was printed?—A. I do not recollect any printed on exactly the same material.

Q. You do not recollect the same material?—A. No. sir.

Q. Do you remember the material upon which the Democratic ticket has been printed in years past, as compared to that Republican ticket or Democratic ticket?—A. I do not recollect clearly enough to specify the difference. I know they used different tickets at different times; but I cannot remember now.

Q. State if you can recall a time within the last ten years, in this city, when the Democrats used paper as heavy, or heavier, than the ticket upon which that Republican ticket is printed.—A. I think at one time they used heavy "news" paper for a ticket. I could not specify what time it was.

Q. Was it as heavy as that Republican ticket?—A. I cannot tell without comparison.

Q. What is your recollection of that?—A. It was about the same.

(Objected to—also the preceding question and answer—as incompetent and irrelevant.)

Q. What official position have you held in this county?—A. I was sheriff of the county.

Q. How long?—A. Four years.

Q. What years were they?—A. December, 1870, until December, 1874.

Q. Can you now recall, at the election in 1872, whether or not the Democrats had tickets as heavy as that ticket which the Republicans voted in 1882?

(Objected to as incompetent, irrelevant, and immaterial, and as leading; and for the reason that there is no evidence that the tickets cannot be produced, and no effort shown to produce them, and this would be secondary evidence.)

A. I could not be certain it was that year.

Q. State what kind of material that Republican ticket voted at the State election in 1880, for Governor Porter and others, is printed on.—A. No. 1 white "book," I think. It has been handled some. It is pretty hard to tell what kind of a finish it has.

Q. You think it is No. 1 "book"?—A. Yes, sir; I think it is.

Cross-examination by Mr. WILSON:

Q. We would like to find out what year it was that the Democrats used as thick a ticket as that which you have described. Do you recollect who were the candidates that year?—A. My recollection is not clear at all of that matter.

Q. Do you think it was in the last ten years? May it not have been before the last ten years; may it not have been 12 years ago?—A. I will not be certain about it. I am not positively certain that it was not twelve years ago.

Q. Did you ever know any ticket printed on "plate," or plate paper, to be used at any election?—A. I do not think I did.

Q. Did you ever print a book on plate paper? I do not mean the engravings for illustrations in a book, but I mean the book itself. Did you ever print a book on plate paper?—A. We never did; no sir.

Q. I understood you to say that this Republican ticket is a quality of plate paper.—A. I could not answer as to that. It was bought as a cheap quality of plate. That is the name given to it by the man that sold it, to the best of my recollection.

Q. What would you say it was? Would not you say as a matter of fact it is "plate," or plate paper?—A. I am not an expert in papers, but I should say that it was nothing more than extra good, heavy-weight white paper.

Q. Does not paper, as a matter of fact, in the trade embrace card-board, card and blank plate, and every grade of plate?—A. We do not class cards and things of that kind as paper.

Q. Are not they paper?—A. They are paper in the sense that they are made from paper material. They are not known to us as paper.

Q. They are white?—A. Some of them are.

Q. And they are made from the same material that paper is made from?—A. Yes, sir; but by different processes.

Q. Made by different processes?—A. Yes, sir.

Q. And is not plate paper made by a different process than "news" paper?—A. Yes, sir.

Q. If card-board, or bristol board, or blank, as you describe it, is plain, and is white, and is made from the same material that paper is, would you call it plain white paper?—A. No, sir.

Q. What would you call it?—A. I would call that card-board, card-board. Card-board is generally built up of different thicknesses, and a mill that makes card-board will not make this kind of paper.

Q. Is it not true that card-board is filled up—a card, or single sheet—I will ask you about card; if that is not true as to card-board, speaking as ——A. [Interrupting.] My impression is that the materials are different. While they are generally the same, there is a different mixture and different adjustment of it.

Q. Is it not, in point of fact, that the material is the same but the difference comes in the degree or amount of calendering or pressure that is brought to bear?—A. No, sir; I think there is some difference in the material of the paper clear through. Each one is made out of a different grade than the other.

Q. Is there not a very inferior grade of card that is made out of the same material, in point of fact, out of which a grade of "news" paper is made; is not that a fact?—A. The cheaper grades are made of common material.

Q. In the higher grade, the card is made out of the same material out of which the cheaper grade of "news" paper is made?—A. I think they are made out of a better material.

Q. You think it is better material?—A. I think that the card-board is better material.

Q. Than any newspaper material?—A. I should think so.

Q. Even an inferior grade of card-board?—A. That is, white card. There is an almost infinite variety of cards that are made of all kinds of materia'.

Q. Is plate, or lithographic plate, made out of a superior or an inferior grade of paper to that of card-board?—A. The lithographic papers and cards both are made of the same material as ordinary print, except they size them differently. They are about the same grade as print paper, and the only difference is the sizing is put on differently.

Q. Do you say that this Republican ticket of November, 1882, is sized?—A. Yes, sir; that is sized.

Q. Is it calendered?—A. Yes, sir; that is sized and calendered paper. All papers are sized some, and all papers are calendered some, except the very commonest cards.

Q. Ordinary newspaper is not calendered in the sense in which this is calendered, is it?—A. I do not think it is.

Q. Is it not true that this went through, what is termed in the business, the calendering machine, and is not the machine made of a series of rollers, one above the other, where a tremendous pressure is exerted when the material is sent through, and is it not true that newspaper is put through such processes?—A. I never saw any mill where book paper was made. I cannot answer as to the process.

Q. Is it not true about that; that newspaper and certain grades of print paper, many of them, are simply run through what is called an iron roller—what is called a roll—as they pass off instead of being put through the calender machine?—A. I do not know anything about a paper mill; I understand that every paper goes through a calender roll.

Q. You may term that a roll if you please, but the calender machine is a different thing, is it not, from what you call a roll?—A. That I do not know.

Q. I will ask you if it is not true that a machine that makes print paper cannot make plate paper?—A. What do you call print paper? We call print paper common news.

Q. Newspaper?—A. For every different grade of paper you use a different machine; the common grades are made on an ordinary class machine, and better grades on a better machine; the mill has more to do with it than anything else—the material and the finish.

Q. The question I asked you was, whether or not it was not true that you could not make on the same machine that you made print paper this plate paper?—A. I do not believe you can.

Q. Do you say that the paper was sold to you as plate—as a quality of plate?—A. I did not buy it; I could not answer as to that.

Q. Were you present when that was bought?—A. I was in the room—in the house.

Q. Did you see the bill?—A. No, sir.

Q. Did you ever see the bill of that?—A. I suppose I have seen it.

Q. Was it not billed to your office as plate paper; I mean as plate?

(Objected to for the reason that the bill would be the best evidence.)

A. I could not answer that; it was probably a bill of so much paper of such a size and weight. It is not plate paper, I do not believe. I am not an expert on that question. As I understand, plate paper can only be made in a certain mill, and that was made in a "book" mill, I think. Plate paper is sized on one side more than the other, and this appears to be on both sides alike.

Mr. PEELLE. What ticket is that; Exhibit Q, is it not, to the deposition of William Wallace?

The WITNESS. Yes, sir.

Q. Do you say that is book paper?—A. It is pretty hard to say definitely about that.

Q. Is it not true that one side is sized more than the other?—A. If it is, it is very little.

Q. Is that not "toned" paper?—A. No, sir; I think not.

Q. Look at this Democratic ticket marked Exhibit B, to the deposition of Mr. Halliday, and I will ask you if that is toned?—A. No, sir.

Q. You think not?—A. No, sir.

Q. What is the difference in the color, if any, between these two tickets, the Democrat and Republican tickets?—A. This Democratic ticket probably had an extra bleach.

Q. Is not that color what you term in your business a dead white, or plain white; that Democratic ticket?—A. It is a white paper, and the white papers do not all agree in shade—even papers made out of the same material.

Q. I know that, and that is the reason I ask you about the tone.—A. Neither of these papers are toned, in the sense in which I would say toned, at all.

Q. Which is the whitest, the Republican or the Democratic ticket?—A. It is pretty hard to say. They are both white. It is hard to tell what whiteness consists of. So far as the color is concerned, the color appears to be about the same. There is a little difference in the finish of the paper.

Q. Is not plate paper or plate sold in your business as "plate"? Is it not bought and

sold as "plate"?—A. Not any more than other papers are bought as "news" or "book, and each paper is bought by its own classification.

Q. And card is also?—A. Yes, sir.

Q. And card-board?—A. Yes, sir.

Q. And if they are plain white, they are termed plain white?—A. I would not term card-board white paper.

Q. It is made of paper?—A. I would not call it white paper.

Q. Now, what is it that distinguishes that?—A. It is hard to tell what the difference is; I suppose they are both of a good deal the same material.

Mr. PEELLE. When paper is manufactured into card-board, it ceases to be called paper in the sense in which it is understood in the trade?

The WITNESS. We do not call it paper. It is billed as card-board, as every class of paper is billed by its own classification as "prints," "book," "news," &c.

Q. The Indianapolis Journal spoken of is the organ of the Republican party in this State?—A. I do not know anything about its being the organ. It is a Republican paper.

Q. Is it not to-day the organ of the Republican party?—A. I cannot to-day answer that question.

Q. You know Mr. Divine?—A. Yes, sir.

Q. He is connected with that paper?—A. Yes, sir; and I know it is a mighty good Republican paper.

N. R. RUCKLE.

L. G. DYNES, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. L. G. Dynes; age, 43; residence, Indianapolis, Ind.

Q. What is your occupation?—A. I am a printer by trade, and a newspaper publisher.

Q. Do you publish a paper in this city now?—A. Yes, sir.

Q. What is the name of that paper?—A. The Indianapolis Gazette.

Q. Is it a Republican paper?—A. Yes, sir.

Q. Are you a Republican?—A. Yes, sir.

Q. How long have you been in the printing and newspaper business?—A. 25 years.

Q. And in that time have you handled, buying and selling, different grades of paper?—A. Yes, sir; to a considerable extent, I believe. I have always had a job office connected with the newspaper.

Q. Have you a job office connected with your paper now?—A. Yes, sir; a small one.

Q. I will ask you to take this ticket, headed "Republican ticket," and marked Exhibit A to the deposition of C. F. Halliday, and state what material that ticket is printed on, if you know.—A. I should call that plain white paper.

Q. Has it any other name, or designation, known in the trade?—A. I should designate it as "flat" paper, heavy "flat."

Q. What is heavy flat paper?—A. It is a sized and calendered paper, but better, really, than "news" or "book" paper. It is used for printing blank notes on and mortgages, &c., and tickets and blank books of some kinds.

Q. I hand you a ticket headed "Democratic ticket;" state what kind of material that is printed on, if you know. It is the ticket marked "Exhibit B" to the deposition of C. F. Halliday.—A. No. 2 book, I think.

Q. Is that a good quality, or a lower grade, or a better grade?—A. A good quality of book, sized and calendered, I think, although it has been handled so long that the calender does not show.

Q. State whether or not print, book, plate, and flat paper is or is not calendered.—A. Print?

Q. Yes, sir.—A. I think print is not calendered, although I have not handled any of that plate paper, to amount to anything.

Q. Is book and flat paper calendered or not?—A. There are some grades that are not calendered in book; I think the lower grade, No. 2, is not calendered; I do not know from manufacturing the paper; I only know from buying.

Q. I hand you a ticket headed "Republican Ticket," voted in this State for Governor Porter in 1880, and marked Exhibit C to the deposition of William Wallace, and will ask you to state what kind of paper that is, if you can.—A. No. 2 book.

Q. I now hand you a ticket headed "Democratic Ticket" in a flag, purporting to be the State ticket voted in this city in 1880, for Franklin Landers for governor, and other candidates, and marked Exhibit D to the deposition of William Wallace, and I will ask you to state what kind of paper that is.—A. That is heavy "news" or "print"; I would like to examine that, however, by light [going to window]; I would say that that is a number 1 book, sized, but not calendered.

Q. I now hand you a ticket headed "Democratic Ticket," purporting to be the Na-

tional ticket voted in this city in 1880, for Mr. Hancock for President, and marked Exhibit E to the deposition of William Wallace, and I will ask you to state what kind of material that ticket is printed on, if you know?—A. No. 2 book.

Q. Sized or calendered?—A. Both sized and calendered.

Q. I now hand you a ticket headed "Republican Ticket," and purporting to be the National ticket voted in the State for Garfield in 1880, and marked Exhibit F to the deposition of William Wallace, and I will ask you to state the material upon which that ticket is printed, if you know.—A. Flat paper.

Q. What difference, if any, is there between the material upon which that ticket is printed, and the material upon which the Republican ticket is printed, that was voted in this city in 1882?—A. I could not say that there is any difference, but that this National ticket, voted in 1881, has been handled a great deal.

Q. Is there any difference in the weight of the paper? and, if so, state it.—A. I do not think there is any difference in the weight. There may be a trifle. That has been handled so much that it is softer—it appears to have been.

Q. Is there any difference in the quality of the paper?—A. I think not. I think they are both flat.

Q. If there is any difference in the weight you may state it.—A. I think not.

Q. State, if you know, about the value of this paper upon which the Republican ticket was printed, that was voted in 1882, per ream, 25 by 38.—A. I think paper of that quality would be rated at about 16 to 18 cents per pound. I do not know what the weight of that paper would be. It would depend upon the size it was cut. Flat paper runs in many different sizes. The weight would depend on the size of the paper.

Q. What is the value of this Democratic ticket voted in 1882, size 25 by 38, per ream?—A. That would depend on the size of the paper, too.

Q. 25 by 38.—A. The price per pound was, no doubt, 12 to 14 cents.

Q. For that grade of book?—A. Yes, sir.

Q. Do you know how much that paper weighs per ream—that Democratic ticket, voted in 1882—25 by 38?—A. I think about 40 pounds.

Q. What will this Republican ticket weigh per ream of the same size?—A. I think about 80.

Q. Then you think that Republican ticket is on paper about as heavy again as the Democratic ticket?—A. Yes, sir; I think so.

Q. I will ask you to state now—there are the tickets voted in 1880 at the State election, and the National election of 1880, and the tickets voted in this city in 1882 for Congress, and I will ask you to state the kind of paper that these several tickets are printed on, as known in the trade.—A. White paper.

Q. What kind of white?—A. Designating them in a lot, I would just say plain white paper.

Q. When paper becomes manufactured into card-board, is it then called paper, or card-board?—A. Printers do not know it by any other name than card-board.

Q. Did you attend the election in this city in 1882?—A. Yes, sir.

Q. Were you at the polls much during the day?—A. I was there all day.

Q. In what capacity did you act?—A. I held the tickets and gave them out part of the time.

Q. State if you observed the tickets as they were folded and voted there by the voters as they are ordinarily folded. Did you observe them as they were going to the polls to deposit their ballots?—A. Yes, sir.

Q. State if, when that Republican ticket which you have just had in your hands, voted in this city, November, 1882, was folded and in the hands of a voter going to the polls to deposit his ballot, it could be told by you from the Democratic ticket?—A. I made no such test as that, but I do not think I could.

Q. Did you or not, as a matter of fact that day, distinguish the Republican ticket from the Democratic ticket, when folded and being voted by the voters?—A. No, sir.

Q. You were at the polls there all day?—A. Part of the time at the chute.

Q. You may state, if you know, of any one who distinguished the Republican from the Democratic ticket at the time, similarly folded and in the hands of the voter going to the polls to vote?—A. No, sir; I did not hear anything of that kind.

Cross-examination by Mr. WILSON:

Q. There lays before you on the table, just in the order in which Mr. Peelle called your attention to them now, the Republican ticket voted in 1882 by the Republicans, as Mr. Peelle stated, and the ticket headed "Democratic ticket" voted in 1882, as Mr. Pelle stated, and four other tickets, one a National ticket, voted at the Garfield Presidential election, and one of them a Democratic ticket with a flag at the head of it, &c. Do I understand you to say that those are all made on the same kind of material?—A. No, sir; I did not say that.

Q. Did you say that they were all known in the trade as plain white paper?—A. That is the way I know them. That is the way I understand them to be known. If

they were all shown to me, as they are, in a lump, I should say they were plain white paper.

Q. Why do you say that?—A. Because they are white, and because they are paper, and because they are not ruled.

Q. Simply because they are white, and simply because they are plain and unruled, and simply because they are paper.—A. And made substantially of the same material.

Q. What is paper any way?—A. As I said, I am not an expert in paper-making, and am really unacquainted with the process by which paper is made. I understand it is made from pulp, and manufactured from linen rags or wood, &c., and straw, and we get different grades of print, and common news paper, and made from different materials. I understand the difference to be a great deal in the process of the manufacture of it.

Q. Is there not a broad difference in the character of the material used? Is there not a broad difference also in the character of the process through which it is put before it becomes paper?—A. I would only give that as an opinion.

Q. The experts never give anything but opinions and surmises; that is what they are called for.—A. If I give my opinion, I will say that there is a difference every way; a difference in the material that goes to make up the different quality of paper, and a still greater difference in the manner in which the pulp is treated. I understand that book paper is made by passing through a different number of machines, and perhaps through the same machine a second time would make a difference. I do not know that that is really the process.

Q. You say that card is much the same in your business as board?—A. As card-board.

Q. Is there not a difference in the ordinary card-board?—A. I do not understand that there is a difference between them.

Q. Is not lithographic plate much the same in your business as plate paper?—A. Yes, sir.

Q. Is it not advertised and catalogued as plate, as a matter of fact?—A. Just plate?

Q. Just plain plate.—A. No, sir; it is not to my recollection. I will not say it is not. I do not think it is.

Q. If you were going to an establishment to buy a ream of lithographic plate paper, as you term it, would you ask for plain white paper?—A. I would ask for plate paper.

Q. And if you were going to buy card-board, you would ask for card-board?—A. Yes, sir; and if I was going to buy news paper I would ask for news paper: if I was going to buy book, I would ask for book paper.

Q. And if all these were white, you would call them white?—A. Yes, sir.

Q. And if they are plain, they are plain white, are they not?—A. Yes, sir; I expect so.

Q. And if they are paper, they are plain white paper?—A. Yes, sir.

Q. You testified a moment ago that what you called this Republican ticket was flat paper?—A. Yes, sir.

Q. Please explain to us what flat paper is.—A. Flat paper—I suppose the dealers call it flat paper to distinguish it from folded paper. I think likely that is their idea of it. It runs in glazed paper that we use in printing blank notes, and a better grade of paper than book paper, but, I should think, made of the same material.

Q. Is it not the fact that there is a broad distinction in the trade, so far as nomenclature is concerned, between what is termed book paper and blank flat paper, I mean?—A. I know this: If I would go to a paper-house and inquire for flat paper they give me this kind of paper.

Q. And they do not give you book paper?—A. They do not give me book paper, because I have not asked for book paper. They make the same distinction they would between book paper and news paper.

Q. Can you tell me how flat paper is made?—A. No, sir; not from experience.

Q. Do you know, as an expert, how flat paper is made?—A. No, sir.

Q. You do not know the processes through which it is put?—A. No, sir.

Q. Do you know the difference between flat paper, as you term it, and lithographic plate?—A. Yes, sir; I think I do.

Q. What is the difference?—A. There is a different finish. One side has a finer finish than the other, while the flat paper is the same on both sides.

Q. The only difference between lithographic plate and flat paper, is simply that one is highly finished on both sides, and the other not so much on one side?—A. I think so; but in my business I do not handle plate paper so much. It is a rare thing when I handle plate paper, but flat paper I handle almost every week.

Q. You print visiting cards from flat paper, do you?—A. No, sir.

Q. What do you print visiting cards from?—A. Card board.

Q. Don't you print them on what is known as blank?—A. No, sir. We print them on what is called blank card-board. When you come to card board, there are various kinds of card-board. Blank bristol, china, &c. We print them on bristol card board.

Q. Is it not known in the trade as bristol card board?—A. I suppose it is. It is catalogued as bristol card-board and china card-board. We have names for them.

Q. Did you ever see any card board as thin as that Republican ticket?—A. I do not think I ever did.

Q. Is it not true that there is a quality of bristol card-board that is thinner than that Republican ticket?—A. If there is, I never have seen it. I think that would be getting too fine for the use of cards.

Q. I will ask you if the paper upon which that Republican ticket is printed does not cost about three times as much per ream as the material upon which the Democratic ticket is printed?—A. No, sir. I do not think there would be that difference. I think there would be something like double the difference on account of weight. There is a little difference, too, in the price per pound. Three or four cents difference.

L. G. DYNES.

F. J. VAN VORHIS, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. Your name, age, and residence.—A. F. J. Van Vorhis; I am 42 years old; I live in Indianapolis.

Q. What is your business?—A. I am a lawyer.

Q. How long have you been in the practice of law?—A. Three years, or four.

Q. What business were you in prior to that time?—A. I was a practicing physician.

Q. How long did you practice medicine?—A. About 15 years.

Q. What official position, if any, do you occupy, or have you occupied?—A. I have occupied the office of State senator for this county.

Q. When were you elected to that office?—A. In the fall of 1880.

Q. Have you occupied any other official position?—A. Nothing, except I was for a time a member of the common council.

Q. How long were you a member of the common council?—A. Two years—two terms.

Q. State if you attended the election in 1882 in this city, for Congress, and other offices.—A. Yes, sir.

Q. Were you at the polls that day much of the time?—A. All day; yes, sir.

Q. What position did you occupy at the polls?—A. I was challenger of the ward in which I lived, the 6th ward.

Q. What precinct of that ward?—A. I believe it is No. 1. It is the south side of the ward.

Q. Did you see the voters voting that day?—A. Yes, sir; I stood at the head of the chute all that day.

Q. How far were you from the voters as they passed up to the box?—A. I suppose I was three feet from the box.

Q. The ballot-box?—A. Yes, sir; I was at the head of the chute, right at the wall.

Q. I hand you a ticket now headed "Republican ticket," and marked Exhibit A to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket, or a similar ticket to the one voted in this city in 1882.—A. I think that is a copy of the ticket voted in 1882.

Q. I now hand you a ticket headed "Democratic ticket," and marked Exhibit B to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket voted by the Democrats that day, or a similar one to it.—A. I think it is.

Q. State if, when that Republican ticket is folded and in the hands of the voter going to the ballot-box to deposit his ballot, as tickets are ordinarily folded, whether or not you could tell that Republican ticket from the Democratic ticket, when so folded?—A. Well, all that I could say is that I could not on that day. I could not tell one from the other when they were put in the box, unless I did it by some other means.

Q. By what other means were you enabled to tell?—A. Sometimes we could tell when the voter came up. We could tell when he let the ticket show and we could get a look at the kind of ticket he was putting in.

Q. Did you make any effort that day to see what kind of ticket was going in?—A. Yes, sir. We made a great many efforts to find out from parties how they voted, and we could not make it out.

Q. You could not tell from the tickets as they were held and voted by the voters how they were being voted?—A. Not with any certainty.

Q. I now hand you a ticket headed "Republican ticket," purporting to be the State ticket voted in this city in 1880, and upon which your name appears as the candidate for senator, and marked Exhibit C to the deposition of William Wallace, and I will ask you to state if you recollect whether that is the ticket that was voted at that election.—A. That is the ticket, I believe, that was voted in the fall of 1880.

Q. I hand you now a ticket headed "Democratic ticket," purporting to be the State

ticket voted for Franklin Landers for governor, and marked as Exhibit D to the deposition of William Wallace, and I will ask you to state if that is the ticket that was voted by the Democrats at that election.

(Both questions objected to as incompetent, irrelevant, and immaterial.)

A. Yes, sir; I believe it is.

Q. State about the difference in the width of those two tickets.—A. There is about a quarter of an inch difference. The Democratic ticket is about a quarter of an inch wider than the Republican ticket.

Q. State if, when those tickets were folded and in the hands of the voter and being voted, you would be able to tell one from the other on account of the width.—A. I do not know certainly whether I would or not, unless I could see them together; then possibly I would be able to tell the difference.

Q. On account of the width or otherwise?—A. On account of the width.

Q. I now hand you a ticket purporting to be the Republican ticket voted for General Garfield in 1880, and marked Exhibit F to the deposition of William Wallace, and I will ask you to state, if it is your recollection that that was the ticket used at that time.

(Objected to as incompetent, irrelevant, and immaterial.)

A. Yes, sir.

Q. I now hand you a ticket headed "Democratic ticket," purporting to be the national ticket voted for General Hancock, and marked Exhibit C to the deposition of William Wallace, and I will ask you to state if that is the ticket used at that election by the Democrats, if you remember.

(Objected to as incompetent, irrelevant, and immaterial.)

A. Yes, sir; I think it is.

Q. State the difference in the width between that Republican ticket and the national ticket voted in 1880.—A. Something less than a quarter of an inch.

Q. Which is the widest?—A. The Democratic ticket.

Q. State if there is any difference in the length of those tickets.

(Objected to as incompetent and irrelevant.)

A. Yes, sir.

Q. What is the difference in the length?—A. About an inch and three-quarters to two inches.

Q. Which is the longest ticket?—A. The Democratic ticket.

Q. State if those tickets, when folded and in the hands of the voter being voted, could be distinguished one from the other; and, if so, how.—A. I think I would be able to distinguish them by the difference in the width.

Cross-examination by Mr. WILSON:

Q. I understood you to say that when the Republican ticket, voted in the fall of 1882, and the Democratic ticket voted there, were folded, you could not tell the difference between the two as easily as you could the tickets voted at the Presidential election for Garfield and the Democratic ticket—between the tickets alleged to be voted—that you could not tell one from the other. Suppose the two to be folded exactly the same size, you could not tell the tickets voted at the Presidential election one from the other, and the two tickets voted in the fall of 1882?—A. I say I could not tell the difference as I stood at the polls that day. I could not tell the difference, not very readily.

Q. Did you do so at the other election, the Presidential, election in 1880?—A. I cannot say that I did distinguish. I say now I think I possibly could do so by the difference in the width.

Q. Suppose they were folded both the same width, so far as the width of the ticket when folded is concerned, could you then tell the difference?—A. The width of the ticket makes one longer when folded.

Q. Is it not true that the Republican ticket voted in November 1882, is double as thick as the Democratic ticket voted at that same election, when both of them are folded?—A. I do not know that they could be said to be double as thick; it is some thicker.

Q. Would you not guess it was double as thick; hold them both in your hands?—A. Hardly that, possibly so.

Q. And you could not tell the difference between those two?—A. Not by the thick ness, I would not be able to; I am talking about what I did; I was not able to distinguishthem by the thickness. I could not distinguish the Republican ticket folded; that is, with any certainty as to what kind of a ticket a man was voting, unless I got inference from some other source.

Q. Did you carefully examine and compare this Republican and Democratic ticket?—A. Yes, sir; I handled them.

Q. Suppose you took those tickets and folded them close, folded them carefully and inspected them that way, and folded them and compared them until you had learned as much about them in that way as possible, and you were to go to the polls and

take the stand you did, right at the box, and after so studying and familiarizing yourself with them; you went there for the purpose of watching to see if you could tell them with that sort of knowledge before you, and with that sort of an investigation before you, and with that intent in going to the polls, do not you believe you could tell that Republican ticket if a man held it in his fingers by the end, and gave you a chance to look all around, and handed it to the inspector, who held it over the ballot-box?—A. I think if a man were to give me a chance to examine, as you do there, and held it for the purpose of letting me see it, I might do so; but as they were ordinarily voted that day, by a man coming up with his ticket in his hand, I would not be able to do it.

Q. You could tell the difference in the tickets by handling?

(Objected to as not cross-examination.)

A. When I take hold of them as you hand them to me here, I am able to tell one from the other.

Q. You could discriminate by handling and touching what you could not by sight?—A. Yes, sir.

Q. Do not you believe that the inspector could, under similar circumstances, standing where he did, tell the difference when the ticket was placed in his hands?—A. I do not know. Possibly he might be able to.

Q. If you were inspector could you not have done it?—A. I do not know. I think it is possible I could.

Re-examination by Mr. PEELLE:

Q. State if at elections in this city prior to 1882 there has not always been some difference in the thickness and in the width of the tickets by which, on close inspection—such an examination as Mr. Wilson has been speaking about—you could not have detected one from the other?—A. I think there has been rarely a year when there has been an election when we could not have detected the tickets on close examination. We could not have taken the tickets and folded them without seeing the face of them, and have told one from the other in an examination of that kind. That is a rare thing, and I do not now know, even with these tickets, whether I would feel sure unless I had made some special examination beforehand, whether I could have told the difference.

Q. As a matter of fact, has there not always been some difference since you have been in this city, in the quality of the paper, either in its thickness or in its width?—A. They have never been exactly the same, so far as my observation goes.

Q. And upon close and critical examination you could see a difference?—A. Yes, sir.

Re-cross-examination by Mr. WILSON:

Q. Did you ever know an election where the tickets were as different as in the fall of 1882?—A. I think there is more difference, and more striking, between those than between those tickets voted in the fall of 1880.

Q. I am not talking about the face of the ticket.—A. I am talking about the side of the ticket as it would be folded.

Q. You mean to say there is that difference between the ticket voted in 1880 and the difference between the ticket voted in 1882?—A. I mean in folding, when they were voted. I would be more certain to distinguish between the tickets voted in 1880, as they came up on account of the width.

Q. Did you ever know an election to take place here where the tickets in point of stiffness contrasted with the tickets voted in the fall of 1882?—A. The Republican ticket is a stiffer ticket than has been usually used.

Q. Did you ever know a ticket as stiff when folded or as large and stiff as that to be used before?—A. I do not know that I ever did. I do not recollect that I ever did. I am not sure that that ticket is not as stiff—I mean the Republican Presidential ticket voted in 1880.

Q. That is not half as long a ticket as the ticket used in the fall of 1882?—A. No, sir. But you asked me in regard to the stiffness.

Q. I ask you as to stiffness, bulk, and all.—A. Of course the ticket is longer.

FLAVIUS J. VAN VORHIS.

By agreement of the parties the further taking of these depositions was postponed until Thursday, November 8th, 1883.

THURSDAY, *November* 8, 1883.

Parties met pursuant to adjournment.

JOHN A. HENRY, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Question. State your name, age, and residence.—Answer. John A. Henry; Indianapolis, Ind.; I am 35.

Q. What is your occupation?—A. Practicing attorney in this city.

Q. For how long?—A. About ten years and upwards.

Q. State if you were in this city at the time of the November election, 1882.—A. I was; yes, sir.

Q. At what precinct and ward?—A. I was at that time living in the 3rd ward, in the north precinct—I forget the number of it—and during the day my time was divided between the two precincts of the 3rd ward; part of the time at one and part of the time at the other; most of the time at the lower precinct.

Q. Were you at one or the other all day?—A. Yes, sir; except a short time at noon. The principal part of the day I was at one or the other of the precincts.

Q. Did you act in any official capacity there that day?—A. No, sir, not in any official capacity, except as one of the noble army of Republicans.

Q. What particular part did you take at the polls?—A. I assisted in the distribution of tickets. I supplied the voters with tickets, and looked after the votes, and attended to getting them in, and looked after votes that might be challenged, and things of that kind.

Q. Did you act as challenger some of the time?—A. No, sir.

Q. Did you notice the tickets as they were voted by the voters?—A. Yes, sir; I tried to.

Q. I now hand you the ticket headed "Republican ticket," and marked as Exhibit A to the deposition of C. F. Halliday, and I will ask you to state if that is the ticket, or a similar ticket to the one voted by the Republicans at that election?—A. It looks like the ticket.

Q. I now hand you the ticket headed "Democratic ticket," and marked as Exhibit B to the deposition of Mr. Halliday, and I will ask you to state if that is the ticket that was used and voted by the Democrats on that day, at that election, or a similar ticket?—A. To the best of my recollection it is.

Q. I now hand you a ticket headed "Republican ticket," and purporting to be the State ticket voted for governor, and other offices in this State, and marked as Exhibit C to the deposition of William Wallace, and I will ask you to state if that is the ticket used on that occasion, in 1880.—A. I presume it is. I cannot testify definitely upon the subject; it looks like it; it might have been; I presume it is.

(Mr. English objected to all of these old tickets as incompetent, and irrelevant, and immaterial.)

Q. I now hand you a ticket headed "Democratic ticket," printed with the words "Democratic ticket" across a flag, and marked as Exhibit D to the deposition of William Wallace, and I will ask you if that is the ticket voted by the Democrats at that election.—A. That ticket I remember very distinctly.

Q. Why?—A. From the heading; and I remember the campaign very distinctly; and I remember the distinguishing mark at the head of the ticket.

Q. What is that?—A. The flag, with the words "Democratic ticket" printed across it, and also in the manner in which the name of the candidate for governor is printed upon the ticket.

Q. Look down the ticket to Mr. Lemon's name for sheriff.—A. That I do not recollect as well as the other. I am satisfied this is the ticket.

Q. I now hand you a ticket headed "Republican ticket," purporting to be the National ticket for this State in 1880, for the Garfield electors, and marked Exhibit F to the deposition of William Wallace, and I will ask you to state if that is the ticket used on that occasion.—A. It looks like the ticket.

Q. I now hand you a ticket headed "Democratic ticket," purporting to be the National ticket for the Hancock electors in this State in 1880, and marked as Exhibit E to the deposition of William Wallace, and I will ask you to state if that is the ticket that was used on that occasion.—A. I should say it was, upon seeing the ticket. I think I remember it.

Q. I will ask you if, when that Republican ticket that I have handed to you, that was voted at the November election, in this city, for Congress, in 1882, was folded and in the hands of the voters, as they are ordinarily folded and voted, you could tell it from the Democratic ticket voted at the same election?—A. I can only speak from my own experience. I tried, in a number of cases, to see what ticket certain gentlemen were voting and I never was able myself to determine, although I observed closely from the time the party would start to the chute until he would get up to the box; and, to the best of my belief, I do not recollect a single instance in which I was able to distinguish the character of the ticket the party was voting from

its appearance; not having the opportunity to examine them closely, but simply seeing them in party's hands and observing it as he was going up.

Q. As ordinarily voted?—A. Yes, sir. Of course some men go to the polls and do not fold their ticket at all, and you could see easily what ticket they were voting but those who folded their tickets, and with any apparent effort at concealment, it was impossible, so far as my observation went, to distinguish the tickets of one party from the other.

Cross-examination, by Mr. WILSON:

Q. Did you act as challenger there that day?—A. No, sir; I did not. I do not think I ever did in my life. In all the elections I have ever been connected with we usually select certain parties to do that work. At the same time, I would communicate with the parties and tell them to challenge.

Q. You handled Republican tickets that day?—A. Yes, sir. I handled a great many of them.

Q. You gave your attention pretty exclusively to Republican tickets?—A. Yes, sir; certainly. I was a Republican. As a matter of course I did not distribute any Democratic tickets, but I had a great many of them in my hands, and saw them frequently.

Q. If you fold those two tickets in your hands after having previously examined them, could you tell that Republican ticket by handling and feeling it?—A. I could tell that Republican ticket from the fact that it seems to be printed on a better quality of paper, as our tickets always have been.

Q. Was it not stiffer than the Democratic ticket?—A. Yes, sir; and looked heavier than the Democratic ticket, owing to that fact. It was a littler stiffer.

Q. Is it not two or three times as heavy?—A. I cannot tell you. I am not a judge of paper. I am not a judge upon the subject. I can hardly give an opinion. My own opinion would be that it was as thick again probably.

Q. Just about double?—A. Yes, sir; I do not know whether I am right in that. It is a heavier quality of paper; usually paper runs by the pound. I could not say to give an opinion.

Q. Would not you think when one was double as heavy as the other, and with the finish that was on that ticket (Republican ticket) that you could tell one from the other by feeling in your hands?—A. I could tell one from the other, you might say by feeling, on account of the fact that one was printed on a little better quality of paper than the other. That is the way I could distinguish them.

Q. Could not you tell that from the stiffness of the tickets?—A. Certainly, if you have a chance to take the two tickets and hold them in your hands. As a matter of course you can tell.

Q. In other words, you cannot, by sight, do what you could by feeling in your hands?—A. No, sir; if you give me a chance to examine them I could tell them very readily.

Re-examination by Mr. PEELLE:

Q. Have you been, in this city, prior to the election of 1882, able to tell the difference between the tickets voted by the different parties?

(Objected to as incompetent, immaterial, and irrelevant.)

A. I would say, in answer to that, that there has never been a time since I have had anything to do with politics but what I have been able to tell the difference between the tickets by feeling them. I mean the difference between the Democratic and Republican tickets. Our tickets have always been on a better quality of paper than the Democratic tickets. I do not know why it was. I never could tell by the appearance of the tickets, but I could always tell by taking the tickets in my hands.

Q. State whether you could, or not tell the difference between the tickets in the elections prior to 1882, on account of the difference in the width of the tickets?

(Objected to as incompetent, irrelevant, and immaterial.)

A. Yes, sir; I remember the tickets used to be printed different widths until the law fixed the width. Of course you could tell.

(The first question and answer on re-examination being read to the witness by the stenographer, the witness continued as follows:)

A. I know it was frequently talked about at the polls, and the reason usually given upon the subject was, that the quality of paper that the Republicans used for tickets was a better quality of paper, and more easily preserved on election day and kept better and nicer. That was the reason.

Q. What was said, if anything, about the use of that kind of tickets on account of damp, wet weather?

(Objected to as incompetent, irrelevant, and immaterial.)

A. The tickets would preserve better and were not so liable to be creased and crumpled if they were damp or to become separated, or anything of that character, in the hands of the men that handled them at the polls. The men were not careful sometimes. I know when I was chairman of the central committee here that matter was talked over at that time, and we used them at that campaign.

Q. You were chairman of the city central committee?—A. Yes, sir.

Q. Do you know of tickets being printed on paper similar to the paper upon which that Republican ticket is printed, at any election prior to 1882?—A. My recollection about the matter—of course I cannot recollect about the printing, but my recollection is that we used always paper similar to that, only this is a little bit heavier than the ticket we used before, as to weight.

Q. State the difference, if any there is, between that Republican ticket and this national ticket voted for Garfield in 1880.—A. In looking at them there does not seem to be so much difference; there is not much difference. I never observed them closely nor particularly; I say now that they are about the same.

Q. The national ticket has been handled a little more?—A. Yes, sir.

Q. And is more ruffled?—A. Yes, sir; I never observed them before.

Recross-examination by Mr. WILSON:

Q. Did you ever know, in the history of this town, so far as you can recollect, a ticket to be used by any party which, when folded, made a bulk as large as that Republican ticket that was used in the fall of 1882?—A. I cannot say that I have a recollection of a ticket as heavy as that was, that was used, except the Garfield ticket in 1880, which seems to be as heavy, but it was not so large and would not make so much bulk.

Q. It is not half as large.—A. It is about half as large.

Q. And when folded it would not be but half as large?—A. About.

Q. Did you ever know any party, at any election in this city, to use tickets that, when folded, would make as big a bulk, and would be as stout and large as that ticket used by the Republicans at the November election, 1882?—A. I cannot say that I have any recollection of any ticket that would make quite as large a bulk.

Q. You say you have always been able to tell the difference in the tickets?—A. Yes, sir; by feeling. When the voters would come to the polls we would frequently talk about the tickets and about the quality of the paper used.

Q. And you could tell them by feeling?—A. I never have seen the time in my experience at the polls when I could tell what ticket a man was voting; I have heard men talking about it, but I never was able to determine myself. When the ticket was exposed in some way, or the heading was exposed, we could see. The custom was for both sides to watch the tickets as they were voted, more or less.

Q. Have you not heard people around the polls say that they could tell the difference?—A. I have heard men on both sides talk very learnedly as to how particular men voted.

Q. Have you not heard people say, down here at the last election, at your very precinct, that they knew the ticket a man was voting from the appearance of the ticket—at the last Congressional election?—A. I would say no, sir.

Q. Did you not hear a good deal of talk?—A. I heard a good deal of talk with reference to one side of the question, and that there were certain gentlemen who had formerly been Republicans who were supposed to be working for Mr. English, and I heard a good deal about the votes—a great deal as to the number of votes they were putting in for Mr. English, and the means they used to do it. There was more talk about the means they were using to do it than anything else. That was at the lower precinct.

Q. Please give the names of those gentlemen.—A. Of those gentlemen?

Q. Yes, sir.—A. My recollection is that one of them was Mr. James Armstrong. He was not only working for Mr. English, but for the whole Democratic ticket that day.

Q. I will ask you again. You did not answer the question. You volunteered another statement. Did not you hear Democrats and Republicans, but principally the Democrats, talking about that Republican ticket there at your precinct on that day; that they could tell what ticket a man was voting, and that he was voting the Republican ticket, by the appearance of it?—A. I say again, no.

Q. You did not?—A. I did not. I do not remember of having heard a man say that he could tell by that means.

Q. Did not you hear there a great deal of criticism on account of the character of the Republican ticket, on account of its thickness and stiffness and appearance?—A. I heard talk about it being thicker.

Q. Did not you hear a great deal of criticism on account of its appearance, thickness, &c.?—A. I would say no, in answer to your question. The Democrats were criticising it on account of its weight and congratulating the Republicans with providing themselves with that kind of a ticket for the reason they could be distinguished. I would say that the only talk I heard about the ticket was from the fact that it was heavier than the other.

Q. You have been an active Republican politician in this city?—A. I have, sir.

Q. And very active, and you have been chairman of the Republican Central Committee?—A. Yes, sir; I have been chairman of the Republican central committee.

Q. And you were an active Republican politician in that November election in 1882?—A. Yes, sir.

Q. And you are now holding a Government appointment in Washington City?—A. Yes, sir; law clerk of the Post-Office Department.

Q. You have been in office in this city for a good time?—A. I was in the city attorney's office three years.

Mr. PEELLE. As city attorney?

The WITNESS. Yes, sir; for three years. I went out in January, 1882.

Questions by Mr. PEELLE:

Q. Mr. Wilson asked you if this ticket, when folded, would not make more bulk than any ticket you have seen before. I will ask you if that would not depend upon the length of the ticket?—A. Yes, sir; I so stated in my answer; that it was larger than the Garfield ticket of 1880.

Q. That is, you mean longer?—A. Yes. sir.

Q. And wider, is it not?—A. I did not notice the width. There is not much difference in the width. It is a little wider.

JOHN A. HENRY.

HENRY JAMESON, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. Your name, age, and residence.—A. Henry Jameson; 35 years old; 346 N. Illinois st., Indianapolis, Ind.

Q. What is your business?—A. I am a physician.

Q. You are a Republican, I believe?—A. Yes, sir.

Q. You have never taken much part in politics?—A. Not particularly more than to vote.

Q. State if you were at the election in this city in November, 1882.—A. I was.

Q. At what precinct and ward?—A. I was at the fifth ward, at the corner of Illinois street and North.

Q. I will hand you this ticket marked "Republican ticket" and Exhibit A, to the deposition of Mr. Holliday, and I will ask you to state if this is the ticket, according to your recollection, that was voted at that election.—A. It is.

Q. I now hand you a ticket headed "Democratic ticket," and marked as Exhibit B to the deposition of Mr. Holliday, purporting to be the ticket voted in 1882 at the same election, and I will ask you to state if that was the ticket used on that occasion.—A. Yes, sir.

Q. State if, when that Republican ticket is folded in the hands of the voter, as tickets are ordinarily folded by voters, whether or not you could tell one from the other.—A. I do not think you could tell with enough certainty to swear that one was the Republican and the other was the Democratic ticket.

Q. I mean, could you tell by observation of the ticket in the hands of the voter what ticket a man was voting?—A. If it was in the hands of another voter?

Q. Yes, sir; in the hands of the voter, I mean.—A. I think not, sir. If it was in your hands and you examined it closely, you might possibly suggest that that was the Republican ticket, simply because the paper seems heavier; but I think probably not with enough certainly to be absolutely certain.

Q. That would be by feeling?—A. Yes, sir.

Q. But by observation of the ticket in the hands of the voter when he came up to deposit his ticket?—A. I do not think you could tell the difference.

Cross-examination by Mr. WILSON:

Q. Did you make an effort that day, November 7th?—A. Not specially. I do not know that I did.

Q. Were you challenger there?—A. No, sir.

Q. You did not stand by the chute and watch the vote?—A. Not as challenger.

Q. Did you stand right up at the ballot-box any time that day?—A. I was there at different times; an hour or two hours during the day.

Q. How close were you to the ballot-box?—A. I was as close as a man gets standing at the chute.

Q. Was there not a row of men on each side of the chute between you and the voters?—A. Yes, sir, usually; but I was among them and talking to them.

Q. Could not you tell these tickets if you had examined them carefully at the polls, and they were handed to you and you felt of them, one and the other, and, after looking at them, could you not have told the difference?—A. I say if they were in my hand and I had taken the ticket and felt of it. The Republican ticket seems to be printed on paper that is a little heavier. I do not know how much heavier, but it is a more consistent paper and a heavier paper.

Q. Look at them there now, and I will ask you if it is not double as thick?—A. No, sir.

Q. Or three times as thick?—A. No, sir. I should say this is about a 30-pound paper, and the other a 45. That is, of course, only a guess. It is not three times. I am positive of that, because I know enough about blank papers to know that much. I know 60-pound paper is exceedingly heavy paper, and a 30-pound paper is a light paper.

Q. Would not you say that Republican ticket is more than a 40-pound paper?—A. I said it was more than 40; I said it was about 45.

Q. Is it not over a 60-pound paper?—A. I think not, sir.

Q. Is it not over a 70-pound paper?—A. I think not.

Q. Is it not over 75?—A. If it is not over 70, it is not over 75. So far as that is concerned, that is only guess-work, by looking at papers and being somewhat familiar with papers of this character used in printing catalogues, and I am positive it is not over 75, and not over 70 pounds. My opinion would be that that was a 45 or 50 pound paper, 50 pounds at the outside, and the other a 30 or 35 pound paper. There is one thing that I am absolutely certain of, and that is that it is not three times as heavy as the paper upon which the Democratic ticket is printed.

Mr. PEELLE. You are not an expert as to the weights of paper?

A. No, sir; I only know by general observation.

Q. You have been in this city how long?—A. Off and on all my life I have resided in this city.

Q. You have attended elections and voted often before, have you not?—A. Yes, sir.

Q. Were you not central committeeman in your ward at that time?—A. I think not. I was central committeeman when I lived in the 11th ward, not in the 5th.

Q. Did you ever know a ticket of the bulk and size of the Republican ticket to be used by any party at any election in this city before?—A. I do not know of their not having been used. As a matter of fact I would not know, and it would not be natural for me to know whether the ticket was just that weight or not. I have seen tickets, I think, of that consistency, used at elections here.

Q. Did you ever see one that was as bulky and as heavy?—A. I think I have.

Q. What election?—A. That I could not say exactly. I simply state that my general recollection is that election tickets are usually printed on paper of about that consistency. I believe that this ticket (Democratic) is on paper that is flimsier than usual.

Q. In point of fact you say that you think tickets have been used heretofore generally as thick as this Republican ticket?—A. Yes, sir. I will not swear to it, but I have seen, I think, election tickets on several occasions that more nearly approached that than this (Democratic).

Q. Name any election.—A. I will not name any special election. I will name any one of the elections—almost any one of the elections. I mean that the tickets would be more bulky to fold than the fold of this ticket.

Q. What ticket?—A. I said that would be bulkier in fold.

Q. Within what time?—A. Since 1878.

Q. Through all the elections since that time? When; what election? If you can tell what it was?—A. As I said before I cannot state at what particular election. I could not do that. I remember though, that during the elections when I was slightly interested in the 11th ward, when the tickets were, in some instances, printed upon a smooth calendered white paper and much more nearly the weight of this Republican ticket of 1882 than the Democratic ticket of 1882.

Q. What election was that? The State election?—A. This?

Q. Yes, sir.—A. Yes, sir. And I do not, of course, confine myself to State elections. My recollection is in connection with city elections.

Q. I call your attention to a ticket headed "Republican ticket," and marked as Exhibit C to the deposition of William Wallace, and headed by Albert G. Porter, and I will ask you if that ticket is not, if anything, thinner and lighter than the Democratic ticket voted in November, 1882.—A. No; I think that is a heavier ticket. It is apparently thinner because it is a highly calendered paper.

Q. Is it thinner?—A. It is apparently thinner because it is calendered.

Q. Is it not thinner?—A. It is heavier. It may be thinner. It is a heavier paper than the other.

Q. I show you a ticket headed "Democratic ticket," in evidence here as Exhibit D to the deposition of William Wallace, with a flag at the head of it, and I will ask you if that ticket is heavier than the Democratic ticket?—A. This seems to be about the same weight; about the same kind of paper.

Q. Is it as thick?—A. I think so. I think it is about the same weight.

Q. I show you a ticket headed "Democratic ticket," voted for Winfield Scott Hancock and others, and I will ask you if that is heavier paper than the Democratic ticket voted at the November election, 1882.—A. It is heavier paper. It is a calendered paper, and that gives it the impression of being thinner. I should say it was about the same thickness, but it is a heavier paper.

Q. Take that ticket that you say is heavier, would its bulk be anything like that

of the Republican ticket voted in November, 1882?—A. It would probably be a bulkier ticket, but not as heavy.

Q. Bulkier than the Republican ticket voted in 1882?—A. I do not want you to misunderstand me. I say that the ticket once folded, is a great deal bulkier than this Republican ticket.

Q. You refer to the national ticket voted for Winfield Scott Hancock when you say it is bulkier than the Republican ticket?—A. Yes, sir; take the appearance in a man's hand—let me modify that. I am talking simply of the quality of the paper, and I would modify that statement this much—if it had as much surface. If it had as long a surface; if it was as long a ticket.

Q. I am asking you, taking it now as it stands.—A. Take it now as it stands, only being half as long, it would not be as bulky. I thought you were trying to get at the size of the ticket.

Q. No, sir.—A. No, sir; that has nothing to do with it. I can fold this ticket (Republican ticket voted in 1882) so that it will not occupy more than half the space of the other.

Q. Do voters usually do that?—A. Some do and some do not; that is a matter of taste; some voters do not fold them at all.

Q. Take the Republican ticket of November, 1882.—A. If you will permit me to do that.

Q. Fold them both alike.—A. No; I will not do anything of the kind. Voters do not do that. I simply say I can fold this ticket so as to make it more bulky than the Republican ticket. I want to show you that the question of bulkiness has nothing to do with the weight of the paper. [Witness folded the two tickets.] I say that that ticket is more bulky than that; this Democratic ticket—the Winfield Scott Hancock ticket.

Q. You say that the Winfield Scott Hancock ticket is more bulky than the Republican ticket voted in November, 1882?—A. Yes, sir; as I fold it.

Q. As tickets are ordinarily folded, what would you say about it?—A. I will say that there is no ordinary rule for folding it.

Q. Have you folded those tickets in an ordinary way, or an extraordinary way?—A. I have folded them, in one sense of the word, extraordinary, but in a way that any voter might fold his ticket.

Q. You folded that ticket by pressing and creasing and bending the Republican ticket voted November, 1882, and the other you just bundled together and did not crease at all.—A. Yes, sir.

Q. Look at this Republican ticket voted for Garfield, and I will ask you if that ticket, when folded, would not make a ticket of the same bulk as the Republican ticket voted November, 1882?—A. It would not; because there is not the amount of paper in it. That depends solely upon the fold of the ticket.

Q. I will ask you then, whether or not, in the last ten years, there has been voted by either party, or any party, a ticket which, when folded, would be as bulky as the Republican ticket voted in 1882?—A. I did not say anything about the bulk, sir. I said there were tickets voted that were as heavy.

Q. My question is as to the bulk when folded.—A. I would simply say that that depends solely upon the fold. You cannot get at it specifically, to give the bulk for any ticket. I can fold one piece of paper very small, and take a piece of paper half as large and make twice as much bulk.

Q. You are supposing that about an average fold?—A. The average voter does not fold them any specific way. There is no rule. One man may fold his ticket lengthwise and make it bulkier, or he may fold it end to end.

Q. There is no uniform rule?—A. No, sir.

Q. Then by a non-uniform rule, has there, in the last ten years, been used a ticket showing in bulk of fold like the weight and dimensions of the Republican ticket?—A. That qustion cannot be answered. You can fold your ticket as you please. I can fold a small ticket so it will be bulkier than a large ticket. I say to you that this paper—the Republican Presidential Garfield ticket—is the same kind of paper this [indicating] is. It is a highly calendered paper, probably fifty pounds.

HENRY JAMESON.

D. W. COFFIN, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. Your name, age, and residence?—A. D. W. Coffin; I am 42 years old; I live at 432 N. Pen sylvania street, Indianapolis.

Q. Your business?—A. Wholesale grocer.

Q. How long have you been in that business?—A. Eighteen years.

Q. Did you ever occupy any official position?—A. Never.

Q. I will ask you to state if you attended the election in this city for Congress in 1882, and other offices.—A. I did.

Q. What precinct and ward?—A. In the 6th ward. I do not know what precinct; it was on the west side of Fort Wayne avenue.

Q. Did you act in any official capacity there that day?—A. No, sir.

Q. As challenger, or looker on?—A. I was there looking on.

Q. Were you there much of the time?—A. All day.

Q. Were you not acting as challenger that day?—A. No, sir; I did not act as challenger. I never acted as challenger at any time.

Q. I will ask you to take that ticket headed "Republican ticket," and marked as Exhibit A to the deposition of C. F. Halliday, and state if that is the ticket voted, according to your recollection, at that election.—A. Yes, sir; that is the ticket.

Q. I now hand you a ticket headed "Democratic ticket," and marked as Exhibit B to the deposition of Mr. Halliday, voted at the same election by the Democrats, and I will ask you to state if that is the ticket, according to your recollection, that was used there that day.—A. Yes; I think it is. I do not remember all the names on it. I know the majority of them, and they were the names that were voted for at that time.

Q. I will ask you to state if when this Republican ticket is folded as tickets are ordinarily folded by voters when in their hands, and they go up to the ballot-box and deposit their ballots, if you could tell one ticket from the other by looking at them at the polls.—A. I know I could not, because I tried to discover that thing that day. No, sir; I do not think I could. I was about there, and seeing a ticket folded I could not tell from the outside, or when it was folded, which it was.

Q. And you made some effort to do that?—A. I did; yes, sir.

Q. And you failed to discover what ticket a man was voting by observation, when the ticket was folded?—A. I could not tell. I remember one time of one man that I was very sure voted the Republican ticket. I thought, from the appearance of it, that it was the Republican ticket, and had told some one I thought so, and afterwards it turned out that it was the Democratic ticket.

Cross-examination by Mr. WILSON:

Q. You said that you were sure he voted the Republican ticket?—A. Yes, sir.

Q. From the appearance of it?—A. Yes, sir.

Q. What was the appearance of it?—A. It appeared like the Republican ticket.

Q. What is the appearance of that Republican ticket?—A. A piece of white paper folded up.

Q. Is it not a pretty stiff ticket?—A. Yes; the paper is stiff.

Q. It is a good deal thicker than the Democratic ticket, is it not?—A. I think it is a heaver ticket.

Q. Is it not two or three times as thick as that Democratic ticket?—A. No, sir; it is not two or three times as thick.

Q. You say it is not double as thick?—A. No, sir; I do not believe it is double as thick; it is heavier paper.

Q. And has a much superior finish to it, has it not?—A. Yes, sir.

Q. And it is stiffer, is it not?—A. Yes, sir.

Q. Was it not that reason that guided you in trying to determine what kind of a ticket the man was voting?—A. No; I do not think it was.

Q. You did not pay any attention to that?—A. No, sir; I could not say that I did.

Q. You say you were not a challenger?—A. No, sir.

Q. Can you tell the difference between those two tickets when you get them in your hands; feeling them when they are folded up?—A. I do not know; I did not handle any Democratic tickets.

Q. You did not investigate those very thoroughly then?—A. No, sir.

Q. What are your politics?—A. I am a Republican.

Re-examination by PEELLE:

Q. What is the color of that Republican ticket?—A. They are both white.

Q. Plain white?—A. Yes, sir; I should think so; there may be a slight difference in the color.

Q. Is that what is popularly understood as plain white paper?—A. Yes, sir; I should take them both to be white tickets.

Recross-examination by Mr. WILSON:

Q. In point of fact, is not that plate paper?—A. These tickets have been handled a great deal. There may be a difference in the color. I would not want to swear whether that was the color of the Republican ticket and the Democratic ticket on the day of the election. I say they were both white. There is a difference in the color now, a slight difference, but whether that was the color exactly that day I would not want to swear, but I say they were both white tickets.

Questions by Mr. PEELLE:

Q. You mean difference in shade, when you say difference in color?—A. Yes, sir; there is an apparent difference in shade in these two tickets now.

Q. But they are both white?—A. Yes, sir.

Q. And there is white paper of different shades?—A. Yes, sir; certainly.

DAVID W. COFFIN.

H. C. ALLEN, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. Your name, age, and residence?—A. H. C. Allen; age, 39; residence, Indianapolis, Ind.

Q. What is your business?—A. Attorney at law.

Q. How long have you been an attorney?—A. Since 1870.

Q. Have you ever held any official positions in this State?—A. I have been judge of elections, if that is an official position.

Q. State if you were judge of the election in 1882, of the Congressional election.—A. That is my recollection.

Q. I now hand you this ticket, headed "Republican ticket," and marked as Exhibit A to the deposition of C. F. Halliday, and I will ask you to state if that is the ticket voted by the Republicans at that election, if you remember.—A. I recognize that as being just such a ticket as they voted.

Q. I hand you now a ticket headed "Democratic ticket," and marked as Exhibit B to the deposition of C. F. Halliday, and I will ask you to state if that is the Democratic ticket that was voted at that election, if you know.—A. That is my recollection; that that is the ticket.

Q. I now hand you a ticket headed "Democratic ticket," with the words "Democratic ticket" printed across a flag, purporting to be the ticket voted for Franklin Landers and others in 1880, and marked as Exhibit D to the deposition of Mr. William Wallace, and I will ask you if you recollect that as the ticket that was voted in 1880 at that election.

(Objected to as incompetent, irrelevant, and immaterial.)

A. I would say that my recollection is not so good on this subject, but that my judgment is that that is the same ticket that was voted at that time.

(Objected to as not competent.)

(Continued.) In answer to that question I would say that my recollection is that that is just such a ticket as was voted at that time.

Q I now hand you a ticket headed "Republican ticket," purporting to have been voted for Governor Porter and others at the State election in 1880, and marked Exhibit C to the deposition of William Wallace, and I will ask you to state if that is the ticket that was voted at that election, if you remember.

(Objected to as incompetent, irrelevant, and immaterial.)

A. Yes, sir; I think it is the same ticket.

Q. I now hand you a ticket headed "Democratic ticket," purporting to be the national ticket voted for Winfield Scott Hancock in 1880, and marked Exhibit E to the deposition of William Wallace, and I will ask you to state if that is the ticket used by the Democrats at that election, if you remember.

Objected to as incompetent, irrelevant, and immaterial.)

A. I think it is.

Q. I now hand you a ticket headed "Republican ticket," and purporting to be the national ticket voted for the Garfield electors in this State in 1880, and marked as Exhibit F to the deposition of William Wallace, and I will ask you to state if that is the ticket voted at that election.

(Objected to as incompetent, irrelevant, and immaterial.)

A. Yes, sir.

Q. You are a Republican, I believe?—A. Yes, sir.

Q. I will ask you to state if that Republican ticket that I hand you, voted at the election in this city in 1882, for Congressmen, when folded in the hands of the voter, as tickets are ordinarily folded, and taken by the voters to the ballot-box and deposited, could be told or distinguished from the Democratic ticket voted at the same election?—A. If I am to understand that the way they are ordinarily folded is to fold them up carefully and——

Q. As tickets are ordinarily folded by voters.—A. When folded up carefully, by sight they cannot be recognized; at least I could not recognize them by sight.

Q. Did you make any effort that day to recognize tickets by sight as they were being voted?—A. Yes, sir; we did in commenting in sitting there and receiving tickets.

Q. You say you were not able to distinguish the tickets?—A. I was not able to by sight.

Q. I will ask you if any complaint was made to the board that day at all in reference to the Republican ticket, and if so, what?—A. I have no recollection of any complaint.

Q. Were the tickets counted without objection?—A. Yes, sir; they were.

Cross-examination by Mr. WILSON:

Q. What precinct were you at?—A. The 2nd precinct of the 2nd ward.

Q. Who was the inspector at that precinct?—A. My recollection at this election is that it was Mr. Thomas Endly.

Q. You were the Republican judge?—A. Yes, sir.

Q. Where were you during the voting?—A. Usually I was standing near the window with my face outside, or looking outside. We were not always in the same position during the day.

Q. Could you tell these tickets by handling them when folded?—A. My recollection is that I could by giving them attention when I had them in my hands; I understand that you refer to the tickets voted for Congressmen.

Q. Yes, sir; the Republican ticket voted in 1882, I had reference to.—A. Yes, sir.

Q. How were those tickets counted; were they taken out one at a time and counted or were they taken out and piled up and counted?—A. I do not recollect in regard to that. I know they were carefully and accurately counted.

Q. Is it not true, as a matter of fact, that these tickets were taken out and the Republican tickets were laid aside in a pile in given numbers—5s or 10s, or more—without even opening them in many instances to see what was written on the face of them?

(Objected to as not proper cross-examination.)

A. No, sir; that was not done.

Q. You say they did not lay the tickets aside at that precinct in the approach to the count; not in the count, but in the approach to the count, were not they laid aside in piles and separated in that way to a certain extent before counting them one by one?—A. Nothing, unless the man that was taking them out of the box should have shoved them aside in the box, aiming to use certain of the tickets.

Q. Then you counted them one by one?—A. Yes, sir; I think that is the way. I know we were very careful to count the tickets. Mr. Harper was one of the judges, and I know that everybody was satisfied with the count that was there.

Q. You heard of no objection that day to this Republican ticket?—A. There was none made to the board.

Q. Did you hear any objection?—A. You mean any remark?

Q. Yes, sir; criticism or objection—either remark, criticism, or objection?—A. Nothing made to the board. I do not know that I heard anything outside. There was no objection made about the ticket, unless it was joking remarks by persons about the intention of the party in having such a ticket.

Q. What were those remarks—made by who?—A. I do not recollect.

Q. What was the objection?—A. I do not recollect; there was no objection made to the board.

Q. What were the remarks?—A. My recollection is that if there was anything said at all it was remarks by men as to whether these tickets could be folded double or not, so as to open; whether they would open themselves.

Q. Whether they would spring open?—A. Yes, sir.

Q. Were they objecting to them on that ground?—A. No, sir; they were not.

Q. Not to the board?—A. No, sir.

Q. Any outside objection?—A. Nothing at all but light remarks that we might have made at the time, and I do not recollect of any remark. If there was any objection made it was made about them; it was that way.

Q. That was all?—A. That was all. I am confident that was all.

Q. Could you look down in the ballot-box without taking the tickets out, and tell from the appearance of that Republican ticket that it was the Republican ticket, and discriminate from the Democratic ticket, if you could get a good look at the tickets that were voted?—A. I do not know; it would depend on the condition of the ticket; if it was unfolded I could, and if it was concealed, I could not.

Q. You could do it without seeing the names on the ticket?—A. I think I could if it was loose.

Re-examination by Mr. PEELLE:

Q. I ask you to take these tickets, one being the Republican and the other the Democratic ticket voted at the national election in this city, in 1880, and I will ask you to state the probable difference in the width of those two tickets.

(Objected to as not proper re-examination, and incompetent, irrelevant, and immaterial.)

A. There is probably an eighth of an inch difference in the width of the tickets.

Q. State if there is not a difference in the weight of the paper upon which those two tickets are printed, or the feeling of them.—A. There is quite a difference in the feel of the paper.

Q. Which is the better paper?—A. The Republican ticket is the stronger paper.

Q. I will ask you if that Democratic ticket, voted for Hancock in 1880, could not more readily be told and distinguished from the Republican ticket, voted in 1880 for

Garfield, than the Republican ticket could be told from the Democratic ticket voted in 1882?

(Objected to as incompetent, irrelevant, and immaterial.)

A. Yes; much more readily.

Q. Why?—A. One principal reason is on account of the width.

Q. Is there any difference in the color?—A. There is a difference in the appearance of the paper. A greater difference than there is in the other.

Q. Could you tell the difference in those tickets by feeling, the same as you could the tickets voted in 1882?—A. Yes, sir; I could.

Q. State if in the elections in this city prior to 1882 there has or has not been a difference between the tickets voted by the different parties in this city, so that you could tell one from the other by feeling the thickness.—A. My recollection is that the tickets have always varied in one respect or the other, so that a man could detect them by examination and without seeing the face of the ticket.

Recross-examination by Mr. WILSON:

Q. Your recollection is that, by an examination of them, without seeing the face of them, heretofore you could tell and distinguish the tickets?—A. Yes, sir.

Q. I will ask you if that Republican ticket to which Mr. Peelle has called your attention, voted for Garfield, is not on a material very similar or similar somewhat to the Republican ticket voted at the November election for Congressman?—A. In the body of the paper and in the appearance of it it is very similar.

Q. Did you ever know a Democratic ticket voted at any election similar to anything like the thickness of either one of those two tickets?—A. I do not recollect in regard to that. I believe that the Democratic tickets have usually been on lighter paper.

Q. Then you have never known the Democrats to use a ticket as thick as this Republican ticket that I have just named?—A. I do not recollect now.

H. C. ALLEN.

GRANVILLE WRIGHT, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. Granville Wright; 35 years old; residence, 375 North Delaware street, Indianapolis, Indiana.

Q. What is your business?—A. Attorney at law.

Q. You are a Republican, I believe?—A. Yes, sir.

Q. Did you attend the election in 1882 in this city?—A. Yes, sir.

Q. What precinct and ward?—A. 2nd precinct of the 10th ward.

Q. What portion of the day was you there?—A. I was there the principal portion of the day—most of the day.

Q. Did you act in any official capacity there as challenger?—A. No, sir.

Q. Did you look on at the polls?—A. Yes, sir.

Q. Did you observe men as they voted?—A. Yes, sir; to some extent.

Q. I now hand you a ticket headed "Republican ticket," and marked Exhibit A to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket voted by the Republicans at that election.—A. The same kind of a ticket.

Q. I how hand you a ticket headed "Democratic ticket," and marked as Exhibit B to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket voted by the Democrats at that election.—A. Yes, sir.

Q. I now hand you a ticket headed "Republican Ticket," purporting to be the ticket voted for Governor Porter, and marked as Exhibit C, to the deposition of William Wallace, and I will ask you to state if that is the ticket used by the Republicans at the election in 1880.

(Objected to as incompetent, irrelevant, and immaterial.)

A. Yes, sir; it was.

Q. I hand you a ticket headed Democratic ticket, with the words "Democratic ticket" printed across a flag, purporting to be the State ticket voted for Landers for Governor, and others, in 1880, in this city, and marked as Exhibit D to the deposition of William Wallace, and I will ask you to state if that is the ticket used on that occasion.

(Objected to as incompetent, irrelevant, immaterial.)

A. Yes, sir; I remember that very distinctly.

Q. Why do you remember it distinctly?—A. On account of the flag and these hieroglyphics about Landers's name, and also Lemon's, and I remember the vote principally on those two, and against them, and I called the attention of some of them at the time I first saw them that I supposed on Lemon's name one of Harry Adams's pasters could not be placed over it without it being observed.

Q. Harry Adams was the Republican candidate for sheriff?—A. Yes, sir; and then on account of the width of it. I thought it was wider.

Q. I hand you a ticket marked Exhibit F to the deposition of William Wallace, and purporting to be the national Republican ticket voted in 1880 by the Republicans for General Garfield. Please examine that, and state if that is the ticket that was voted at that time.

(Objected to as incompetent, irrelevant, and immaterial.)

A. Yes, sir.

Q. I now hand you a ticket headed "Democratic ticket," and purporting to be the ticket voted for the Hancock electors in this city in 1880, and I will ask you to state if that is the ticket used by the Democrats at that election. It is the ticket marked Exhibit E to the deposition of William Wallace.

(Objected to for the reasons stated in the objection to the previous question.)

A. I think it is.

Q. State if, when that Republican ticket voted for Congressman in this city in 1882, when folded in the hands of the voter, as tickets are ordinarily folded and voted by voters, it could be told from the Democratic ticket voted at the same election, by observation, both being folded in the same way, or similarly folded.—A. Well, I do not believe it could be; I do not believe I made any attempts, but it would be some cause of the appearance of the ticket—it would require a close inspection.

Q. Could people standing at the polls and looking on, as tickets were voted, tell one from the other by observation?—A. I think not.

(Objected to as a matter of opinion.)

Q. I will ask you to take this ticket voted for the Garfield electors, and the one voted for the Hancock electors in 1880, in this city, and I will ask you to state whether or not, if you know, the Democratic ticket voted for Hancock in 1880 could or could not be more readily distinguished than the Republican ticket voted at that same election than the Republican ticket voted in 1882 could be distinguished from the Democratic ticket voted in 1882.

(Objected to as incompetent, irrelevant, and immaterial.)

A. This ticket voted for Hancock and English was readily distinguished from the Republican ticket voted the same year for the Republican electors, especially on account of, and, as I remember, that the Democratic ticket was somewhat wider than the Republican ticket, and then the appearance of the paper. The paper seemed to be a little poorer quality of paper.

Q. State which of those tickets would be the bulkiest when folded.—A. The Democratic ticket.

Q. State what difference there is, if any, if you know, between that Republican ticket voted in 1882, and that national ticket voted in 1880.—A. Well, they are the same, or nearly so.

Q. That national ticket has been handled the most, has it not?—A. Yes, sir; it seems to have been.

Cross-examination by Mr. WILSON:

Q. What precinct was that?—A. Second precinct of the 10th ward.

Q. In what capacity did you act?—A. Not in any capacity.

Q. You were not challenger?—A. No, sir; I was committeeman for that ward.

Q. Could you not, if you got a fair chance to see the Republican ticket as it went into the ballot-box, standing close to it, tell that Republican ticket that day?—A. I can explain the reason why, at times, I could tell—for this reason, I had had something to do with the printing of the tickets, and for that reason I was more familiar with their appearance than anything else.

Q. That is one reason you could tell the difference.—A. No; I did not say that I could tell the difference only once in awhile, and I would have to be right close and give it a pretty close inspection to tell anything then.

Q. That is, by sight?—A. Yes, sir.

Q. You could tell by touching and handling, then?—A. Yes, sir.

Q. You say you had something to do with the printing of those tickets?—A. Yes, sir.

Q. What did you have to do with the printing?—A. Nothing with the printing except that I was present at the time most of them were printed; I had nothing to do with the paper or I did not know anything about that or anything of that kind, only I saw the tickets as they were being printed.

Q. Where were they printed?—A. At the Journal Publishing Company, I believe.

Q. Who was present when they were being printed, if you know?—A. I do not recollect as to that now.

Q. Can you name anybody that was present?—A. I think Mr. Hasselman.

Q. Anybody else?—A. Well, the hands were there and the persons employed and some others, but I do not recollect now.

Q. You think yourself and Mr. Hasseman were the only two?—A. No, sir; I did not say that.

Q. You do not recollect who the others were?—A. No, sir; I do not recollect now who the others were, but I expect I could think them up.

Q. How many were present, if you know?—A. I could not tell you that.
Q. Over three or four, aside from the hands?—A. I do not know certainly; it seems to me like there was two or three most of the time.
Q. You cannot remember any of them except Mr. Hasselman?—A. I think Mr. Ransdell was there at times.
Q. Mr. Daniel Ransdell?—A. Yes, sir.
Q. Chairman of the Republican county central committee?—A. Yes, sir; I think so.
Q. I understand you to say that you had nothing to do with the selection of this paper?—A. No, sir.
Q. You do not know why it was selected?—A. No, sir.
Q. You do not know when it was selected?—A. No, sir.
Q. How long were you over there whilst they were being printed?—A. I was in and out and I do not know how long they had been printing before I came, or I do not remember now. It seems to me like it was along towards evening before they got through.
Q. Were you superintending the printing?—A. No, sir.
Q. You had nothing to do with the printing?—A. No, sir.
Q. Were you connected with that establishment?—A. No, sir; not at all.
Q. What is your business or your office?—A. I am deputy city attorney and deputy prosecuting attorney.
Q. You have held that place for a long time?—A. Yes, sir; between seven and eight years.
Q. And you are a Republican?—A. Yes, sir.

Re-examination by Mr. PEELLE:

Q. Had you any particular reason for being there while the tickets were being printed?—A. No, sir; only we wanted to see that no tickets were carried away. That was all.
Q. State, if at elections in this city prior to 1882, you could or could not tell one ticket from the other by sight or by feeling?
(Objected to as incompetent, irrelevant, and immaterial.)
A. I could by feeling.
Q. Could you, at the election in 1880, for President Garfield and Hancock, tell the difference between those two tickets by sight and feeling?—A. My best recollection is I could by feeling, and that this Democratic ticket was something of a yellowish cast—that it was not a pure white.
Q. State if there is not a more striking difference between those tickets voted in 1880, at the State election, than there is between the tickets voted in 1882.
(Objected to as incompetent, irrelevant, and immaterial.)
A. There is more difference between the appearance of the tickets voted at the State election.
Q. Of 1880?—A. In 1880 than at the election for Congressman in 1882.
Q. Who were the candidates for Congress in 1882 in this district?—A. William E. English on the Democratic ticket, and Stanton J. Peelle on the Republican ticket.
Q. Do you know who the candidate was on the National ticket—the Greenback ticket?—A. I do not recollect now. I believe we had a National party, but I do not recollect who it was.

Recross-examination by Mr. WILSON:

Q. You say there is more difference between the Republican and Democratic State tickets voted in 1880 than there is between the two tickets voted in 1882?—A. I said I could recognize them more readily.
Q. On the backs of them or the face?—A. The backs of them I am speaking about.
Q. Is it not true that the Democratic ticket of 1880 is just simply faded and folded and rubbed and soiled?—A. I am stating my recollection at the time; that the Democratic ticket was on a poorer paper and it had something of a yellowish cast.
Q. Is the yellowish cast you refer to the yellowish cast that characterizes it now?—A. No. I think if you take a rubber and erase the dirt that you could see it.
Q. Is it not true that these tickets are both white?—A. I am not a judge as to that.
Q. What do you say is the appearance of that now, as to weight and thickness?—A. That Republican ticket is a better quality of paper.
Q. Is it not about the same weight as the Democratic ticket?—A. I do not know anything about the weight. I am speaking about how it appears to me.
Q. How does it appear to you about the weight?—A. I do not know anything about that. I am not a judge as to weight.
Q. I did not ask you as an expert, I ask you as a man that has some knowledge. I will ask you if the tickets voted here in 1882 are not more marked in their difference, as to weight and stiffness, than the two voted in 1880?—A. I think so.
Q. The Republican ticket is much thicker than either one of the tickets voted in

1882?—A. There is more difference in the weight of the ticket. The Republican ticket is thicker than the Democratic ticket.

Q. And stiffer, too, is it not?—A. Yes, sir.

Q. In answer to Mr. Peelle's question on re-examination you say you were there to see that nobody got any of these tickets.—A. Yes, sir.

Q. Why did you object to anyone getting the tickets?—A. Because it is usual, as everybody in politics knows, not to let the tickets out until the morning of the election.

Q. So you did keep these tickets until the morning of the election?—A. No, sir; I did not keep them.

Q. Were they kept?—A. I presume they were. I did not get any.

Q. You went there for the purpose of watching them?—A. While they were being printed so that they might not be carried away.

Q. You wanted them kept until the morning of the election?—A. Just the same as we usually do in other elections.

Q. Did you ever know a ticket of that bulk, weight, and dimensions when folded, to be used at any election in this city or in this county, at any time in the last ten years, as that Republican ticket that I have in my hand that is marked as Exhibit A to the deposition of Mr. Holliday?—A. I do not recollect as to that.

Questions by Mr. PEELLE:

Q. Is not that national ticket voted for Garfield?—A. It is very nearly the same, I think.

Q. I will ask you if it has not been usual for both political parties in this city, in preparing tickets, to carefully watch them and guard them so that they may not be counterfeited?

(Objected to as incompetent, &c.)

A. Yes, sir.

Q. That has been rulable with all parties?—A. It has always been rulable with them so far as I have been able to observe, and I have had an opportunity to observe a number of years.

G. S. WRIGHT.

GEORGE WALLACE, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. Your name, age, and residence.—A. George A. Wallace; age, 33; residence, 66 Fletcher avenue, in this city.

Q. You are a Republican, I believe?—A. I am, sir.

Q. I will ask you to state if you were at the election in this city in 1882 for Congressman?—A. Yes, sir.

Q. Who were the candidates for Congressman on the Republican and Democratic tickets?—A. Stanton J. Peelle on the Republican, William E. English on the Democratic.

Q. Who on the National?—A. The National I have forgotten.

Q. State if you ever occupied any official position. Did you occupy any official position that day?—A. I was one of the clerks of the board.

Q. What precinct and ward?—A. Second precinct and 20th ward.

Q. Did you see the tickets that were voted at that election?—A. I saw some of them.

Q. I hand you a ticket, headed "Republican ticket" and marked Exhibit A to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket voted by the Republicans at that election at your precinct that day.—A. So far as I am able to determine, it is. It looks like the ticket.

Q. I now hand you a ticket headed "Democratic ticket," and marked as Exhibit B to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket voted and used by the Democrats that day at that precinct.—A. So far as I know, it is. I am not able to remember all that was on it.

Q. You say you observed some of the tickets as they were being voted that day?—A. I did.

Q. As well as your being the clerk?—A. Yes, sir.

Q. State if when the Republican ticket is folded and in the hands of the voter and being voted as they are generally voted, whether you could tell one from the other by observation, by sight.—A. I was not at that time able to determine any man's political opinions by the ticket he presented. We were some five or six feet from the window, and of course I noticed a number of the tickets that were given in, and I know I was never able from the appearance of the ticket to tell what a man's political opinions might be, or what ticket he was voting, unless I knew from some other source.

Q. What is the color of those two tickets?—A. One of them is rather a dirty white, and the other is white and a little bit purer.

Cross-examination by Mr. WILSON:

Q. Which is the purer white?—A. I should pronounce the purest of these two the Democratic ticket.

Re-examination by Mr. PEELLE:

Q. I hand you a Republican ticket, and marked Exhibit F to the deposition of William Wallace, purporting to be the national ticket voted for the Garfield electors in 1880, and I will ask you to state if that was the ticket voted on that occasion.

(Objected to as incompetent, irrelevant, and immaterial.)

A. I am not prepared to say positively. I presume it is; but I do not recollect just the names that were on that ticket.

(Answer objected to as incompetent, &c.)

Q. Do you remember the quality of the paper that the ticket was on at that time?—A. There was a ticket something similar to that.

Q. I hand you now a ticket, headed "Democratic ticket," and purporting to be the ticket voted for the Hancock and English electors, and marked Exhibit E to the deposition of William Wallace, and I will ask you to state if that is the ticket used by the Democrats on that occasion, or one similar to that.—A. I am not able to state positively. That is, I do not remember.

Q. I now hand you a ticket, headed "Republican ticket," purporting to be the State ticket voted for Governor Porter and others in this State in 1880, and marked Exhibit C to the deposition of William Wallace, and I will ask you to state if that was the ticket used by the Republicans on that occasion, if you know.

(Objected to as incompetent, irrelevant, and immaterial.)

A. I am not prepared to say about that.

Q. I now hand you a ticket, headed "Democratic ticket" with the words "Democratic ticket" printed across a flag, purporting to be the ticket voted for Franklin Landers for governor, I and will ask you if that was the ticket that was voted in 1880 by the Democrats—it is the ticket that is marked as Exhibit D to the deposition of William Wallace.

(Objected to as incompetent, irrelevant, and immaterial.)

A. I would make the same answer to that that I did to the other. I do not now remember distinctly enough to testify. I remember of having seen a ticket similar to that, but I cannot exactly locate the time or place.

Recross-examination by Mr. WILSON:

Q. You were clerk there?—A. I was.

Q. Your duties were to sit inside of the room, and you say you were 5 or 6 feet from the box where the votes were being cast?—A. I should say I was some little distance.

Q. You went there early in the morning, as soon as the polls were opened, and went to work?—A. As soon as the window was open and the vote began I commenced my work of registering the names.

Q. You were not challenger?—A. No, sir.

Q. And you were not upon the outside much?—A. No, sir.

Q. Could you tell one of those tickets from the other by handling?—A. By handling and looking at both I could discover a difference in my hand, but by using my sense of sight I could not.

Q. Could you tell by looking at them particularly a foot and a half from them; if you were inspector there, do you think you could have told; by handling those tickets there all the morning, do not you think by afternoon you could have told those Democratic and Republican tickets if they were folded?—A. I do not know what I could have done if I was inspector, but I am inclined to the opinion that by handling the tickets I could tell very readily, but as to whether I could identify them by looking at them separately or not I do not know. It is possible after he had handled them all day and watched them very closely he might be able to discover a difference, and possibly could.

Q. Was there any objection made to the board that day about the character of the Republican ticket?—A. I have no remembrance of any objection at all. If there was any I am not aware of it.

Q. Did the count of the tickets correspond with the names registered?—A. As I remember, they did.

Q. What is your recollection, if you have any, as to the difference in the tickets voted in this city prior to 1882, as to your being able to tell one ticket from the other?

(Objected to as incompetent, irrelevant, and immaterial, and for the further reason that it is not proper re-examination.)

A. From personal knowledge I know there was a difference in the tickets, but I am not able to tell what that difference was or in what it consisted. There always has been a difference between the two tickets.

GEORGE A. WALLACE.

I. N. PATTISON, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. Your name, age, and residence.—A. I. N. Pattison; age, 43; residence, Grand Hotel, city of Indianapolis, Indiana.

Q. What is your business?—A. I am city treasurer at present.

Q. You are a Republican, are you?—A. Yes, sir.

Q. Were you at the election in this for Congressman in 1882?—A. Yes, sir; I was.

Q. Who was the candidate on the Republican ticket for Congress in 1882?—A. Stanton J. Peelle.

Q. Who was the Democratic candidate for Congress in 1882?—A. William E. English.

Q. Do you remember who the candidate was on the Greenback ticket?—A. No; I do not.

Q. Did you attend the election in 1882 in this city?—A. Yes, sir.

Q. What precinct and ward?—First precinct, 17th ward.

Q. Did you act in any official capacity?—A. Not exactly; no, sir.

Q. Were you at the palls during the day?—A. I was.

Q. How much of the time?—A. All day.

Q. At the same precinct?—A. Yes, sir.

Q. Did you see the tickets voted by the members of the respective parties at that precinct?—A. I did.

Q. I hand you a ticket, headed "Republican ticket," and marked as Exhibit A to the deposition of Mr. Halliday, and I will ask you to state if that is the ticket voted by the Republicans at that precinct.—A. Yes, sir.

Q. I hand you a ticket, headed "Democratic ticket," and marked as Exhibit B to the deposition of Mr. Halliday, and I will ask you to state if that is the ticket voted by the Democrats that day.—A. Yes, sir.

Q. Were you in this city at the national election in 1880?—A. Yes, sir.

X. Did you attend the same?—A. Yes, sir.

Q. I hand you a ticket, headed "Republican ticket," and marked Exhibit C to the deposition of William Wallace, and I will ask you to state if that is the ticket used by the Republicans in this State in 1880 voted for governor and other officers.

(Objected to as incompetent, irrelevant, and immaterial.)

A. Yes, sir.

Q. I now hand you a ticket, headed "Democratic ticket," and marked Exhibit D to the deposition of William Wallace, and I will ask you to state if that is the ticket voted by the Democrats in this city at the election in 1880.

(Objected to as incompetent, irrelevant, and immaterial.)

A. Yes, sir.

Q. I hand you a ticket, headed "Democratic ticket," and marked as Exhibit E to the deposition of William Wallace, and I will ask you to state if that is the ticket voted by the Democrats in the city in 1880 for the Hancock and English electors?

(Objected to as incompetent, irrelevant, and immaterial.)

A. Yes, sir.

Q. I hand you now a ticket headed "Republican ticket," and marked Exhibit F to the deposition of William Wallace, with the name of General Garfield and others on it, and I will ask you if that is the ticket voted at the national election in this city in 1880 by the Republicans?

(Objected to as immaterial, irrelevant, and incompetent.)

A. Yes, sir.

Q. State if that Republican ticket voted for Mr. Peelle for Congress in this district in 1882, when folded as tickets are ordinarily folded by voters, whether you could, or could not, tell or distinguish it from the Democratic ticket when folded, by sight?—A. No, sir; I could not.

Q. You could not?—A. No, sir.

Cross-examination by Mr. WILSON:

Q. Do you mean to say that the Republican ticket voted in 1882 is on the same kind of paper that the Democratic ticket is on?—A. I did not say anything about the paper. He did not ask me.

Q. I ask you; do you mean to say that they were, so you could not distinguish them?—A. They were both white.

Q. Are they the same thickness?—A. No, sir.

Q. Are they the same weight?—A. I did not weigh them. I suppose that Republican ticket is the largest.

Q. Would not you say that the Republican ticket was at least twice as heavy?—A. No; I do not think it is.

Q. You do not think it is even twice as heavy?—A. No; I do not think it is.

Q. It is heavier, is it not?—A. It is somewhat heavier.

Q. Then there is a difference in the heaviness of the two?—A. Yes, sir.
Q. That distinguishes one from the other, does it not?—A. No, sir; not when it is folded; it would not.
Q. If it is thicker when it is not folded, it is thicker when it is folded?—A. The paper?
Q. Yes, sir.—A. Well, I should think so.
Q. Then it is distinguished from the other by its thickness?—A. Yes, sir. But it might be a little bit thicker when it is folded and you could distinguish the difference very easily. But simply as those tickets are used and a person walks up to the ballot-box to put them in when there is no question of that kind raised or thought about, it is a different thing.
Q. Mr. Peelle says, "as tickets are ordinarily folded." Is there any ordinary way of folding tickets when you go to vote them?—A. Oh, not any particular way. The generality of people fold them the same way.
Q. The generality of people fold them about the same way?—A. Yes, sir.
Q. Then there is no general way of folding them?—A. No, sir; I would not think so.
Q. If the generality of people fold them the same way, is there not a general way of folding them?—A. Well, no; I would not think that would constitute the meaning of generality, because you cannot tell. There may be one-third fold them one way, and two-thirds the other way, or one-fourth one way and three-fourths the other way.
Q. Would you not say, if two-thirds folded them in one way, that that would be the generality, about?—A. No, sir; I would not.
Q. Would not that constitute a majority?—A. Yes, sir.
Q. Then there is a way by which the majority of people fold their tickets?—A. Well, I would think that there was.
Q. If you were to inspect that ticket carefully and ascertained its character and did that with the purpose of trying to see what ticket a man was voting, and after so doing a man would vote a Republican ticket, and you handled it, could you not tell that it was a Republican ticket from the handling of it?—A. You mean by the feeling of this ticket?
Q. Yes, sir; by its weight, thickness, and finish?—A. Yes, sir; I could if I would start out to do it.
Q. You mean to say that after such an experience in such capacity, and discrimination by feeling and handling, if you were to stand close to the box when the voter would take his ticket and hand it to the inspector and he would hold it up in that way [illustrating] that, by watching him, you could not tell that it was the Republican ticket?—A. No, sir; I could not; I tried that that day; I could not do it.
Q. Why did you try it?—A. Because I wanted to see.
Q. Why did you want to see?—A. That is my business, why I wanted to see. I could not tell the difference, one from the other.
Q. You are a Republican, I believe?—A. Yes, sir.
Q. And have on hands at present a contested election case growing out of this same campaign?—A. No, sir.
Q. Out of the subsequent campaign—the last election?—A. Yes, sir; there is no question in regard to the ticket in it. It is simply a question as to whether certain territory is within the boundaries of the city or not.

Re-examination by Mr. PEELLE:

Q. That is the only question there is in it?—A. Yes, sir.
Q. I will ask you to take these national tickets, one for Hancock and the other Garfield, voted in 1880, and I will ask you to fold those tickets and look at them and state whether there is more or less difference between those two tickets than there is between the two tickets voted for Peelle and English for Congress in this district in 1882.
(Objected to as not proper re-examination and leading and incompetent, irrelevant and immaterial.)
A. If the Republican ticket was as large as the other there would be the same difference.
Q. What is the difference in the width of those national tickets that I hand you about the difference?
(Objected to as incompetent, irrelevant, and immaterial.)
A. From a quarter to half an inch.
Q. Is there any difference in the color?—A. Yes, sir.
Q. Could you tell one of those tickets from the other by sight, on account of color?—A. Yes, sir; I could. One is a clear white and the other is a cream.

Recross-examination by Mr. WILSON:

Q. You say that that national Republican ticket, voted in 1880, is a clear white?—A. Yes; it looks like that to me.

Q. Is that clear white; is it not, on the contrary, not a clear white?—A. I will not turn right around and say it was not when I just said it was.

Q. I want you to look at that carefully. A man sometimes makes mistakes about colors.—A. Of course it is white; nothing else but white.

Q. Lay it by the side of your cuff. What is the color of your cuff?—A. They are both white.

Mr. PEELLE. One is a little clearer than the other.

The WITNESS. That is all the difference I see.

Q. Is not that national ticket, voted in the 1880 campaign, faded in color?—A. It is not any more faded than the other. That was the natural color of it, I presume, at the start.

Q. I ask you again, is not the material which goes into that national Democratic ticket of an inferior quality, as compared with the material upon which the Republican ticket is printed?—A. I am not an expert on the material of paper. I cannot tell you anything about that.

Q. I will ask you again if that is not of such material that it is liable to, and has, faded from what it formerly was very much?—A. I cannot say anything about that. I do not know anything about what it is made of. It may be all rags or straw, for all I know.

I. N. PATTISON.

E. J. CONWAY, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. Your age and residence?—A. 31 years; 264 South Delaware street.

Q. What is your business?—A. Deputy sheriff at presene.

Q. What has been your business prior to that?—A. I was with Mr. Adams. At the time of this election I was a machinist by trade, and was working at my trade.

Q. Whereabouts?—A. At the Nordkye and Marmon Company.

Q. How long have you lived in this city?—A. This time about five years.

Q. State if you were at the election in this city in 1882 for Congressman and other candidates?—A. Yes, sir.

Q. What precinct and ward?—A. Seventeenth ward, second precinct.

Q. Did you attend that election?—A. Yes, sir.

Q. Did you observe those tickets that were voted there that day?—A. Yes sir.

Q. State if you know John P. Frenzel of the Merchant's National Bank.—A. Yes, sir.

Q. Did he come there that day?—A. Yes, sir.

Q. You may just tell what he came down there for and what occurred while he was there that day.—A. Well, there had been a great many Germans come there and offered to vote, who had taken out papers—the majority of them were issued that day or the day before the election.

Mr. WILSON. If you know that, of course it is all right, but we do not want you to testify to anything that is hearsay.

The WITNESS. I will not tell anything that I don't know. I know that they were issued that day and the day before; some of them I saw. Our attention was called to that and there were some of those votes challenged, and the first I noticed of Mr. Frenzel, and I did not know him at that time, but I have got acquainted with him since, at least, I know who he is; he came there and the first I noticed of him he came up on the west side of the chute and says, "Here, gentlemen! You are allowing these people to keep a good many of our votes out," and he says, "What you want is some one here to assist in getting them in," and, he says, "I propose to see that those men get their votes in." I looked up to see who it was, and several others did, and somebody laughed, and just at that time they had two or three Germans in the chute, and there was a question about them being voters there, and they sent for a man named Chris. Schuttle to swear them in, and Schuttle came over and said he would swear them in, and I asked Mr. Schuttle if he knew them, and he said he did, and I pointed to one of them and asked hime what his name was, and he said he did not know, and there was a kind of a laugh raised and Frenzel staid around a little while and went away.

Q. Was there any disturbance while Mr. Frenzel was at that poll that day?—A. I would not call it a disturbance. There was a good deal of hilarity around there, with the fellows talking and laughing in a good natured kind of a way, most of it. I would not consider it a disturbance. It was about like there is usually at an election.

Q. Did any Republican at that precinct frighten and scare away Mr. Schuttle, the man that was there to swear in votes?—A. No, sir. He refused to swear in the vote after that, of his own accord, so far as I know. He saw that it would not very well do to swear in a vote after he said that he did not know the man and could not call his name to me. Mr. McDonald was there at the time and he went on to give us the law on the question, and went on to say if Mr. Schuttle knew the man, even if he did not know his name, he would be entitled to vote anyhow.

Q. Entitled to swear him in, you mean.—A. Yes, sir. In the mean time there were other parties came into the chute and wanted to vote, and those men were taking up the way, and I asked them to step aside and let the other men vote until their cases were disposed of, by swearing in, or something.

Q. Was there anything like "bulldozing" by any Republican or policeman there that day, and if so, state it?—A. There was more "bulldozing," if you term it "bulldozing," after the man's vote was refused, and he was challenged, and the judge would not take it. The judge there told him to step aside and let others vote. Some one would say "step out of the chute," or something of that kind. That is about all the "bulldozing" I know of.

Q. There was no disturbance there that day?—A. There was not a fight, or anything of that kind about the place.

Q. Were those men that were challenged there that day or not sworn in and voted?—A. There were some men sworn in there and some that did not think their claims were as good as they ought to be, and they did not press their vote. They could not get anyone to swear them in. They had one German that was drunk swearing in votes awhile, but they barred him out. After that they did not fare so well.

Q. State how long Mr. Frenzel was down there that day.—A. From what I saw of him—I was there and had the book, and there was a crowd around there all day, and he may have been there longer, but to my knowledge of seeing him, he was there I don't suppose more than half an hour. He was there in the afternoon.

Q. Did you have the poll-book that day?—A. Yes, sir.

Q. Were you challenging any?—A. Yes, sir.

Q. I will ask you if that Republican ticket voted at your precinct when folded, as voters ordinarily fold them when they vote them, could be told or distinguished from the Democratic ticket voted at that precinct, both of which you have just examined?—A. Do you want to know as far as I know?

Q. Yes, sir. By observation, looking on.—A. Whether it could be told or not? It might by others, but I could not tell.

Q. When it was folded, as they are ordinarily folded by men in going up the chute, could you, by observation and by sight, tell one ticket from the other?—A. No. The only way I could distinguish them was in the ticket being folded. If this end, "Republican ticket," part would be exposed in any way of course I could see then, but from the general appearance of the ballot I could not tell.

Q. If you could see the heading of the ticket when it was folded you could tell one from the other?—A. Yes, sir. I knew the difference in the heading. I could see those under lines, that scroll, in two or three instances. I noticed that. That is the only thing. Of course I could tell a Republican ticket if I saw it voted open, or a Democratic ticket either, but to fold them up and look at them I could not tell the difference.

Cross-examination by Mr. WILSON:

Q. Were there any policemen around that voting precinct that day?—A. Yes, sir.

Q. Who were they? What were their names?—A. Tim Splann was there awhile, and Len Crane, Sam Gerber, and there may have been one or two others for a short time. I don't recollect.

Q. Was Splann on the police force?—A. He was captain of police at that time.

Q. What were the politics of those policemen, if you know?—A. I guess I can say that I know. They were Republicans, so far as I know.

Q. Do you know why so many policemen were there at that precinct?—A. No. They were not there that I know of in any official capacities.

Q. They were not there in any official capacity?—A. I think not. I don't know that they were. But Crane and Gerber both had taken quite a part in the primaries and the canvass in that ward during all the election, and I was led to believe that at least Crane belonged in the ward. I knew that Gerber belonged in the twenty-fifth.

Q. Gerber did not belong in that ward?—A. I think not.

Q. Crane did not belong in that ward?—A. I think he moved just before that election. I think he was there for awhile in that campaign; that is, between the county nominations and the election, he was a resident in the ward.

Q. Was it not true that Crane's residence was in the twenty-fifth ward at that time?—A. It might have been. I don't know.

Q. Was not Captain Campbell down there too?—A. He may have been. I don't recollect now whether he was or not.

Q. You think they were acting in unofficial capacities?—A. I think that from the part they took in the canvass through the ward during that campaign, and they were at our primary; and that is what led me to believe it, because Len Crane said something at one time that I recollect of about not being allowed to be a delegate in the convention on account of being a policeman. That led me to suppose that he belonged or lived in the ward.

Q. They took equally as active a part that day as they did before?—A. They were around the polls all day keeping order.

Q. Why did they have to keep order there that day, so many of them?—A. Not any more so than they were on the police force—than the police force were at the polls at other elections.

Q. Do you know of any other precinct that had as many policemen as this?—A. I was not in any other precinct; I don't know what they done about policemen.

Q. I will ask you, as a matter of fact, did not some of those gentlemen that you have named—policemen acting in unofficial capacity—threaten to arrest Mr. Schuttle there that day?—A. No, sir; I will answer that directly; I don't know that they did.

Q. Did not you hear them make some threats?—A. Threaten to arrest Schuttle?

Q. Yes, sir.—A. No, sir.

Q. Did not you hear of them threatening to arrest the other gentleman that was swearing in votes that you spoke of?—A. Who was the other gentleman?

Q. The man that you said was drunk.—A. Wahle?

Q. Yes, sir.—A. I will answer that; no.

Q. Do you know whether they did threaten to arrest any of these men or not; did you hear the policemen say anything of that kind?—A. No, sir; I heard of no threats of the police threatening to arrest any one.

Q. Did you hear anybody threaten to arrest any of them?—A. No, sir; I believe the only man threatened with arrest there was myself.

Q. Did not they threaten to arrest Mr. Frenzel there and threaten to put handcuffs on him?—A. Not that I know of; I did not hear of any threats of that kind. I was this ignorant of Mr. Frenzel and who he was at that time that some one said he was Mr. English's brother-in-law. That is all I know about Mr. Frenzel at the time.

Q. Is he?—A. I don't know; that impression was all around there.

Q. What sort of a looking man is Mr. Frenzel?—A. A tall, fresh-faced looking young man, with a light moustache, and wears a plug hat usually. He stays over here in the bank; he is school commissioner, I think.

Q. Don't you know that Mr. Frenzel is no relation to Mr. English?—A. I don't know anything about it.

Q. You say that there was no trouble and everything was quiet, and there was no disorder, and nobody threatened to be arrested there—no Democrat at that precinct?—A. I say I heard no threats by any policeman, or anybody else threaten to arrest any Democrat there that day.

Q. You say you heard of no policeman or anybody threaten to arrest anybody and there was no trouble and everything was quiet that day. What is the name of the German that you say was drunk?—A. John Wahle.

Q. What do you mean by saying that he was barred out. How was he barred out?—A. They refused to take his oath any longer.

Q. Who refused?—A. The judges.

Q. They claimed, or did you say he was drunk?—A. I say he was drunk and I guess they will say so. They did so at the time.

Q. Is that any reason for refusing to let a man swear in votes?—A. I was not the judge. I did not have anything to do with that. If the judge of election saw fit, it was no business of mine.

Q. Was there anybody but Mr. Heatherington made that refusal?—A. Mr. Bryce called attention to the fact. I don't know whether Captain Maloney sustained him in it or not.

Q. Mr. Bryce is the Republican member of the council?—A. Yes, sir.

Q. Mr. Heatherington was the Republican inspector?—A. Yes, sir.

Q. And you were the Republican challenger?—A. Yes, sir.

Q. You are now deputy in the office of Mr. Hess?—A. Yes, sir.

Q. Mr. Hess has had trouble about the same ticket and has been threatened with a similar contest as Mr. Peelle and Mr. English are engaged in now?—A. That was all settled before I had anything to do with it.

Q. He had a contest of that kind on hands at one time?—A. I guess it was not anything about this kind of a ticket. I guess it was the shortness of the vote or something of that kind.

Q. You say Mr. Hess's contest was not over the character of this ticket?—A. That is my impression. It was because they claimed that he did not have enough votes. That is my impression. That question may have been raised.

Q. Can you tell this Republican ticket, when folded, by handling it, from the Democratic ticket?—A. I expect I could, if I handled both of them, and my special attention was called to it.

Q. Is it thicker?—A. It may be. I have not handled it.

Q. Look at it. You have given your judgment about it.—A. Look at it, or handle it?

Q. Do both. They are there.—A. Yes, sir; it is some thicker.

Q. Is it not twice as thick?—A. I don't know.

Q. What would you say about it, in your opinion?—A. Do you want to know whether it is twice as thick?

Q. Yes, sir.—A. I say I cannot say whether it was twice as thick or not. It is some thicker.

Q. You would not give any opinion as to how much thicker it is?—A. No, sir.

Q. The paper is stiffer?—A. Yes, sir.

Q. Or the material is stiffer?—A. Yes, sir.

Re-examination by Mr. PEELLE:

Q. Have you attended elections in this city before?—A. Yes, sir.

Q. Acted in any capacity?—A. Yes, sir.

Q. As challenger?—A. Not directly; as I did at this time.

E. J. CONWAY.

W. H. RIPLEY, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. Your name, age, and residence?—A. W. H. Ripley, Indianapolis, Ind.; 32 years old; No. 409 N. Penn. st., in this city.

Q. What is your business?—A. Attorney at law.

Q. Are you the author of a law digest of Indiana decisions in this State?—A. I am.

Q. How long have you practiced law in this city?—A. In this city since the spring of 1874.

Q. Were you at the election in this city in 1882?—A. I was.

Q. What precinct and ward?—A. Second precinct of ward No. 6.

Q. Did you act in any official capacity?—A. No, sir.

Q. Were you at the polls much of the time?—A. I was there about half the day.

Q. Did you see the tickets voted by the respective parties that day?—A. I saw a great many tickets as they were balloted and put in the box—a great many open and a great many folded.

Q. I hand you a ticket headed "Republican ticket" and marked as Exhibit A to the deposition of Mr. Halliday, and I will ask you if that is the Republican ticket voted at that precinct.—A. Yes, sir; it looks like it was a duplicate of the tickets voted at that time.

Q. I now hand you a ticket marked Exhibit B to the deposition of Mr. Halliday, and headed "Democratic ticket," and I will ask you to state if that is the Democratic ticket that was voted at that precinct that day, or a similar one.—A. To the best of my judgment it is a copy or duplicate of the ticket that was voted by most of the Democrats at that time.

Q. State if when that Republican ticket is folded in the hands of a voter as they go to the box to deposit their ballots whether or not you could tell or distinguish that ticket from the Democratic ticket similarly folded as men were going up to deposit their ballots, by observation and sight.—A. When folded and held in their hand going up in the chute?

Q. To vote.—A. And given to the judge and inspectors. I was unable to decide which was the ticket—whether it was a Democratic or Republican ticket.

Q. By looking on?—A. By looking on. Of course if it was open so that I could see it, that was another thing, but when folded up so I could not see anything on the inside I was unable to determine which ticket it was. I know I tried on several occasions to pass judgment on the ticket, and there was always some one disagreeing with me at the time. Some said it was one ticket, and some said it was not.

Q. You could not tell by sight one from the other when folded?—A. I could not. I know I tried it.

Cross-examination by Mr. WILSON:

Q. Did you not, in point of fact, state in that precinct that day that this and that man had voted the Republican ticket, and was not that judgment based upon the appearance of this ticket?—A. No, sir, I did not; but in the presence of others I asked if that was not such and such a ticket.

Q. Why did you think it was such and such a ticket?—A. Because, before the polls opened I thought it could be determined, but I found that I was continually being misled.

Q. Why did you think before the polls opened that you could tell?—A. Because I saw the two different tickets and held them in my hands, and I thought it could be determined when folded.

Q. That was because one ticket was thicker and heavier then, and was not that what you thought in your examination before the polls opened?—A. Yes, sir.

Q. Could you tell the difference by handling?—A. If I could have had them in my hands I could have told the difference.

Q. After you familiarized yourself by handling, if you took the Republican ticket

alone in your hand could not you tell by the stiffness and bulk?—A. Yes, sir; if all the tickets were alike. These two tickets I could.

Q. Were there any other tickets there?—A. I think that there were other tickets there, but I am not positive about it. I do not know whether they were all printed of the same character or not.

Q. You think that there were different Democratic tickets there?—A. I think that there was. I am quite sure that there was a ticket there combined with the Greenback candidates. That is my impression; that there was a mongrel ticket.

Q. Democratic and Greenback?—A. I think so; it is my impression; at least there was a mongrel ticket of some kind—a combination ticket.

Q. Who had any such ticket as that?—A. I do not know who they were; I do not know which side had it.

Q. You know there was a mongrel ticket at that precinct?—A. What I would call a mongrel ticket.

Q. Printed on a whole ticket?—A. Yes, sir.

Q. And you do not know who had those tickets?—A. No, sir.

Q. Now, I will ask you if your attention had been called directly to the difference between these two tickets and you had taken them and sat down at a table and considered and folded them and examined the difference between the two and inspected the fold of them and examined them carefully, and had gone to the polls and stood right by the end of the chute next to the box, within a foot or a foot and a half of the voters as they passed up and held their tickets up and went up and put them into the hands of the inspector and he held it up and turned it around folded, do not you think you could have told that Republican ticket when the voter voted a Republican ticket, and do not you think you could have told the Democratic ticket when the voter voted a Democratic ticket?—A. That would depend upon how the tickets were folded. If they were both folded alike I doubt very much whether I could have told them.

Q. You could tell them by handling?—A. Yes, sir; I am quite sure about that. I know it was tried during the day several times. I said, "that was a Democratic ticket, I think," or "that was a Republican ticket;" and we had a great many disputes there during that day.

Q. In point of fact they were trying to tell, and they claimed that they did know, the difference as they were voted?—A Like there is at every election.

Q. Generally they were claiming at that election that day that they could tell how men were voting by the appearance of the tickets, for the same reason that in the morning you said you thought you could tell?—A. I think there were observations of that kind, and there were disputes there during the day. I know there was discussions of that kind, but the greater part of the discussion was in the fore part of the day.

WARWICK H. RIPLEY.

A. J. TREAT, being first duly sworn testified, as follows:

Direct-examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. A. J. Treat; age, 44; residence, 297 North Meridian street, Indianapolis, Indiana.

Q. What is your business?—A. Merchant tailoring.

Q. How long have you been in that business?—A. About twenty years.

Q. You are a Republican I believe.—A. Yes, sir.

Q. Were you at the election in this city in 1882?—A. I was.

Q. What precinct and ward?—A. Eleventh ward, on Ohio street between Pennsylvania and Meridian streets.

Q. Were you there much of the day?—A. I was there a good deal.

Q. Did you see the tickets voted by the respective parties that day?—A. Yes, sir.

Q. I hand you a ticket headed "Republican ticket," and marked Exhibit A to the deposition of C. F. Halliday, and I will ask you to state if that is the ticket used and voted by the Republicans on that day.—A. I believe it was.

Q. I now hand you a ticket headed "Democratic ticket," and marked as Exhibit B to the deposition of Mr. Halliday, and I will ask you to state if that was the Democratic ticket voted that day for members of Congress and other candidates?—A. To the best of my recollection it was, sir.

Q. Did you observe these tickets as they were folded and being voted by the voters that day?—A. I saw them folded and being voted.

Q. State if this Republican ticket that I hand you, when folded by the voters as tickets are ordinarily folded, could be told or distinguished from the Democratic ticket similarly folded, when being voted?—A. You mean folded up.

Q. Yes, sir; when folded up and being voted; if you could tell one from the other, by sight.—A. I do not think you could.

Q. Did you make any effort that day to distinguish one from the other?—A. I did not; no, sir.

Q. Were you, as a matter of fact, able to distinguish one from the other that day as they were folded, by sight?

(Objected to as incompetent, &c.)

A. I don't believe I could have told, as they were being voted, what tickets they were at all. When I saw people putting them in the box I could not distinguish between the two tickets at all.

Cross-examination by Mr. WILSON:

Q. Were you challenger?—A. No, sir.

Q. I understand you to say you did not make the effort that day to tell one from the other.—A. I did not say that. I said as the votes were voted I could not distinguish them at all. I did not make any extra effort. Of course, I was not there to see how they were voted.

Q. You were not challenger, and did not make any extra effort?—A. No, sir.

Q. You think you could not tell?—A. I do not think I could tell.

ATRALER J. TREAT.

CALVIN F. ROOKER, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. Your name, age, and residence.—A. C. F. Rooker; age, 59; residence, Indianapolis, Ind.

Q. State your business.—A. I am a lawyer.

Q. Were you in this city at the time of the Congressional election in 1882?—A. I should think that I was.

Q. Who was the Republican candidate for Congress, and who was the Democratic candidate?—A. Stanton J. Peelle was the Republican candidate and William E. English was the Democratic.

Q. Do you know who was the candidate on the national ticket?—A. No. We did not bother with him.

Q. Were you at the polls during the election?—A. My recollection is that I was there all day.

Q. Were you there as a challenger?—A. No, sir; I was just a volunteer, for the good of the cause.

Q. State if you saw the tickets voted as they were ordinarily folded and being voted there that day.—A. Yes, sir.

Q. Take this ticket, headed "Republican ticket," and marked Exhibit A to the deposition of Mr. Halliday, and state if that is the kind of a ticket that was used there that day by the Republicans.—A. Yes, sir; that is the ticket. I have some of them in my office yet.

Q. I hand you the ticket headed "Democratic ticket," and marked as Exhibit B to the deposition of Mr. Halliday, and I will ask you to state if that is the kind of a ticket voted by the Democrats that day.—A. Yes, sir. I think it is. It looks like it.

Q. State if, when that Republican ticket is folded, as tickets are ordinarily folded when voted, if you could tell or distinguish that Republican ticket from the Democratic ticket similarly folded, when being voted.—A. I do not believe you could, unless they were right up to see it done.

Q. I mean could you, after they were folded and in the hands of the voter, and the voter was coming up through the chute to the box to deposit his ballot. Could you tell by sight one ticket from the other?—A. I do not think I could from the way the voters vote. They generally fold their ticket and compress it so tight and take it in their hands and go up to vote.

Q. What is the color of those two tickets?—A. I should call them white.

Q. Plain white?—A. Yes, sir; I should call them plain white paper.

Cross-examination by Mr. WILSON:

Q. That Republican ticket is much thicker than the Democratic ticket, is it not?—A. Well, it is thicker than the Democratic ticket, but I never made the discovery or never noticed it, or thought about it, until some time after this election.

Q. Then you did not pay any particular attention to those tickets on the day of the election?—A. I paid particular attention to our ticket, to get in all the votes I could.

Q. Exactly; but the point was, did you pay particular attention to the character of the Democratic ticket by way of contrast to the Republican ticket?—A. No. I did not pay particular attention to the kind of paper the Republican ticket was on. I did not notice it was unusual, or anything of that kind.

Q. You were not the challenger?—A. Well, I think I did some challenging, but I was not what would be called the challenger.

Q. Did you make any effort that day in watching the voters to ascertain, from the appearance of the tickets, what party they were voted for?—A. No. I do not think I could have done it.

Q. Do you think you could have told that Republican ticket from the Democratic ticket from the handling of them, if you were to handle them?—A. I presume if I had ever noticed them I could have told the difference in handling them in the paper, but not by seeing them voted.

Q. If you had familiarized yourself with the character of those tickets before the vote commenced by a careful inspection, and gone where the box was, within a foot or a foot and a half of the voter as he put his ticket in, and watched him for the purpose of trying to tell one ticket from the other, could you have seen and told one ticket from the other then, do you think?—A. If I had known beforehand?

Q. Yes, sir.—A. No; I do not believe I could.

Q. You could tell it by the handling, but you could not by sight?—A. No, sir; I could not from sight.

Q. Do you wear glasses all the time?—A. I do not wear glasses outside, but I have got in the habit of letting them stay on my nose, and do not notice them, but I always look over them, when I am outside, but when I am on the street on an occasion like that I do not have my glasses on.

Q. You did not have your glasses with you that day?—A. I think I did have them with me, but I did not have them on. I can see better off that distance than I can with them on.

Q. Close at hand you can see better with them on than off?—A. Yes, sir; in writing.

Re-examination by Mr. PEELLE:

Q. In looking on at the polls was your eyesight defective?—A. No, sir. I can see anything of that kind. It is when I am writing or reading that I need them.

Recross-examination by Mr. WILSON:

Q. You are a Republican?—A. You bet I am a Republican.

Q. And always have been?—A. No, sir; I voted for William H. English for Congress. I believe I was a delegate in the convention that nominated him.

Q. You are a pretty earnest, active Republican?—A. Yes, sir.

Q. It was years ago when you were in the southern part of the State that you voted for Mr. English?—A. Yes, sir; I have always voted the ticket since I have been a Republican—well, no, I will qualify that a little—I have scratched here lately, and I expect to do it again if the Republicans do not nominate the best men.

Q. You have been a prominent Republican and an active Republican?—A. Oh, yes; in Congressional and National politics I expect to vote the Republican ticket unless something unusual happens, but in these local politics, unless they nominate a straight up and down man I will not vote on either side.

CALVIN F. ROOKER.

W. A. VAN BUREN, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. Your name, age, and residence.—A. W. A. Van Buren; age, 29; residence, Indianapolis.

Q. What is your occupation?—A. I am a lawyer.

Q. How long have you practiced law in this city?—A. I came here in the fall of 1879, and I was with Mr. Wallace as student for a year and a half, and then I opened my own office.

Q. Did you attend the election in this city in 1882?—A. I did.

Q. Did you act in any official capacity there—as challenger or otherwise?—A. I was at the polls and held the poll-book, and did some challenging.

Q. Were you there much of the day?—A. I was there all day long.

Q. State if you noticed the tickets that were voted that day by the Republicans and Democrats for Congressman and other candidates.—A. I saw both tickets.

A. I hand you a ticket headed "Republican ticket," and marked Exhibit A to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket voted by the Republicans that day.—A. That is the ticket.

Q. I now hand you a ticket headed "Democratic ticket," and marked Exhibit B to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket voted by the Democrats that day.—A. Yes, sir. That is the ticket as I remember it.

Q. What ward and precinct were you at?—A. Tenth ward, north precinct.

Q. Did you observe the tickets that day as they were folded and voted by the electors?—A. Yes, sir, I did.

Q. State if that Republican ticket when folded as ordinarily folded and voted could be told or distinguished from the Democratic ticket when folded, by sight.—A. I could not tell any difference whatever, when the tickets were folded, as to which was the Republican or which was the Democratic.

Q. Were you in this city at the time of the national election in 1880?—A. I was.

Q. I hand you a ticket headed "Republican ticket," and marked Exhibit F to the

deposition of William Wallace, and I will ask you to state if that is the ticket that was voted by the Republicans at the national election in 1880.

(Objected to as incompetent, irrelevant, and immaterial.)

A. That is the ticket.

Q. State what difference there is, if any, between that paper upon which that ticket is printed, and the paper upon which the Republican ticket is printed that was voted is 1882.

(Objected to as incompetent, irrelevant, and leading.)

A. If there is any difference in these tickets?

Q. I mean in the weight of the paper and its thickness?—A. I should state that this State ticket of the election of 1882, the Republican ticket, was slightly heavier than the other ticket.

Cross-examination by Mr. WILSON:

Q. I ask you now to look at this ticket, marked Exhibit B to the deposition of Mr. Holliday in 1882, and the Republican ticket voted at the same time, and I will ask you if those tickets are not different in their weight and in their bulk, and in the exture of the paper?—A. The Republican ticket is undoubtedly heavier than the Democratic ticket.

Q. They differ in that respect then?—A. Yes, sir.

Q. Is it twice as heavy?—A. I cannot say whether it was twice as heavy or not.

Q. What is your opinion about it?—A. My opinion is it is just about twice as heavy.

Q. Is it not a good deal stiffer?—A. It is stiffer.

Q. And those two tickets are about the same width and length, are they?—A. I should think this testimony would be better brought out by experts themselves than my testimony on this question.

Q. I ask you are they not about the same width and length?—A. Yes, sir.

Q. Then there is a difference between those two tickets, and, as I understand you, you say that you could not see any difference between those tickets—the language was, "no difference between those tickets when they were being voted by the voters, as the voters ordinarily vote them."—A. That is what I said.

Q. I ask you then, is it not true if you had had your attention called beforehand to the difference between the tickets carefully and you had gone to the polls and stood, for example, as challenger, to watch and see, could you not have told that Republican ticket if folded when the inspector held it in his hands so you could see the ticket all around, and the end; if you could see it in that way, could you have told the Republican ticket then?—A. In reply to your question I will say that I took particular pains during that election, as I held the book and I wanted to know whether the vote was Republican or not and I could not.

Q. Then you could not tell the difference when you looked in that way; then when one ticket is twice as heavy as the other and a great deal stiffer than the other, and is bulkier than the other, I understand you to say, though there is this difference in the thickness and stiffness that you have described, that still, standing where you were and where you did stand, you could not tell the difference between those tickets by sight?—A. I could not.

Q. Could you tell the difference in those tickets by handling them?—A. I could.

Q. Although folded?—A. You mean when the tickets were folded and I had them in my hands?

Q. If you held the Republican ticket in your hand could you tell it was the Republican ticket?—A. When it was folded up?

Q. Yes, sir; on that day if you had one handed to you could you tell from its thickness and stiffness that it was a Republican ticket?—A. I will say this, that if I knew that to be a Republican ticket and had previously held a Democratic ticket folded in the same way and knew that one was a Democratic ticket and the other was a Republican ticket, I could tell which was a Republican ticket.

Q. You mean that if you had previously ascertained the difference in that way, that subsequently if you had had one of the Republican tickets handed to you folded, you could tell that was a Republican ticket?—A. Yes, sir; I could.

Q. If you had been inspector you think you could have done the same thing?—A. I think if I had taken particular pains to examine the tickets before I knew which was Republican and which was Democratic, and had then ascertained, I could have told by the difference in the thickness of the ticket as I could by the difference in the paper in the first place, and I knew that the thick ticket was a Republican, and the thin ticket a Democratic, I could undoubtedly tell which was the Democratic and which was the Republican.

Q. I will ask you if you did not hear at that precinct that day people around there saying that that was a Democratic ticket, or that that was a Republican ticket, and was not that statement based on the difference in the appearance of the tickets when they were folded as they were being voted?—A. I do not recollect any such conversations or any such statements.

Q. You do not recollect any such statements at all?—A. No, sir.

Q. Did you hear any complaint from the Democrats on account of the character of that ticket?—A. On the day of the election?

Q. Yes, sir.—A. I do not remember any.

Q. You heard nothing said about it at all?—A. I do not remember any complaint being urged against the ticket.

Q. No comments about its thickness?—A. I do not recollect any; and in explanation to that answer I will say right here, that there were only a very few workers at our polls; I think one or two Democratic workers there, and two or three Republicans, and they were very quiet, and there was no discussion at all, and everything went on quietly, and there was no complaint, and I do not think there was but two Democratic workers there all day long.

Q. Do you recollect the names of those Democrats?—A. Yes, sir; Captain Payne was one of them.

Q. Who else?—A. It was when I was somewhat of a stranger in the ward there, and he was the only one I was acquainted with.

Q. Who was the Democratic judge there?—A. That I do not recollect.

Q. Is it not true that your memory about what took place there is pretty uncertain and pretty vague at this stage anyhow?—A. Well, as there was not very many incidents that took place there of any nature whatever, I would have to have a pretty good memory to remember things that did not take place.

Q. Is it not true that there were Democrats, and you said there were, and you did not remember them; it is not facts that did not occur, but facts that did occur that I am asking you about.—A. What is your question?

Q. I asked you who the Democratic judge was.—A. I have said that I did not know.

Q. I then asked you who the Democratic workers were, and I believe you have said you recollect one, and one you do not recollect.—A. If I mistake not, that was the first time I had done anything in that ward, having lived in the 16th up until very near the time of the election.

Q. You were challenger there?—A. Yes, sir; I was challenger.

Q. And you was a stranger in the ward?—A. I was not the challenger, as I said in my answer, the principal part of the day. I was to stand alongside of the men who did the most of the work with the book, and I was located up by them, so I could hear the name as it was being called, and check off, as we do in the elections.

Q. You are a Republican?—A. Yes, sir.

Re-examination by Mr. PEELLE:

Q. Take this ticket headed Democratic ticket, and marked Exhibit E to the deposition of William Wallace, and I will ask you to state if that is the ticket, as you recollect, voted by the Democrats for President in 1880.

(Objected to as leading and suggestive, and not proper re-examination.)

Q. You can answer what is your recollection about that ticket.—A. My recollection is that that was the Democratic Presidential ticket, but I do not recollect the names of all the electors; but I notice several.

Q. That is your best impression about the matter?—A. Yes, sir.

Q. I will ask you to take this Republican ticket that you had a while ago and fold it and state the difference in the width of those two tickets as near as you can.

(Objected to as incompetent, irrelevant, and immaterial.)

A. You mean to measure these?

Q. Yes, sir; the difference in the width of the tickets about as near as you can get at it with your eye.—A. I would say an eighth of an inch.

Q. Is there any difference in the color of those two tickets, the back sides, I mean?—A. There seems to be a tint on this Democratic ticket.

Q. State if there is not more difference between those two tickets voted for Garfield and Hancock, in 1880, by sight than there is between the two tickets voted for Congressmen in this district in 1882, which you have examined.

(Objected to as leading, incompetent, and irrelevant, and not proper re-examination.)

A. I would say that this Presidential Democratic ticket of 1880 could be more readily distinguished from the Republican Presidential ticket of the same time—more readily than between the Democratic and Republican tickets of the election of 1882.

Re-examination by Mr. WILSON:

Q. How is it that you say you know that is the Democratic ticket that was used in 1880?—A. Let me see that.

Q. I ask you, without looking at it, how do you recognize it or identify it?—A. I identify it from the familiarity with some number of the names on there.

Q. Not from the fact that you recollect this was the kind of material used at that election, or the kind of paper, but from the names on the ticket?—A. I recognize it from the names on the ticket.

Q. You recollect that Hancock and English were the candidates for President and Vice-President in 1880. Then, as to their names or others, you think that is the ticket that was used, but you do not recollect that this was the kind of material of the paper that was used; have you any recollection of the kind of paper or the width of the paper, or anything of that kind that was used at that election?—A. I do not recollect; only I would say if that ticket was put in my hands now that that is a similar ticket to those voted.

Q. Is not that because you would not indulge the presumption that some one would go to work and get up a ticket that had all these characters on, and is it not simply because it has all these names on it that you think that is the ticket? Is not that the reason?—A. I will say to that, as I said before, I would not go into the discussion of the paper or tint, or anything else, but I would say that is the Democratic ticket that was voted there that day.

Q. But to go back to the beginning; is it not simply because their names are on it, and you do not believe there would be a forgery, is the reason you reach that conclusion, and it is not because you recollect the character of the ticket so far as the width and appearance of the material are concerned?—A. Well, perhaps it may be that. That is the general appearance of the ticket.

Q. Do you recollect what kind of a ticket was voted in 1880 at the national election by the Democrats at this time, independent of this question? Do you bear any recollection and memory of the character of the ticket voted in 1880?—A. Candidly I remember a difference in the tickets on that day, and I recognize——

Q. That is not an answer to my question—A. I recognize those two tickets which you placed in my hands, of course, from the names that are on them there, and from the general character of them both. I remember, as I said before, a dissimilarity in the tickets, but as to remembering distinctly whether there was a tint, I cannot say as to that now.

Q. Did you recollect that there was a difference in the width of the tickets until Mr. Peelle told you to compare the tickets?—A. No.

Q. Did you recollect that there was a difference in the character of the paper used?—A. I did; I am certain of that. I undoubtedly did.

Q. You recollect that there was a difference in the paper used?—A. Yes, sir.

Q. Now you say that there is a greater difference between the Republican ticket as used and voted at the national election for Garfield, and the Democratic ticket as then used, than there is between the two tickets voted here at the November election in 1882.—A. I say in the first place—these exhibits—there is a much more fully defined difference and distinction in the tickets then than there was in the tickets used in our State election.

Q. Are those exhibits that you refer to and have in your hand labeled "national tickets," and in that voting are they the tickets used?—A. They are so similar that I would say that they were.

Q. You say that the exhibits are different without saying that the tickets are. Why do you say that the tickets used in that election are more different, and the difference could more easily be determined in the tickets handed you than the Republican ticket in the last election, both being folded as voters ordinarily fold them?—A. The distinction in these tickets, both Republican and Democratic, and national tickets, is more easily distinguished.

Q. I will ask you is not this national Democratic ticket that you have in your hand faded and yellow?—A. It is yellow.

Q. Don't you say that that is the result of age?—A. I would say that it would perhaps require an expert on paper to answer that question. I would say that paper that I have kept for that length of time does not get yellow.

Q. You say that that paper is not in any sense faded or discolored by time?—A. It is soiled; it is undoubtedly soiled; but whether it is faded or not—white paper will not fade. The question is would it grow yellow with age.

Q. Answer the question; I say faded and discolored by age.—A. If it had been faded it would be whiter now than it was when it was used.

Q. How is white paper made, and what is white paper; I will ask you that question?—A. White paper?

Q. Yes, sir.—A. White paper is made from cotton rags, I suppose.

Q. Is there any bluing in it?

Mr. PEELLE. The witness has not said that he was an expert.

Mr. WILSON. He was pretending to be an expert.

Mr. PEELLE. Not at all.

The WITNESS. I suppose there was a bleach in the rags.

Q. I am not asking you about bleaching; I am not asking you about any alkali; I am asking you if bluing is not used to make white paper, and is not all white paper so produced by the use of bluing?—A. I do not know.

Q. Then you do not know what white paper is in that sense, or what is used to produce white paper?—A. I only know from the common experience I have had with white paper that it don't grow yellow in two or three years.

Q. But news paper don't grow yellow in two or three years, does it?—A. Papers, o course, grow dim with age. I can, of course, only give my experience. Old books, of course, are yellow.

Q. Does old news paper get yellow in that seuse quicker than old books, and don't they get yellow in that way from age?—A. I suppose a very inferior quality of news paper will grow yellow earlier.

Q. Is not that ordinary news paper that the Democratic ticket is printed on—that national ticket of 1880?—A. I would say it was a better quality. It is "challered" or "channeled," or something of that kind.

Q. Is it not yellowed by age, in your opinion, too?—A. I do not think that paper is yellowed any with age.

Q. Then that is the natural color, that appearance it has, and you think it is exactly what it was two years ago when it was voted, in point of color, if it does not yellow with age at all?—A. Except from the soiled marks on there, and the general appearance of it being worn. I base my answer from taking a piece here away from the edges where it has not been handled. I have made my answer that I thought the paper was undoubtedly soiled, but whether it was faded, as you express it——

Q. Or yellowed or colored from age; I understand you to say that it is not, and that has made no difference in it?—A. It has a general old appearance, undoubtedly; but I do not think the paper where it has not been soiled has changed its appearance.

Q. You think, then, that age has not changed the appearance of that paper, is my question, and your statement—I do not hardly understand it?—A. Yes, sir.

Q. That age in 1880, at that election and to the present time, that quality of paper you say was not changed in appearance; didn't I understand you to say that the paper got whiter as it gets older?—A. If you did, I would like to have my answer read. You asked me if it had not faded, and I said if it had faded with age it would be whiter now than it was when it was voted.

Q. Do you mean that it was faded or folded?—A. I mean faded.

Q. The edges of that national Democratic ticket are somewhat frayed and torn on one side?—A. Yes, sir, they are.

Q. It looks like it has been handled, and doesn't it look old?—A. It does.

WILLIAM A. VAN BUREN.

WILLIAM N. HARDING, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. William N. Harding; 33 years old; residence, Indianapolis, Indiana.

Q. What is your occupation?—A. I am a lawyer.

Q. How long have you been in the practice of law in this city?—A. About four years, I believe.

Q. You are a Republican?—A. I am.

Q. Did you attend the election in this city in 1882?—A. Yes, sir.

Q. The Congressional election?—A. Yes, sir.

Q. State if you did occupy any official position that day.—A. I did not. I was not appointed by the central committee or anything of that kind, or the county commissioners.

Q. You were not on the board?—A. No, sir.

Q. Or a member of the committee?—A. No, sir.

Q. What part did you take at the polls?—A. Part of the time I challenged, and I held the position as challenger and did some challenging.

Q. What precinct and ward?—A. Thirteenth ward, south precinct. The number of it I do not know. The other part of the time I was at work around the polls.

Q. State if you saw the tickets that were voted there that day by the different parties.—A. Yes, sir.

Q. I hand you now a ticket, headed "Republican ticket," and marked Exhibit A to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket that was used that day by the Republicans.—A. I think it is.

Q. I hand you now a ticket, headed "Democratic ticket," and marked Exhibit B to the deposition of Mr. Holliday, and I will ask you to state if that is the Democratic ticket used that day, if you recollect.—A. I have no recollection of that ticket. The names of the candidates were upon that ticket. It looks like the Democratic ticket that was voted at that time.

Q. That day did you observe the tickets as they were being voted, when they were being folded by the different voters; did you observe the tickets in standing there as they were being voted?—A. I was a casual observer of the tickets as they were being voted.

Q. And you were challenger there?—A. Part of the time.

Q. State if, when that Republican ticket is folded as tickets are ordinarily folded by voters, if you could tell or distinguish that Republican ticket from the Democratic

ticket when similarly folded, by sight?—A. I do not remember that I could. I do not recollect of an election that ever occurred that I could distinguish the tickets from each other as they were folded and being voted.

Q. By sight?—A. By sight.

Q. Did you, in fact, make any effort at that election to tell how people were voting by just looking at them as they were voting?—A. I presume I did; I always do.

Q. Did you or not distinguish that ticket from the other as they were folded at that election?—A. I did not, that I recollect now.

Cross-examination by Mr. WILSON:

Q. You say you were a casual observer?—A. Yes, sir; I was a casual observer as to the voters as they went up in the chute. I was very zealously at work there.

Q. Did you make any particular effort to determine what ticket a man was voting by the ticket, and did you have your attention directed to it, and did you try that?—A. I will say this: that there never was an election that I did attend that I did not make that effort.

Q. But you never have been able to tell the difference yet?—A. I have been able to tell the difference—at least I have been able to tell a difference. This is the way tickets are folded. I will tell you how that difference consists. I remember, in my experience since I have been a voter in the last several years, that the ticket has been a little wider—at least I think it has been generally a little wider—than the Democratic ticket as a rule. There has been a distinction of that kind to me for several years.

Q. Did I understand you to say that there never has been a time that you could not distinguish them and that you could distinguish them?—A. I do not think that either way. I said there never had been a time but what I had zealously watched tickets as they were put in.

Q. I asked you, has there ever been a time when you could distinguish them?—A. After they were folded up?

Q. Yes, sir.—A. I do not think there ever was a time, unless I would see the ticket being folded.

Q. Not from the character of the ticket, there never was a time?—A. Now, wait, and I will explain that. I said that as a rule for the last several years there was a difference in the width of the tickets, and if I would see a ticket folded at that time and see it being folded I could probably distinguish between the Republican and Democratic ticket.

Q. That was because the Republican ticket was a little wider, you say?—A. Yes, sir; I think the Republican ticket has been a little wider.

Q. Could you tell that difference when the voter was voting and had it in his hand without watching him carefully; simply the difference in the width of the ticket, being an eighth of an inch, and the ticket on the same kind of paper otherwise, and folded exactly alike and voted, do you think you could tell the difference between the Democratic ticket and the Republican ticket?—A. Not if it was folded. I do not think I could. I said at the time it was being folded.

Q. Now, I will ask you is not that Republican ticket there a good deal thicker and a good deal stouter and a good deal more elastic and a good deal heavier than the Democratic ticket?—A. It is considerably thicker.

Q. More elastic, is it not?—A. More elastic.

Q. Heavier, is it not?—A. I think it is heavier.

Q. Is it more than double as heavy?—A. I will say it is heavier.

Q. You do not know how much heavier?—A. I could not say how much heavier.

Q. Are not those differences sufficient to enable you while looking carefully at his hands after you had familiarized yourself with the difference in the tickets, is it not such that, seeing the end of a ticket as the ticket went in the box, to say that it was a Republican ticket with the springy capacity, or when not springy, its breaking capacity; could not you tell the difference that way?—A. In the position that I occupied on that day, I don't think I could.

Q. Could a challenger tell the difference through handling them and seeing them?—A. The challenger did not handle the tickets, as I understand it.

Q. Could the inspector tell the difference from seeing and handling those tickets on that day?—A. Yes, sir; I think so. I think to handle the tickets there is a difference in the texture of the tickets.

Q. With all of those differences so perceptible, as you say, to the touch and handling, you could not, when you had a fair chance to look at them folded, tell the difference, with the aid of your sense of sight?—A. As I remember my experience now at the polls that day, I will state that in the position that I occupied as a challenger, and noticing the voter as he went up to the polls with his ticket doubled up that I could not tell the difference. I will say this farther, that I had the ticket in my hand handling it when I said before I thought I could have told the difference.

Q. You think if you had handled it before and then looked on you could have told

the difference?—A. I could not say. I think if I had handled one ticket, and then handled the other ticket, I could have told the difference.

Q. You could have learned the difference?—A. Yes, sir.

Q. After having learned the difference by that inspection, you could not by sight afterwards tell the difference?—A. I think the difference in thickness is so slight it is not perceptible after the ticket is doubled.

Q. I will ask you to look at these two tickets that I have in my hand, folded as they are, and is there any difference in the two tickets? Which is the Republican ticket?—A. I think that is the Republican ticket [indicating].

Q. Yes, sir; that is correct.—A. I saw you fold it up.

Q. No, sir; I did not fold it up; it was folded laying just as I picked it up.—A. I can see the different springy part; I can tell the difference on close sight.

Q. If there is that difference in the thickness when unfolded, would there be the same difference in the thickness when folded?—A. There will the same difference, but not so perceptible.

Q. Would it not be more perceptible when folded, because isn't the bulk larger? Take two similar tickets, and one is doubled up and so is the other, and see if the difference is not more perceptible to sight when it is doubled up than otherwise?—A. Yes, sir; that is true.

Q. Therefore. when you double that Republican ticket up in eight plies, and the Democratic ticket in eight folds, there is a marked difference when you press them together?—A. On close sight there is.

Mr. PEELLE. Looking at them together?

The WITNESS. Yes, sir.

Q. Look at those two tickets about the distance of two and a half feet. Is there quite a difference still?—A. Let me hold them.

Q. Yes, sir; I will let you hold them. Hold them so the light can fall on them, and not so it will be in the dark, and press them together at arm's length, and I will ask you now is there not a very perceptible difference when your attention is directed to that matter in that way?—A. I cannot say there is a very perceptible difference.

Q. Can't you see the difference?—A. I can see a slight difference, perhaps two feet from me in my hands holding them.

Q. And in my hands, the way I hold them the same distance, you would see the same difference, held at the same distance from you?

(No response.)

Q. You are a Republican?—A. Yes, sir.

Q. And you are announced as a candidate for prosecuting attorney?—A. I hope to be the next prosecuting attorney.

Q. You are a candidate before the coming Republican convention for prosecuting attorney?—A. I am a candidate for the nomination, if I can get it at the next convention in this county.

Q. You take a good deal of interest in politics?—A. I always have.

WILLIAM N. HARDING.

ALFRED R. HOVEY, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. Alfred R. Hovey; my age is thirty; my residence is in the twelfth ward in this city.

Q. What is your business?—A. I am a lawyer.

Q. Where are you practicing law?—A. In this city.

Q. How long have you been practicing law?—A. Well, it has been a little more than five years. I was admitted to the practice in the Federal court. I did not have much practice for the first couple of years, or such a matter.

Q. Did you ever occupy any official position?—A. I never have.

Q. You are a Republican in politics?—A. Yes, sir.

Q. You never have occupied any official position?—A. No, sir.

Q. Was you not attorney once for the county?—A. My partner and myself were appointed by the county commissioners in this county in the fall of 1880 to defend the paupers in the criminal court; such persons as were not able to employ counsel, and we held that position two years.

Q. Did you attend the election in this city in 1882?—A. I did.

Q. What precinct and ward?—A. Second precinct of the twelfth ward.

Q. Did you see the tickets voted at that precinct by the Democrats and Republicans?—A. Yes, sir.

Q. Did you have any particular business that day there?—A. I was Republican clerk of the board that day.

Q. State if you saw the tickets as they were being voted and handed in to the inspector.—A. Yes, sir.

Q. I now hand you this Republican ticket, marked Exhibit A to the deposition of

Mr. Holliday, and I will ask you to state if that is the Republican ticket voted at that precinct for Congressman and other candidates.—A. Yes, sir; that is just like the tickets that were voted.

Q. I hand you now this ticket, headed Democratic ticket, and marked Exhibit B to the deposition of Mr. Holliday, and I will ask you to state whether that is the ticket voted by the Democrats at that precinct.—A. It is exactly similar to those that were voted there.

Q. State if. when that Republican ticket is folded as tickets are ordinarily folded by voters when voting, if, when so folded, you could tell or distinguish that ticket by sight from the Democratic ticket similarly folded.—A. I know I tried often on the day of the election to distinguish which ticket was being voted, and I could not do it.

Q. State if there was any complaint made to the board on that day about the character of the Republican ticket by anybody.—A. I never heard one word spoken about the difference between these tickets until after the electon was over and the count had.

Q. Did the count at that precinct correspond with the number of names on the poll-book?—A. It did within either one or two. There was a discrepancy of one or two votes there, I think.

Cross-examination by Mr. WILSON:

Q. You say you never heard of any complaint about the difference in those tickets until after the election was over?—A. I never heard any person say that there was any difference, or speak about there being any difference, between the tickets.

Q. Your attention was not called to the fact that there was any difference by any person?—A. I never talked with any one about it.

Q. You never heard any one speak of the difference and you never spoke about the difference to any one and you never heard of the difference until after the election was over and the count had?—A. No, sir.

Q. You were a clerk sitting inside?—A. Yes, sir.

Q. You are a Republican and the partner of Mr. Harding, who has just testified?—A. Yes, sir.

ALFRED R. HOVEY.

By agreement of the parties the further taking of these depositions was adjourned until Friday, November 8th, 1883.

FRIDAY, *November* 9, 1883—2 o'clock p. m.

The parties met pursuant to adjournment.

JOHN H. BOWLBY, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. John H. Bowlby; 42 years old; 263 South Pennsylvania street.

Q. What is your business?—A. Railroad conductor.

Q. What road have you been connected with?—A. I have been on the I. B. and W. for 13 years.

Q. Did you attend the election in this city last November for candidates for Congress?—A. Yes, sir.

Q. What precinct and ward?—A. Seventeenth ward; second precinct.

Q. Did you see the tickets voted there that day?—A. Yes, sir.

Q. What portion of the day were you at that precinct there?—A. I was there all the morning; in fact all day, except about two hours, when I was away.

Q. What did you do when you were there; did you act in any official capacity in any way, or simply work at the polls?—A. I just worked there at the polls.

Q. Handling tickets, were you?—A. I had Republican tickets, that is all.

Q. That is what I mean. You are a Republican, I believe?—A. Yes, sir.

Q. I hand you now a ticket, headed "Republican ticket," and marked Exhibit A to the deposition of C. F. Holliday, and I will ask you to state if that is the ticket that was used by the Republicans at that precinct, or a similar ticket.—A. I do not know hardly whether that is the ticket we used that day or not.

Q. What is your recollection about it?—A. The heading seems to be; it is the same kind of a ticket.

Q. I now hand you a ticket, headed "Democratic ticket," and marked Exhibit B to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket that was used by the Democrats at that precinct as you recollect it, if you have any recollection upon the subject.—A. Well, I could not say. In fact, I did not handle any Democratic tickets that day. My impression is, it is that kind of a ticket.

Q. State if, when that Republican ticket is folded as tickets are ordinarily folded by voters when they vote, whether you could tell that Republican ticket from the Democrat ticket when similarly folded in the hands of the voter when looking on, by sight.—A. I do not think I could by looking on.

Q. State if there was any disturbance at that ward that day when you was there, and if so, what it was?—A. Nothing more than usual; not to my knowledge, that is nothing out of the way.

Q. Was there any arrest made there or any threatened arrest of anybody made by by the police down there?—A. Not to my recollection.

Q. Do you remember a gentleman down there by the name of Schoettle, who was swearing in Democratic votes that were challenged?—A. Chris. Schoettle was swearing in some votes. He keeps a saloon across the street there.

Q. Was he there all day?—A. He was there off and on. His place of business is upon the opposite corner there, and he would go home and come back every little bit.

Q. He went backwards and forwards?—A. Yes, sir.

Q. Do you remember that day of a Mr. Frenzel, from the Merchants' National Bank, coming down there?—A. No; I do not know him. I would not know him, I do not suppose, if I would see him.

Q. You do not remember of having seen him there?—A. No, sir.

Q. If there was any disturbance there that day, were you in a position to know it?—A. I should think I would be. I generally stand there all day, and I have for the last six or seven years.

Q. You say you heard of no disturbance there?—A. No, sir; I was trying to think. Martin Powers had some disturbance with a fellow, but whether it was at that election or not I cannot tell. That is the only disturbance I recollect of, to my knowledge, of there being down there. It appears as though some fellows—— I do not know whether it was on that election. I was just trying to think, but that is the only disturbance I ever saw there.

Q. What was the character of the disturbance?—A. I cannot tell now exactly what. It happened there by Bryce's bakery, where they were inside the yard, I think, where the wagons drive into the stables.

Q. Do you remember the character of the disturbance, what it was and what it consisted of?—A. I do not recollect at all. Martin Powers struck some one or else some one struck him, one or the other, but I forget which it was.

Q. State if there were any policemen at that precinct that day.—A. The policemen interfered, and took—I will tell you who it was; it was this Bill—telegraph repairer that used to live by me there. I think he is on the Vincennes road, as line repairer.

Q. Is he the man that got struck?—A. That is what I was saying. I do not know whether he struck Powers or whether Powers struck him. At any rate, the police took him to the station-house or took him away. I was trying to think whether it was at this election or not, but that is the only disturbance I remember of seeing there.

Q. Were there any policemen at that precinct that day?—A. Yes, sir.

Q. State what part the policemen took there that day. What did they do there that day?—A. I did not see them take any part, that is, any political part.

Q. State what they did, if anything.—A. They stood around there all day.

Q. If they did anything other than stand around there to preserve the peace you may state it.—A. Not to my knowledge.

Q. State if the police challenged any votes there that day at that precinct.—A. Not that I recollect of.

Cross-examination by Mr. WILSON:

Q. How many policemen were there there?—A. I think there was two.

Q. Was there not more than two?—A. The captain was there awhile. He drove down there.

Q. And were those two all that you recollect of? Who were those two?—A. I can not call their names. I never can call names very well. In fact, I am not well acquainted with none of them by name. Campbell was there off and on.

Q. And Crane—was he there once in a while?—A. Crane—I do not know by name. I know him by sight, I expect.

Q. Do you know Mr. Gerber, a policeman?—A. No, sir.

Q. Captain Splann, was he there?—A. He is a large man, is he not? I am not particularly acquainted with Captain Campbell, but I know most of them by sight.

Q. You say some of these policemen were around there all day?—A. Yes, sir.

Q. And they were thepe to keep order?—A. I suppose that is what they were there for.

Q. Was there any particular need of having order kept at that precinct?—A. I did not see anything out of the way.

Q. Was it not true that they threatened to arrest Mr. Schoettle if he did not quit swearing in votes, and did not they stop him, and was there not a space of time there for, say, an hour or so, when a Democratic vote was not sworn in, although there were Democrats there to be sworn in and who were challenged?—A. He challenged them——

Q. Was it not true that for an hour or more there was a period when there were

Democrats who had been challenged but wanted to vote, and they were not sworn in, and could not be swore in, and they threatened to arrest a man that undertook to swear them in? Is not that true?—A. Not to my knowledge. In fact, I do not know whether they were Democrats or Republicans, or how they were voting, any of them.

Q. Was not that true that there was an hour there that the men on one side wanted to vote and they were challenged, and nobody swore them? Is not that true?—A. I could not say that it was.

Q. What is your answer to the question that any one threatened, I asked you. Did not some one threaten to arrest Mr. Schoettle, if he swore in votes there? Did you hear anything of that kind? Did you see anything of that kind?—A. There was one man there that they threatened to arrest, and that was Philip Dohn, the furniture man.

Q. They did threaten to arrest him?—A. Just outsiders spoke like that; I did not see any policeman threaten to arrest anybody.

Q. The question did not relate to policemen. Did you hear any one threaten to arrest Mr. Schoettle or any one there that swore in votes? That is the question. You said the police were there, but the question is, did any one threaten to arrest Mr. Schoettle?—A. Not to my recollection.

Q. Did they threaten to arrest any one that offered to swear in Democratic votes there? Did you hear anything of that kind?—A. No, sir; I do not recollect it.

Q. Is it not a fact that they did threaten to arrest Mr. Frenzel, of the Merchants' National Bank, and to handcuff him at that precinct on that day?—A. I did not hear anything of the kind, not while I was there.

Q. You said you heard something about threatening to arrest Mr. Dohn. Do you knew what that was for?—A. Some one said that he did not have no right to do what he did. I have sworn in votes there myself at every election all day, and I have been threatened with the same thing.

Q. What was it that Mr. Dohn did not have a right to do—swear in votes, or did he not have a right to vote?—A. Some says he did not have a right to swear in any, and some says he did.

Q. You heard of some threat to arrest him?—A. Yes, sir; from outsiders, that is.

Q. You heard that from the outsiders?—A. Yes, sir.

Q. What do you mean by outsiders?—A. Men that has got no authority to arrest anybody; that is, outside of policemen.

Q. You heard of threats as coming from others than policemen. Do you know what sort of votes they were that Mr. Dohn was swearing in?—A. No; in fact I did not see him swear in any.

Q. Do you know Mr. Dohn's politics?—A. I cannot say that I do.

Q. Is he not a Democrat?—A. I know he votes the Republican ticket most of the time, and part Democratic ticket sometimes.

Q. Was he not on that day working for the Democrats, as you were working for the Republicans?—A. Mr. Dohn?

Q. Yes, sir.—A. Not that I know of.

Q. Then you neither saw or heard any trouble at that precinct at that election? I understood you to say that.—A. Not to my recollection.

Q. And you heard of no trouble at that precinct, from the police or anybody else at that precinct, at that election?—A. No; just as I stated before, that I could not tell whether that was before that or not.

Q. I mean with the exception of the arrest of Bill Powers and some one else that got into trouble; aside from that, did you hear of anything else, or see anything else, in the way of arrest or threatening or trouble?—A. No, sir; not that I know of.

Q. Were you at any other precinct?—A. No, I was not at no other precinct than there.

Q. As a matter of fact, did not these policemen there that day take part in that election?—A. No, sir; I cannot say that they did.

Q. Not at all; did not they take part in the previous organization, preliminary to the election there in that ward?—A. Not that I know of.

Q. You said you handled the Republican ticket that day?—A. Yes, sir.

Q. And you do not recollect whether that is the ticket or not; do I understand you to say that?—A. I said I did recollect the same kind of a ticket that we had.

Q. You said you did not handle the Democratic ticket?—A. No, sir.

Q. Can you tell the difference between those two tickets by handling them; now, when they are folded?—A. I do not know that I could; I never tried it.

Q. You never tried to tell the difference between them, did you?—A. No, sir; not by feeling them.

J. H. BOWLBY.

JAMES A. WILDMAN, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. My name is James A. Wildman; my age is 49 years; my residence 415 North Pennsylvania street, Indianapolis, Ind.

Q. You are a Republican, I believe?—A. I am. I am so taken and received.

Q. And you are postmaster in the city of Indianapolis, at present?—A. Yes, sir.

Q. What official positions have you held in this State?—A. Auditor of State, at one time.

Q. Any other official positions in other counties?—A. Yes, sir; I was auditor of Howard County.

Q. Did you attend the election in this city in 1882; the Congressional election?—A. I did.

Q. What precinct and ward?—A. Second precinct of the sixth ward.

Q. What portion of the time were you there during the day?—A. I was there a good part of the day. I think I was there when the polls opened. I am certain I was.

Q. Did you act in any particular capacity that day?—A. I do not know that I did. I do not know whether I was one of the challengers that day or not. I do not re member about that now.

Q. State what portion of the day you were there.—A. Well, my recollection is, I was there when the polls opened, and remained, perhaps, about an hour, and came down to the office and staid awhile, and went back and remained until noon, and then, I think, I went to dinner and perhaps came to the office awhile, and went back and remained a good portion of the afternoon. That is about the way of it.

Q. Did you observe the tickets that were voted there that day?—A. Yes, I observed the tickets in a general way.

Q. I now hand you a ticket headed "Republican ticket," and marked Exhibit A to the deposition of C. F. Holliday, and I will ask you to state if that is the ticket used and voted by the Republicans at that precinct that day?—A. Yes, sir.

Q. I now hand you a ticket headed "Democratic ticket," and marked Exhibit B to the deposition of Mr. Holliday; I will ask you to state whether that is the ticket used and voted by the Democrats at that precinct?—A. I did not see much of that ticket. Yes, that is my understanding that that is the ticket they had that day.

Q. I now hand you a ticket headed "Democratic ticket," with the words "Democratic ticket" printed across a flag, and headed "For governor, Franklin Landers," and marked as Exhibit D to the deposition of William Wallace, and I will ask you to state if that is the ticket used by the Democrats in this city, in that State election, in 1880.

(Question objected to as incompetent, irrelevant, and immaterial.)

A. That is my recollection of that ticket.

Q. I now hand you a ticket headed "Republican ticket," with the words, "For governor, Albert G. Porter," and marked as Exhibit C to the deposition of William Wallace. I will ask you to state if that is the ticket used by the Republicans at the State election in 1880.

(The question was objected to as incompetent, irrelevant, and immaterial.)

A. I guess it is.

(The answer was objected to as incompetent.)

Q. I hand you now a ticket headed "Democratic ticket," with the words, "For President, Winfield Scott Hancock," and marked Exhibit E to the deposition of William Wallace, and I will ask you if that is the ticket used at the national election by the Democrats, in 1880, if you remember?

(The question was objected to as incompetent, irrelevant, and immaterial.)

A. I think it is, although I do not recollect of seeing the ticket.

(The answer was objected to as not responsive to the question.)

Q. I now hand you a ticket headed "Republican ticket," with the words, "National candidates, James A. Garfield, for President," and marked as Exhibit F to the deposition of William Wallace. I will ask you to state if that is the ticket used at the national election, in 1880, by the Republicans.

(The question was objected to as incompetent, irrelevant, and immaterial.)

A. Yes, sir; we used this one.

Q. State if that Republican ticket that I hand you, voted at the Congressional election of 1882, when folded and in the hands of the voter, as tickets are ordinarily folded and voted, could be told or distinguished from the Democratic ticket when folded.—A. I do not believe it could.

(Answer was objected to as incompetent, being a matter of belief, and is not admissible as evidence.)

Q. State if at that election you did or did not distinguish the Republican from the Democratic ticket when it was folded and in the hands of the voter.

(Objected to as incompetent, for the reason that he has stated that he did not notice the Democratic ticket that day, and objected to for the further reason that it is lead ing and suggestive.)

A. I did not.

Cross-examination by Mr. WILSON:

Q. I see you looking at those tickets with your glasses on; what age did you say you were?—A. Forty-nine years old.

Q. Do you use your glasses when you have to read?—A. Sometimes.

Q. Did you use them that day?—A. No, sir.

Q. Can you see better with your glasses on?—A. I guess I can when it is a dark day.

Q. It is dark here, is it?—A. Not very dark.

Q. You can see better with them on in a light day?—A. Perhaps I could see this paper, but I could not read the names very distinctly without glasses.

Q. I will ask you if that Republican ticket is not 2 or 3 times as thick as that Democratic ticket—twice as thick any way—used in the fall of 1882?—A. The question asked me was if that could be distinguished from the other in the hands of the voter, and I said I did not think it could be.

Q. What is the difference would you say in the thickness of the two tickets?—A. I cannot tell you what the difference is.

Q. Is not that Republican ticket fully double as thick?—A. I do not know that it is; it is heavier paper.

Q. Is it not double as heavy?—A. I do not know that it is; it may be.

Q. What did you understand by that much of Mr. Peelle's question which is embodied in this expression, "When a ticket is folded and in the hands of the voter as it is ordinarily voted and ordinarily folded?"—A. I understoyd that to mean just this, that men when they vote as a usual thing fold their tickets, and different persons have different ways of presenting their tickets. I mean when they are folded up in the ordinary way that men have a ticket in their hands and when they go to hand it to the inspector of the election.

Q. Do you understand that the ticket is invisible or visible when the voter votes it?—A. Sometimes it is visible and sometimes it is not. Even if it is visible, I think it would be difficult when a person was standing outside of the chute to tell when they had their tickets in their hands and deposited them with the inspector; it would be a hard matter to tell whether a man had a Democratic ticket or a Republican ticket in his hand, unless it was because this ticket appears to be a lighter ticket than the other.

Q. I will ask you to take into consideration the appearance of it and the bulk of it, and state whether or not as a matter of fact, if you were standing right where the challengers usually stand or standing along the chute, if a voter came up with a ticket not hid in his hand, but four-fifths of it showing, and gave you an opportunity to see it, and then it was passed to the inspector and by the inspector held between the ends of his fingers, whether or not you, standing there, could have told that Republican ticket?—A. I do not believe that I could unless my attention had been called then to the fact. If I was looking to find a difference, and my attention had been called especially to see whether I could detect any difference or not, I might possibly have noticed in the shade of the paper. One appears to be a little lighter than the other, and I might, if my attention had been called to it, but I do not think it could be done.

Q. You do not think that the weight and bulk of that paper would give you any aid in determining it?—A. I do not believe it would unless my attention had been called at that time.

Q. If your attention had been called——A. If my attention had been called, and I was close enough it might have been detected in that way.

Q. Could you tell the difference by handling the tickets?—A. Yes, I think I could.

Q. As a matter of fact, did you stand close to the chute and watch on that day, and had your attention been called and were you watching?—A. I was by the chute and watching a good part of the time.

Q. Had your attention been called to the difference between them?—A. I do not think it had. I do not think the question of the tickets had been discussed in that precinct.

Q. Was not the matter of the tickets commented upon by the Democrats and objection made to the tickets?—A. It may have been. If it was I did not hear it. I did not hear any discussion about it.

Q. Mr. Peelle asked you if the ticket shown you marked "Democratic ticket," and headed, "For governor, Franklin Landers," and Exhibit D to the deposition of William Wallace, was not the ticket voted by the Democrats at the election in 1880. I will ask you how you determine that ticket? Is it by the flag on the face of the ticket, or is it by the general appearance of the ticket and its color?—A. How I determine this ticket here?

Q. Yes, sir.—A. It would be the general appearance of the ticket and the names on the ticket.

Q. That is, the names on the ticket or the flag. Does the material on which it is printed, or the color of the ticket give you any aid in coming to that conclusion?—A. Which? That that is the ticket?

Q. Yes, sir.—A. No; I do not believe they do.

Q. Look at the back of the ticket.—A. That is pretty dirty.

Q. Is not that ticket furthermore faded, or rather is it not discolored by time as well as by dirt?—A. Perhaps it is. I think it is more than likely that is true.

Q. Was not the ticket that was used at that election on plain white paper?—A. You mean the D mocratic ticket?

Q. Yes, sir.—A. I suppose it is the same kind of paper that this was when it was fresh [referring to Democratic ticket] and had the same color that this had when it was clean.

Q. It is a supposition then?—A. That was back in 1880, and, as I remarked, I did not handle a great many of those tickets.

Q. You would call that paper plain, ordinary news paper upon which that Democratic ticket of 1880 is printed, would you not?

(Objected to as not proper cross-examination, for the reason that the witness is not an expert, and has not said that he was an expert on paper.

A. I suppose it was recognized as that when it was fresh; it is not so very white now.

Q. I ask you to take the Republican ticket, voted at the same election in 1880, headed "For governor, Albert G. Porter," and marked Exhibit C, to the deposition of William Wallace, and I ask you to feel it and look at it, and see whether or not that ticket is not glazed.

(Objected to as not proper cross-examination.)

A. I am not an expert about glazed paper.

Q. Look at it.—A. I do not know whether it has been glazed or not; I could not say that the paper has been glazed; it is a different feeling paper from the other.

Q. What is the difference; smoother?—A. The other paper appears to be lighter paper; I think it is very smooth.

Q. Look at it in the light and see if you cannot see a glossy finish on that Republican ticket?—A. Yes, sir; it has that appearance.

Q. Tell me what is the difference in the width between that Republican ticket voted at that election and that Democratic ticket?—A. I could not tell without measuring them.

Q. I want you to do that.—A. I could not do that unless I had a rule.

Q. You can tell the difference substantially?—A. Have you got a rule?

Q. No, sir.

Mr. WILSON. Has anybody got a rule?

The WITNESS. There is a slight difference in the width. You cannot tell very well from these tickets.

Mr. WILSON. I wish to make a statement——

Mr. PEELLE. To which I object.

Mr. WILSON. I have objected to the introduction of the Democratic ticket, headed "For governor, Franklin Landers," but as the ticket is already in, I now call the attention of the witness, on cross-examination, to the ticket which is headed "Democratic ticket," with the flag on it, "For governor, Franklin Landers," reserving the right, as the court cannot rule on the admissibility of the evidence offered by Mr. Peelle, to move to have this evidence rejected in the event the other evidence goes out.

Mr. PEELLE. I make no objection whatever to the introduction of this ticket in evidence on behalf of the contes ant.

Q. Look at that ticket, headed "Democratic ticket," with the flag on it, and I will ask you now is that the ticket that was voted at that election in 1880 for governor—the one that I have handed you?—A. I shall answer that as I did the other; I suppose it is. I judge, that as those names that appear on this ticket were the candidates upon the Democratic ticket at that election, that that is true.

Q. Is it not true that that paper is a good deal whiter than the paper of the ticket to which Mr. Peelle has called your attention, headed "Democratic ticket," with the flag on it?—A. It appears a fresher ticket.

Q. Now look at the backs of them; do you not think the color is different, as if one of them had been exposed and been discolored by exposure and time a good deal more than the other? I call your attention to the backs of them particularly.—A. One is a dirtier ticket than the other.

Q. Is there a difference in the color? Is there not a faded appearance of discoloration by time as well as dirt on that ticket that is marked as Exhibit D to the deposition of William Wallace?—A. That ticket looks to me like it had been exposed and badly cared for in some way or other and had not been carefully laid away.

Q. Would you say that paper of that quality would discolor from the lapse of time?—A. Indeed I do not know. I should judge if that paper were laid away, from the lapse of time and exposed, it would discolor; but I am not an expert in the paper business.

(The ticket shown the witness was introduced in evidence as a part of the cross-examination, and marked as Exhibit Z.)

J. A. WILDMAN.

Exhibit Z, shown to J. A. Wildman.—Paul C. Hendricks, Notary Public.

DEMOCRATIC TICKET.

For Governor,
FRANKLIN LANDERS.

For Lieutenant-Governor,
ISAAC P. GRAY.

For Judge of the Supreme Court, Third District,
JOHN T. SCOTT.

For Judge of the Supreme Court, Fifth District,
JOSEPH A. S. MITCHELL.

For Secretary of State,
JOHN G. SHANKLIN.

For Auditor of State,
MAHLON D. MANSON.

For Treasurer of State,
WILLIAM FLEMING.

For Attorney-General,
THOMAS W. WOOLLEN.

For Superintendent of Public Instruction,
ALEXANDER C. GOODWIN.

For Reporter of the Supreme Court,
AUGUSTUS N. MARTIN.

For Clerk of the Supreme Court,
GABRIEL SCHMUCK.

For Representative to Congress, Seventh District,
CASABIANCA BYFIELD.

For Judge of the Superior Court,
MYRON B. WILLIAMS.

For Sheriff,
DANIEL A. LEMON.

For Treasurer,
RICHARD J. CONNER.

For Recorder,
SAMUEL B. CORBALEY.

For Coroner,
THOMAS J. FOULDS.

For Surveyor,
ALEXANDER A. JOHNSTON.

For Joint Senator, Marion, Hancock and Shelby,
ANDREW HAGEN.

For Senators,
JOSEPH W. NICHOL,
WILLIAM B. FLETCHER.

For Joint Representative, Marion, Shelby and Bartholomew,
GEORGE REYER,

For Representatives,
LEWIS JORDAN,
EDWIN TAYLOR,
ROMUS F. STUART,
THOMAS K. BARRETT,
JOHN W HOLCOMBE.

For Commissioner—First District,
JOHN WILSON.

(Indorsed:) Exhibit Z, shown J. A. Wildman, Nov. 9, '83. P. C. Hendricks, stenographer.

DAVID F. SWAIN, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. David F. Swain; 38 years of age; residence, 744 North Alabama street, Indianapolis, Indiana. My place of business is number 60 East Market street, Indianapolis, Indiana.

Q. What is your business?—A. The insurance business.

Q. How long have you been engaged in the insurance business in this city?—A. About five years.

Q. Were you in this city at the time of the Congressional election of 1882?—A. Yes, sir.

Q. Did you attend the same?—A. I did, sir.

Q. What precinct and ward?—A. I was in the second precinct on the north side, tenth ward.

Q. Were you there much of the day during the election?—A. I was there all day from the time the polls opened until they were closed, unless with the exception of intervals.

Q. Did you act as challenger or handle the poll-book?—A. I did. I acted as challenger part of the day, checking on the poll-book.

Q. I now hand you a ticket, headed Republican ticket, marked Exhibit A to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket or a similar ticket to the one used by the Republicans at that precinct on that day.—A. That is the ticket or a very similar ticket to the ticket voted at our precinct. I think that is the ticket.

Q. I now hand you a ticket, headed "Democratic ticket," and marked Exhibit B to the deposition of Mr. Holliday. I will ask you to state if that is the ticket used and voted by the Democrats at that precinct that day.—A. That is my recollection that there was such a ticket as that.

Q. State if you noticed the tickets as they were being voted there by the voters that day when folded.—A. I did.

Q. State if when that Republican ticket that I have just handed you is folded as tickets are ordinarily or usually folded by voters, you could tell or distinguish it from the Democratic ticket when folded with the names inside; whether it could be distinguished.—A. Well, I do not think it could, as my recollection is. I made an effort that day to keep the run of the votes in that way, but I failed to do it.

Q. State if at elections previous to 1882 you had been able to distinguish tickets one from the other as they were being voted.—A. Not to my recollection.

Cross-examination by Mr. WILSON:

Q. Please state how the voting is done at the precincts in this city or how it was in 1882. Describe the location of the ballot-box and the location of the chute that you referred to and how the voter approached the box to deposit his ballot.—A. Well, in different precincts of course they are arranged somewhat different as to the location of the ballot-box probably, but in the precinct in which I vote the ballot-box was on the table near a barricaded door; that is, where the door was partially filled with boards, and the door was open and the voter was required to pass through a chute, probably 8 or 10 feet in length, but which was shorter on the side next to the door, at the end next to the door, so that the voter after voting cold step out.

Q. An aperture there for him to step out?—A. Yes, sir; an opening for him to pass out of the chute.

Q. That aperture is just wide enough for one man to go through after depositing his ballot?—A. Yes, sir; that is, it was there, but I suppose another man could crowd in, but it would not be very convenient.

Q. Now, the chute is somewhat in the shape of a hopper, is it not?—A. Yes, sir; rather wider at the top than at the bottom.

Q. The boards come up and make a chute about 4 feet high as inclosed?—A. Yes, sir; probably so.

Q. The ballot-box is in the building, at the door or at the window or the aperture there, sitting so when the voter goes up the chute he can hand the vote direct to the inspector and the inspector can drop it in the box.—A. Yes, sir; but the opening in the box was far enough back from the door so that the voter could not reach in the box and he would hand his ticket to the inspector.

Q. The inspector stood in full view of the crowd?—A. Yes, sir.

Q. How many men can stand each side of the chute?—A. Allowing 18 inches to a man and 10 feet long, about six or seven men can stand on a side.

Q. Usually, and at that election there were six or seven men standing on each side of that chute?—A. Yes, sir; at times they were. It was full at times.

Q. Usually they stood there anywhere from three to six or seven?—A. Yes, sir.

Q. They were watching the vote as a rule?—A. Yes, sir.

Q. Challengers and such like on each side?—A. Interested parties.

Q. I understood you to say that you made an effort that day to tell what a man's politics were by the ticket he was voting, but you found out that you could not rely upon it.—A. No, sir; I could not.

Q. What led you to try that?—A. It was an effort to see how the vote was running.

Q. What called your attention to it first?—A. Just curiosity to know how the Republicans or Democrats would vote, and about what portion were being voted.

Q. How did you try and determine from the ticket?—A. I would try and determine from the general difference in the appearance of the ticket.

Q. There was a difference in the appearance of the ticket?—A. By close examination you could tell, especially if you take them together in your hand you could tell the difference.

Q. Did you not in point of fact that day claim there that you could tell what a man's politics were from the ticket he was voting, and did you not hear declarations of that sort all along?—A. I have no recollection of using that statement, not unless they should see the ticket there in some man's hands.

Q. I will ask you, did you hear a statement about that on that day there?—A. I have no recollection of hearing it. If it was, it was discussed in an unimportant way.

Q. You think it may been discussed in an unimportant way?—A. Yes, sir; it may have been discussed.

Q. You know of no one else except yourself that was trying that experiment?—A. No, sir; I know of no one. It was a matter of my own personal curiosity.

Q. Is it not true, as a matter of fact, that the Republican ticket is a great deal heavier than the Democratic ticket?—A. There is some difference in the heft of the tickets.

Q. Would you not think it was double as heavy?—A. No; I would not think it was double as heavy.

Q. You would not think it was double as thick?—A. It may be. I am not a paper man, and I cannot tell.

Q. Is there any difference in the finish of the two tickets?—A. Yes, sir; there is some difference.

Q. The Republican ticket—what is the character as to smoothness?—A. It has a more polished surface on the paper and is more solid.

Q. Would you not say there was a difference in the tint of the paper and color of the paper?—A. By close examination you can distinguish a difference.

Q. The Democratic ticket was wider?—A. My recollection was on election day that it was not so wide as the Republican ticket.

Q. What do you say about these exhibits to which Mr. Peelle called your attention, and which were offered by him as exhibits to the deposition of C. F. Halliday to both the Democratic and Republican tickets; what would you say to be the difference in the color of those; is not the Democratic ticket whiter?—A. Yes, sir; it does look whiter—those tickets do.

Q. Did you handle any Democratic tickets that day?—A. No, sir; but I had them in my hands.

Q. What did you do with them?—A. Sometimes we have tickets scratched, and if we cannot get all the ticket voted we would get what we could, and if a man wanted a Democratic ticket we would try to get him to put some Republican on the Democratic ticket and get him to vote it that way.

Q. You were handling Democratic tickets with the pasters on them?—A. Which we put pasters on.

Q. So you had Democratic tickets on which to paste names which you were handling that day with your Republican tickets?—A. Yes, sir; we had them both.

Q. You had both of them?—A. Yes, sir.

Q. And you were handling both of them?—A. Yes, sir.

Q. Was there anybody in particular that you were working for there on the Republican ticket and using that Democratic ticket in that connection; any one man on the Repulican ticket to whom you gave particular attention, and that you were particularly interested in?—A. I could not say definitely about that.

Q. What is your best recollection?—A. My recollection is in talking to a Democrat, when he would mention that he was not very much pleased with any one man on his ticket, I would suggest that he vote for the man on the opposite ticket, and we could do that without marring his ticket.

Q. The question was not whether you were trying to get a vote for any particular man but whether as a matter of fact there was any one Republican you were particularly interested in and working for on that day, any man that had your preference or any difference in friendship, and if you had any one on that day?—A. I have no definite recollection about any weak man on our ticket, and we usually try to help them particularly.

Q. Was you working for the weak men on your ticket particularly?—A. I was working for the weak men.

Q. Not the strong ones?—A. Not the strong ones. I had no personal interest in any man on that ticket, as I had been a candidate before the convention a short time before, and I did not get the nomination.

Q. The Republican convention?—A. Yes, sir; I had no personal interest in any man on that ticket that day, but was working for the general good of the cause, as the saying is.

Re-examination by Mr. PEELLE:

Q. When you answered, awhile ago, that upon close examination and inspection, you could tell one of those tickets from the other, did you mean by sight or by feeling, when you made that answer?—A. It was better told by feeling.

DAVID F. SWAIN.

Exhibit G to deposition of David Swain.—Paul C. Hendricks, Notary Public

DEMOCRATIC TICKET.

For Governor,
FRANKLIN LANDERS.

For Lieutenant-Governor,
ISAAC P. GRAY.

For Judge of the Supreme Court, Third District,
JOHN T. SCOTT.

For Judge of the Supreme Court, Fifth District,
JOSEPH A. S. MITCHELL.

For Secretary of State,
JOHN G. SHANKLIN.

For Auditor of State,
MAHLON D. MANSON.

For Treasurer of State,
WILLIAM FLEMING.

For Attorney-General,
THOMAS W. WOOLLEN.

For Superintendent of Public Instruction,
ALEXANDER C. GOODWIN.

For Reporter of the Supreme Court,
AUGUSTUS N. MARTIN.

For Clerk of the Supreme Court,
GABRIEL SCHMUCK.

For Representative to Congress, Seventh District,
CASABIANCA BYFIELD.

For Judge of the Superior Court,
MYRON B. WILLIAMS.

For Sheriff,
DANIEL A. LEMON.

For Treasurer,
RICHARD J. CONNER.

For Recorder,
SAMUEL B. CORBALEY.

For Coroner,
THOMAS J. FOULDS.

For Surveyor,
ALEXANDER A. JOHNSTON.

For Joint Senator, Marion, Hancock and Shelby,
ANDREW HAGEN.

For Senators,
JOSEPH W. NICHOL,
WILLIAM B. FLETCHER.

For Joint Representative, Marion, Shelby, and Bartholomew,
GEORGE REYER.

For Representatives,
LEWIS JORDAN,
EDWIN TAYLOR,
ROMUS F. STUART,
THOMAS K. BARRETT,
JOHN W. HOLCOMBE.

For Commissioner—First District,
JOHN WILSON.

(Indorsed:) Exhibit G to deposition of David Swain.

ROBERT E. SMITH, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. Robert E. Smith; 45 years old; residence 172 N. Delaware st., Indianapolis, Indiana.

Q. What is your business?—A. I am practicing law.

Q. How long have you been practicing law?—A. Since 1867.

Q. How long have you been in the city?—A. Since 1870, in this city.

Q. Did you attend the Congressional election in this city November 7, 1882?—A. I did; yes, sir.

Q. At what precinct and ward?—A. It was at a precinct in the 11th ward, where the fire department headquarters are; I think it is the 1st precinct now.

Q. I hand you a ticket headed "Republican ticket," and marked Exhibit A to the deposition of Mr. Holliday, and I will ask you to state if that is the Republican ticket used on that occasion, if you know?—A. It was.

Q. I hand you a ticket headed "Democratic ticket," and marked Exhibit B to the deposition of Mr. Holliday, and I will ask you to state if that was the ticket used by the Democrats at that election, if you know?—A. I think it was.

Q. I now hand you a ticket headed "Democratic ticket," with the words "Democratic ticket" printed across a flag, with the words following: "For Governor, Franklin Landers." I will ask you to state if that was the ticket used by the Democrats at the State election, in 1880?

(Objected to as incompetent, irrelevant, and immaterial, and leading.)

A. That is the ticket.

Mr. PEELLE. I offer this ticket in evidence, and ask that it be marked as an exhibit to the deposition of this witness. The ticket will be found in evidence, and attached to this deposition and marked as Exhibit G, the contestant objecting to its admission as incompetent, irrelevant, and immaterial.

Q. I hand you a ticket headed "Republican ticket," and marked as Exhibit P, to the deposition of William Wallace, and I will ask you to state if that is the ticket that was used by the Republicans in the State election in this city, in 1880?

(Objected to for the same reasons above stated.)

A. It is.

Q. I now hand you a ticket headed "Republican ticket," and marked as Exhibit F, to the deposition of William Wallace, and headed, "For President, James A. Garfield," and I will ask you if that was the ticket used on that occasion?

(Objected to for the same reasons above named.)

A. That is the Republican ticket.

Q. I now hand you a ticket headed "Democratic ticket," "For President, Winfield Scott Hancock," and marked as Exhibit C, to the deposition of William Wallace, and I will ask you to state if that is the ticket that was used at that election, in 1880, by the Democrats?

(Objected to for the reasons above stated.)

A. That is the ticket, Mr. Peelle.

Q. Take in your hands again that Republican ticket voted at the Congressional election in this city in 1882, and state if that ticket, when folded as voters ordinarily and usually fold their tickets to vote, could be told or distinguished from the Democratic ticket when folded, both being folded with the names inside.—A. I could not distinguish it at that time. I remember very distinctly that I was trying to keep the run of the votes in that way, and I could not do it.

Q. Were you acting in the ward as challenger?—A. I was general challenger on the committee, and was a member of the Republican executive committee in the ward, and was there watching more than anything else.

Q. State if you heard any complaint made about the character of the Republican ticket by any one.—A. In what way.

Q. Because of the ticket being on the kind of material it was, or paper?—A. I don't recollect now. I am not certain whether there was anything said about that ticket at that time or not.

Q. State if Ross Clark was at that precinct.—A. He was.

Q. State what objection or complaint, if any, Mr. Clark made to that Republican ticket that day?—A. I was not at the window all the time, but I don't remember of any distinct objection being made to that ticket. I don't remember of hearing of any at that time.

Q. State if, when you was there, there was any conversation between Mr. Clark and Mr. Hasselman with reference to that ticket.—A. Yes, sir; there was a good many conversations between Clark and Hasselman during that day.

Q. Did you hear a conversation between Mr. Clark and Mr. Hasselman with reference to this ticket, and the purpose for which it was gotten up; and if Mr. Hasselman made any remark about that in your hearing, you may state it?—A. I did not hear

him make any remark about the purpose of the ticket, but, as I said to you, I was not at the window all the time.

Q. State if anything was said by Mr. Hasselman there that day to Mr. Ross Clark about the purpose for which that ticket was gotten up?—A. As I stated, I did not hear him make any remark about the purpose of the ticket at all.

Cross-examination by Mr. WILSON:

Q. You say you were on the challenging committee?—A. I was on the challenging committee and a member of the executive committee.

Q. How many men did you have on the challenging committee?—A. Four or five.

Q. What were their duties?—A. We had some to check the names as they were voted, and we had some that we would notify if we had an doubts about the eligibility of a voter to object and challenge his vote; and we had others to watch the proceedings around the polls; and we had another very important one to look after our colored men. We always have trouble with those colored men, and they most always challenge them at our poll irrespective of whether they know them or not.

Q. You said you heard Mr. Clark and Mr. Hasselman that day talking?—A. I did frequently.

Q. What were they talking about?—A. They were wrangling over a vote generally.

Q. Do you recollect whose vote?—A. No.

Q. You don't recollect any man's vote?—A. No, sir; they wrangled a good many times. I don't recollect any one vote.

Q. You don't recollect any one's name that they were wrangling over?—A. No, sir.

Q. Were they colored men?—A. Sometimes they were colored men.

Q. Is that all you heard between them—wrangling about votes? You did not hear a word about that ticket?—A. I don't remember of hearing anything about the ticket during the election.

Q. Didn't you hear Mr. Clark at that precinct at that election object to the character of those tickets, and get into a conversation or discussion with Mr. Hasselman about the ticket, and where they came from, and what it was gotton up for?—A. I said I did not remember that conversation, but as I said to you before, there were many times when I was not at the window. I was about the poll all day.

Q. Did you see Senator McDonald drive up there, or did you see him at that precinct that day?—A. Yes, sir.

Q. Did you hear him say anything about that ticket at that precinct that day?—A. I don't recollect whether he made any remark about the ticket or not.

Q. Did you see him go to the window at that precinct, and as a matter of fact, did not he go to the window at that precinct and talk about this ticket to the inspector and others, and object to the character of the ticket?—A. As I say, I don't remember of him doing that. He may have done it.

Q. Is not that the precinct where Senator McDonald votes?—A. Yes, sir; he was not there very long. He was there two or three times during the day.

Q. Did you say you were not there when he was there?—A. I said I remembered of him driving up to the polls, I think in the forenoon and afternoon both.

Q. Were you there when he went up and talked with the officers, or did you see him go up and talk with the officers?—A. I don't recollect. I heard him talking very frequently to his challengers and men that would meet him at the curb-stone, but I did not hear anything that was said, because I did not go there to see him.

Q. He seemed to take a good deal of interest in that election?—A. Of course he did.

Q. You don't know what he said?—A. No, sir.

Q. You did not see him go up to the ballot-box?—A. I remember once I saw him go toward the window.

Q. How far were you from the window?—A. I was around the corner at our side.

Q. What distance?—A. I cannot say exactly; perhaps two rods.

Q. You did not hear what he said?—A. No, sir. I was not around there trying to catch what they were saying. I did not do that.

Q. Do I understand you to say that you never heard any comments or complaint about this ticket?—A. As I said distinctly, I don't recollect during the election there of hearing any one say anything about it, or make any complaint about the character of that ticket.

Q. Did you hear any Republican speak of the character of the ticket?—A. I spoke of it myself.

Q. What did you say?—A. I said it was stiff.

Q. What else did you say?—A. Nothing.

Q. Did you call Mr. Hasselman's or anybody else's attention to the peculiar character of the ticket?—A. No, sir.

Q. You did not talk with Hasselman there?—A. I talked with him very often, but not about the ticket.

Q. Did you say anything about the elasticity or springy character of the ticket?—A. No, sir. I simply made the remark that that was a stiff ticket.

Q. Who did you make that remark to?—A. I don't know that I made it to any one particularly. That was when I first got hold of it in the morning.

Q. Didn't others comment on that ticket?—A. I don't recollect of their commenting upon it.

Q. As a matter of fact, do not you know that that ticket was talked about and criticised all over this city from the time it made its appearance at the polls up to the present time?—A. I don't know that. I know since the election there has been a great deal of talk back and forth about that ticket, but during the election I don't remember of hearing anything said about it except what I said myself, and that was that it was a stiff ticket.

Re-examination by Mr. PEELLE:

Q. That talk has principally been by those who have been defeated upon the Democratic ticket in this county?—A. A good deal of it.

Recross-examination by Mr. WILSON:

Q. Have you heard any Republican condemn the character of the ticket?—A. I have not heard any Republican condemn it.

(Objected to as not cross-examination.)

Q. Do you know who challenged these Republican voters about which Mr. Hasselman and Mr. Clark were speaking?—A. Oh, there was quite a number that did challenging on the Democratic side.

Q. I am talking about the Republican side.—A. I don't think there was a voter challenged by any of our men. I don't know of any.

Q. As a matter of fact, did not Mr. Hasselman and others challenge colored voters there that day that had Democratic tickets in their hands?—A. They may have done it, but I don't recollect it.

Q. And they may have talked about the ticket when you did not hear them?—A. I have heard so much of it since that if there had been any conversation in my hearing during the election, I think I would remember it. Of course there may have been, but my best recollection is that I did not hear it.

Questions by Mr. PEELLE:

Q. I will ask you if you can state the names of the colored men that were challenged there?—A. I cannot state their names.

Q. Do you know any of them?—A. I know them when I see them, but I don't recollect their names. There were quite a number of them, and we always have to swear them in; the Republicans do at every election.

Q. Who was inspector at that precinct?—A. I think Mr. James C. Yohn was at that election.

Q. Who is James C. Yohn?—A. A resident of that precinct, and he has been a resident of Indianapolis ever since I have been here.

Q. How old a man is he probably?—A. I should think him very near 60. I think he was. I don't know his age.

Q. State if during that election Mr. Yohn by signs, winks, nods, or by the manner in which he held his ticket, gave any sign to the challengers outside by which they might know what kind of a ticket was being handed in to the inspector.

(Objected to as leading and not proper or lawful re-examination.)

A. No, sir; not to my knowledge or recollection.

Q. I mean did you notice anything of that kind?—A. I did not notice that, but there only being three or four on that executive committee, I would think if there had been such an arrangement I should know of it.

Q. Was there any arrangement, agreement, or understanding that Mr. Yohn should be guilty of anything of that kind as inspector at that election?—A. There was not to my knowledge, and I don't believe he would be a party to any such an arrangement.

(Objected to as not being responsive to the question.)

ROBT. E. SMITH.

CHARLES A. DRYER, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. Charles A. Dryer; age thirty; residence 268 Central avenue, Indianapolis, Ind.

Q. What is your occupation?—A. I am an attorney-at-law.

Q. How long have you been practicing law?—A. About seven years.

Q. In this city?—A. Yes, sir.

Q. State if you attended the election in this city in November, 1882?—A. Yes, sir.

Q. Were you at any of the wards or precincts in this city?—A. Yes, sir.

Q. What precinct and ward?—A. I was at several. I was particularly at the 6th ward and 2nd ward; at both precincts of the 6th ward, and at the southern precinct at the 2nd ward.

Q. As a matter of fact, I believe you voted at Irvington?—A. Yes, sir.
Q. What portion of the time were you in the city here that day?—A. I was here from one o'clock until the time the polls closed.
Q. Did you take any particular part at the election in this city?—A. I was at the polls doing what I could for the Republican ticket.
Q. Did you observe the tickets as they were being voted?—A. Yes, sir.
Q. Take this ticket headed "Republican ticket," and marked "Exhibit A" to the deposition of Mr. Holliday, and state if that was the ticket used by the Republicans in this city on that day?—A. Yes, sir; I think it is.
Q. I now hand you a ticket headed "Democratic ticket," and marked "Exhibit B" to the deposition of Mr. Holliday, and I will ask you to state whether that was the ticket used by the Democrats?—A. Yes, sir; I think so.
Q. State if that Republican ticket is folded as tickets are ordinarily folded by voters, if it could be told or distinguished from the Democratic ticket when similarly folded, both being folded with the names inside, by sight.—A. No, sir; I do not think it could in the hands of the voter.

Cross-examination by Mr. WILSON:

Q. Where did you reside at the time of the election?—A. I resided at Irvington.
Q. How far is that from the 6th ward?—A. It is about four miles, or four and a half.
Q. How far is it from the 2d ward about the same distance?—A. About the same.
Q. You say you came in at one o'clock that day and stayed until the polls closed?—A. Yes, sir.
Q. And you went around to those precincts that you have named?—A. Yes, sir.
Q. Did you do any challenging that day?—A. Not in the city, no, sir; I was not on any challenging committee.
Q. Did you handle Democratic tickets that day?—A. Yes, sir.
Q. Did you handle Republican tickets?—A. Yes, sir.
Q. Can you tell the difference between those tickets, and did you by handling them?—A. Yes, sir.
Q. Those tickets are different, are they not?—A. Yes, sir; somewhat.
Q. Is there not a good deal of difference?—A. It is owing to what you mean by "a good deal." I can say there is a difference in handling the tickets. One is stiffer than the other.
Q. And thicker than the other?—A. Yes, sir.
Q. More polished and harder than the other?—A. I do not know about the "polish" part, but about the stiffness, it is stiffer than the other.
Q. Stiffer, harder, and thicker; this Republican ticket has those characteristics?—A. Yes, sir.
Q. You are a Republican, are you?—A. Yes, sir.

CHARLES A. DRYER.

D. V. BURNS, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. David V. Burns; 42 years old; 440 North New Jersey street, Indianapolis, Indiana.
Q. What is your business?—A. Practicing attorney.
Q. How long have you been practicing law?—A. Since 1867.
Q. Have you ever occupied any official position in this county?—A. Yes, sir; I was the district attorney, at one time, of this judicial district, and for a few months I was on the superior bench.
Q. Were you on the superior bench by appointment or election?—A. By election.
Q. Were you in this city at the time of the Congressional election, November, 1882?—A. I was.
Q. Did you attend that election?—A. Yes, sir.
Q. What precinct and ward?—A. I was at the south precinct of the 6th ward; I believe that is number 2, but I am not sure about the numbers.
Q. Did you act in any official capacity?—A. I was one of the judges.
Q. I hand you a ticket marked Exhibit A to the deposition of C. F. Holliday, and headed "Republican ticket," and I will ask you if that was the ticket used by the Republicans at that election, or a similar ticket?—A. I think that is the ticket.
Q. I hand you a ticket headed "Democratic ticket" and marked Exhibit B to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket used by the Democrats at that election.—A. The ticket has every appearance of being the same that was used at that time. The names are the same.
Q. State if when these tickets are folded with the names on the inside, as tickets are ordinarily folded by voters when they go to deposit their ballots in the box, if you could tell or distinguish one from the other by sight, by looking on at the polls

while they were being voted.—A. Do you wish me to give my opinion now, or my recollection of the facts as they were then?

Q. Your recollection of the facts as they were then.—A. As to whether or not I could tell, when they were folded?

Q. Yes, sir.—A. By a critical inspection the difference can be told now the distance of some two or three feet away, but I should say no.

Q. The tickets are ordinarily voted with only one to be observed, are they not?—A. At our polls the Democratic politicians were on one side of the chute and the Republicans on the other, and each had their hands full of open tickets, and as the voter came up, one side or the other, or both, handed him a ticket which he had folded in his hand when he came to vote, and by the time he reached the box with it himself he ordinarily held it in his hand. I recollect quite well that I received a number of the tickets, and when I had one in my hand I could tell the difference, but I have no recollection of being able to tell the difference unless it was handed to me. A large number were handed to the voter open, after he entered the chute, from one side to the other, and as to those, we could tell from the fact we saw who handed them to him, and we saw the heading.

Q. The tickets, as they were ordinarily folded in the hands of the voter and being voted, could you tell one ticket from the other by the external appearance of the ticket when folded, by sight?—A. I have not charged my memory particularly with that. Judging now from the appearance of these tickets I should say not until he had approached sufficiently near to the inspector and handed it to him.

Q. And then you could tell the difference by feeling?—A. Yes, sir; I could tell by feeling it.

Q. Have you ever been judge or inspector of an election in this city before that?—A. Yes, sir; I was, in 1880.

Q. At the State or national election?—A. At both, I think. I am sure I was at the State, and I think I was at the national.

Q. I hand you a ticket headed "Democratic ticket," printed across a flag, and with the words "For governor, Franklin Landers," and marked Exhibit Z to the deposition of Mr. Wildman, and I will ask you to state if that is the ticket used by the Democrats at that State election in 1880?—A. I think that is the ticket; that has every appearance of being the same.

(Objected to as immaterial.)

Q. I hand you a ticket headed the "Republican ticket," of the same year, and I will ask you to state if that is the ticket used by the Republicans at that election in 1880.

(Objected to as immaterial, incompetent, and irrelevant.)

A. I should think so.

Q. Take both of those tickets in your hands and state what is the difference in the probable width of those tickets.—A. The Democratic ticket is about three-eighths of an inch wider.

Q. Look at the difference in the color of those tickets and see if there is a difference in the color of them.—A. The Republican ticket is a little dirtier now than the Democratic ticket. The Democratic ticket seems to be more porous; it is not so finely finished.

Q. That Republican ticket has a finer finish on it, has it not?—A. Yes, sir.

Q. And a smoother surface?—A. Yes, sir.

Q. State if, when those two tickets were folded, if there would not be a more marked difference between them to the ordinary looker on at the polls than there is between the tickets voted at the Congressional election in 1882, similarly folded.—A. The difference in width is noticeable. Yes, sir; there is a difference in the finish that is noticeable. I am unable to say as to that. The Republican ticket of 1882 is more, by reason of its thickness, than the Democratic ticket, whilst that of 1880 Republican ticket is not so white as the other. The difference between them is of a different character.

Q. I now hand you ticket headed "Republican ticket" with the words "For President, James A. Garfield," and marked Exhibit F to the deposition of William Wallace, and I will ask you if that is the ticket used at the national election in 1880?

(Objected to.)

A. Yes, sir; I think it is.

Q. I now hand you ticket headed "Democratic ticket" with the words "For President, Winfield Scott Hancock," and I will ask you if that is the ticket used by the Democrats at the national election in 1880, if you recollect?

(Objected to as incompetent, irrelevant, and immaterial,)

Q. I recollect the names. I do not just now so well recollect the character of the ticket. In the absence of anything to the contrary, I should say that was the ticket.

Q. Note the difference in the length of those tickets, in the width and in the color; what is the probable difference in the width of those two tickets?—A. Three-sixteenths of an inch.

Q. Is there any difference in the length, and if so, how much?—A. About an inch and three-quarters, or an inch and seven-eighths.

Q. Which is the longer?—A. The Democratic ticket.

Q. Is there any difference in the color of those two tickets?—A. The Republican ticket is finer paper and the thicker paper, and I think a little whiter.

Q. Fold those two tickets as tickets are ordinarily folded and voted by voters.—A. I have folded them.

Q. State if you could distinguish one of those tickets from the other as readily as you could the tickets voted at the Congressional election in 1882 by handling them.—A. Yes, sir.

Q. Is there not a more marked difference between those two tickets voted in 1880 at the national election, to the best of your recollection, to the lookers-on at the polls, the tickets being in the hands of the voters, than there are in the Congressional tickets voted in 1882?—A. As ordinarily folded there is, in this, that the Democratic Presidential ticket would have a greater bulk to it, in that it is wider and longer than the Republican ticket at the same time, whilst these of 1882 are of the same width and fold up about the same size.

Q. State if those Republican tickets voted in 1882—state the length of those two tickets—that is, if there is a difference in the length of the two tickets voted in 1882.—A. The length and the width are exactly the same.

Q. State if this Democratic ticket voted in 1880 and this Republican ticket voted in 1880 at the State election could be distinguished by handling or by feeling?—A. Yes, sir; the Republican ticket has a finer finish.

Q. Could an inspector when receiving those ballots tell one from the other?—A. I could myself, and I did.

Q. You say you did as inspector on the day of the election?—A. Yes, sir; I was judge, but very frequently we interchanged there, and I acted as inspector a good part of the day. It is not the duty of the judge to receive the tickets, but I relieved the inspector a good deal, and did receive the tickets.

Cross-examination by Mr. WILSON:

Q. Now, I call you attention to the Democratic ticket voted in November, 1882, and the Democratic State ticket with Franklin Landers at the head of it with a flag, and the Democratic national ticket, for President, Winfield Scott Hancock, the same being all introduced here as exhibits, and I will ask you to say if those tickets are not all of them on substantially the same character of paper?—A. The Democratic State ticket of 1880 and that of 1882 are substantially alike. The Democratic national ticket of 1880 is not quite so heavy; I think it is not quite so heavy, but if it is it has not so much finish in it as either of the others.

Q. I will ask you if they are not specifically alike? Of course the finish of the Democratic ticket you see is a little bit discolored, but aside from that I will ask you if the quality of the paper is not about an average newspaper?—A. I am not familiar with the technical terms that those who examine papers would use, but the National ticket has not the amount of finish in it, or it has not the weight to give it a stiffness like that of the State ticket.

Q. Has it not been handled a good deal more?—A. Yes, sir; I think it has been handled more, and still it is easy to determine that the original had not the same quality of stiffness. I am not accustomed to handling paper of that kind a great deal.

Q. Is it not true that the number of names on the Democratic national ticket is probably a quarter less than the State ticket that was used in 1882?—A. There are not near so many names—I judge about half the number.

Q. About half as long?—A. Yes, sir; nearly two-thirds as long. The names are larger on the national ticket.

Q. I call your attention to the Republican State ticket used in the "Garfield" campaign, which is already in evidence, and to the Republican ticket used at the State election in 1882 at the fall election; and I call your attention to these three tickets I have named, both the Republican State ticket used in the November election, 1882, the Republican State ticket used in 1880, and the Republican national ticket, the "Garfield" ticket; and I will ask you if those three tickets do not vary more decidedly than the three Democratic tickets to which I called your attention awhile ago, both as to quality, as to thickness, as to size?—A. Yes, sir; taking the three, I think there is more difference.

Q. Mr. Peelle asked you the width of the Democratic ticket with the flag at the head of it; I would like you to take this rule I hand you and say what is the width of it by this rule.—A. Well, the width of the Democratic State ticket of 1880, provided this rule is correct, is about $\frac{1}{32}$ of an inch less than 3 inches and $\frac{1}{8}$, that is, if it was $\frac{1}{32}$ of an inch wider it would be 3 inches and $\frac{1}{8}$ in width.

Q. Measuring by the rule, you say that is the width of it?—A. Yes, sir.

Q. Please measure the Democratic State ticket used at the November election of

1882, and tell us by that rule what is the width of that ticket.—A. That ticket is scant 3 inches.

Q. Now measure the Democratic national ticket voted for Hancock and English, and what do you say is the width of that?—A. The ticket is two inches and seven-eighths.

Q. Now take the Republican ticket voted for Albert G. Porter for governor, already in evidence, and measure that by the same rule, and say the width of that.—A. That is two inches and eleven-sixteenths.

Q. Take the Republican national ticket voted for Garfield, and let me see how wide that ticket is by the same rule.—A. That is the same—two inches and eleven-sixteenths.

Q. Now take the Republican ticket used at the November election, 1882, and tell us what is the width of that?—A. Three inches.

Q. I ask you to take the Democratic ticket voted at the November election, 1882, and the Republican ticket voted there, and place one on top of the other, and say what is the difference in the width of the two tickets.—A. There is no difference in the width or length; no appreciable difference.

Q. Now, I call your attention to the tickets voted November, 1882, by the Democrats and Republicans, and I will ask you to look at them in my hands. I hold both of them in the middle, folded; which is the Republican ticket?—A. I am now making a critical examination at the distance of about three feet.

Q. Which would you say is the Republican ticket?—A. The one in your right hand. I was looking at the end of it, and I could see that it was thicker.

Q. You were looking at the little end as folded?—A. Yes, sir.

Q. I hold, then, the sharp end first folded, and I ask you now, holding them again the same distance, which is the Republican ticket, and I will put them under the table and shuffle both of them, and now I hold them, showing the long edge to you, and I ask you which is the Republican ticket?—A. It is now little more than a guess, but I should say that the Republican ticket is in your left hand.

Mr. PEELLE. I suggest that you hand it to him to see; let him answer the question as to that.

The WITNESS. The difference in appearance is not very great from this distance; and as they are now folded I see the side and the edge of that one without looking at the ends of them, but as you put them before, by critical examination I am able to distinguish.

Q. Now, touch the ticket that you say is the Republican ticket.—A. I was mistaken on that; I made a mistake. I said it was little more than a guess—at any rate, as they now appear to me—and I was mistaken, I see, by the feeling.

Q. As a matter of fact, you can tell by feeling?—A. Yes, sir.

Q. How?—A. The Republican ticket that has been shown to me is thicker.

Q. Is it not about as thick again?—A. I cannot tell you anything about that.

Q. Do you have to use glasses?—A. No, sir; not for anything of that kind. I now state that I see no difference, and I say I am about three feet away, and sitting as I do now I see no difference in the thickness of the paper at the end; but take the ticket as folded together, with the number of folds they have, I say that, with my knowledge especially upon the subject, that the Republican ticket is stiffer and thicker, and for two years I have had some knowledge of the subject; and I can say if I were to look at them ordinarily, without any previous knowledge in regard to them, I think from this distance I would not be able to distinguish any difference.

Q. But with your knowledge before, and having your attention called to it, can you tell the difference?—A. Yes, sir.

Q. By sight?—A. I can now, in a critical examination of the ends of them, as you now hold them.

Q. This room is a large room that we sit in?—A. Yes, sir.

Q. This room is fully 40 feet long and 25 feet wide?—A. Yes, sir.

Q. There are two rear windows, and all the light you get is from my right?—A. Yes, sir.

Q. There are two rear windows?—A. Yes, sir; and all the light we get is from those windows.

Q. And it is a cloudy day?—A. Yes, sir.

Q. And it is now by my watch ten minutes after four?—A. Twelve minutes after four.

Q. Upon what day?—A. The 9th day of November. I would say that we are sitting some 12 feet from this west window, and we have as good a view from it as from any one window.

Q. The light shining, as I am sitting here, from my right?—A. Yes, sir.

Q. You say, with a previous knowledge and critical examination, sitting three feet away, you could tell one ticket from another seeing the ends of the tickets?—A. Folded in the number of folds that that is it makes eight thicknesses, and when the ends of

both are exposed to me I can tell the difference by a careful examination by the thickness of the paper.

Q. That ticket is folded the same as tickets are usually folded?—A. That is about the way tickets are ordinarily folded. Those are folded nearly as voters would take their tickets and fold their tickets, and folded about the size and shape tickets are ordinarily folded.

Q. You would say, then, that the judges and inspectors handling tickets could tell the difference between those two tickets?—A. If he desired to make a careful examination of them, and had time, and they were presented to him in that way, I should think he could, at least I could, and by feeling it could tell at that time.

Q. At any time you could tell by feeling?—A. Yes, sir.

Q. You say you were judge that day?—A. Yes, sir.

Q. Sitting in a room back of the ballot-box?—A. Part of the day I occupied the position of inspector right next to the window, and received tickets. Doctor Ward was our inspector, but he seemed quite contented to be relieved, and I preferred to be a little active, and so I received the tickets.

Q. Were you upon the outside among the voters any great length of time during the day?—A. Not any very great length of time. Ordinarily when I acted in a position of that kind I hold myself aloof from the voters. If I was outside at all in front I did not mingle with anybody or handle tickets.

Q. When you acted in the capacity you did there you took no part in the outside politics?—A. No, sir.

Q. In 1880 do you recollect whether the Democrats or Republicans were in power in the city of Indianapolis?—A. I think the Republicans were.

Q. Do you recollect the character of the police force, as to whether it was appointed by the Democrats or Republicans in 1880 at the time of that November election?

(Objected to as not cross examination.)

A. The police force was chosen by a police board elected by a Republican council.

Q. What was the difference between the thickness of the Democratic ticket used in the November election, 1882—or, did I ask you that——A. [Interrupting.] Yes; you did, and I was unable to make any answer.

Q. Wouldn't you say, handling them, and examining them, and feeling them, wouldn't you say one ticket was double as thick as the other; double as heavy as the other?—A. That is, each of the State tickets of 1882? My eye is not critical enough to enable me to judge of the relative thickness of the two tickets by looking at them as to the weight of paper. I have never had any experience, and so I cannot tell.

Q. Wouldn't you say that one was double as heavy as the other, or double as thick?—A. I am unable to answer that.

Q. Do you read with spectacles?—A. Yes, sir; I read with spectacles for the simple purpose of resting my eyes. My glasses don't magnify any, and my sight is no better during the time I wear spectacles, but I can endure longer.

Q. Do your eyes give out when you do not use spectacles?—A. Yes, sir; that is, I can take spectacles and read for a greater length of time by using them; but if I take up a book or paper when my eyes are fresh and rested I read just as well. I do not know why it is. I had my eyes examined by an oculist, who recommended these kind of glasses that do not magnify, but they do focus the light in such a way as to rest my eyes.

Q. You are a Republican?—A. Yes, sir.

Q. And have always been a Republican?—A. Yes, sir.

Re-examination by Mr. PEELLE:

Q. State if the light in here is sufficient to enable you to distinguish or to examine the papers that Mr. Wilson has been handling so that you could say that you could be satisfied with the examination you have made?—A. Yes, sir; the light is sufficient to enable me to testify, so far as that is concerned, with all the accuracy I am capable of.

Q. State if the light in this room now, and at the time you have examined about these tickets, is not poorer than it is ordinarily in a room where the inspectors and judges sit when receiving the ballots?—A. I do not know how the rooms are ordinarily. Where we received them it was through an open door, so the light in that case was perfect; but in this case the light is quite enough for this purpose.

Recross-examination by Mr. WILSON:

Q. Is there not a difference between the amount of light in this room and the amount of light you had outdoors, or did you have outer doors on the day of the election?—A. It is not so light here as it was there, but for the purpose of the examination I have made I think this light is sufficient.

Q. Is not this a very large room; is it not a hall?—A. Yes, sir.

Q. It is used as a hall?—A. Yes, sir.

Q. It is the Young Men's Republican Club Room?—A. Yes, sir.

Q. When you last passed judgment on the ticket held in my hand, stating that the

ticket in my left hand was the Republican ticket, was not the ticket in my left hand on the opposite side from the window—in other words, upon the dark side?—A. Yes, sir.

Questions by Mr. PEELLE:

Q. You would therefore see the Republican ticket in his hand plainer because of the Democratic ticket being behind the other?—A. I saw the ticket in the right hand a little more distinctly than the one in the left hand.

Q. And you were mistaken in the guess on the tickets three feet away?—A. Yes, sir.

Questions by Mr. WILSON:

Q. They were in the shadow?—A. Yes, sir; they were in the shadow one way you held them.

Q. And immediately upon touching them you knew the difference?—A. Yes, sir.

DAVID V. BURNS.

JOHN R. CLINTON, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. John R. Clinton; 44 years, nearly; I reside in this city, and have for a good many years.

Q. You are a Republican?—A. I believe I have always been considered so.

Q. And are at present cashier in the county treasurer's office?—A. No, sir; at present I am employed in the auditor's office; I was in the treasurer's office.

Q. How long were you cashier in the treasurer's office?—A. Two years and three months.

Q. You are now deputy in the auditor's office in this county?—A. Yes, sir.

Q. State if you were in this city at the time of the Congressional election November 7th, 1882?—A. Yes, sir.

Q. Who was the Republican candidate for Congress?—A. You were.

Q. Who was the Democratic candidate?—A. Mr. William E. English.

Q. Who was the national candidate on the Greenback ticket?—A. I do not recollect.

Q. At what precinct and ward were you that day?—A. I was in the second precinct of the 22nd ward. Our precincts were right opposite each other in a small, narrow street, which made it all together.

Q. Were you challenger?—A. No, sir; I was one of the committeemen.

Q. Did you have any particular work that day?—A. I will not say I did any particular work, but I had a good deal of general work—looking after the details of the work.

Q. Did you observe the tickets as they were voted that day by the voters?—A. Not particularly. I observed the tickets as they were voted, but not particularly.

Q. Did you examine the Democratic and Republican tickets that day?—A. I do not know that I did examine them during the day.

Q. State if there was any complaint made at your precinct that day about the Republican ticket in any way?—A. I do not recollect of any complaint being made. There may have been, but I do not recollect.

Q. You say there was no complaint made there that day about the character of the Republican ticket?—A. Not that I remember of. If there was any complaint I did not hear of it.

Q. State if during that day you were able to distinguish or tell one ticket from the other in the hands of the voter when folded with the names inside as they were being voted?—A. No, sir; I think not. I know my attention was not called to it at any time during the day.

Cross-examination by Mr. WILSON:

Q. You are a Republican?—A. Yes, sir.

J. R. CLINTON.

DAVID B. SHIDELER, being first duly sworn, testified as follows:

Direct examination by Mr. Mr. PEELLE:

Q. State your name, age, and residence.—A. D. B. Shideler; I reside in this city; and I am nearly 46 years old.

Q. What is your business?—A. I am styled manager of the Equitable Life Insurance Society of the United States of America.

Q. Did you ever occupy any official position here or elsewhere?—A. No, sir; not here. I have in another county in this State.

Q. What position?—A. I was township trustee for six years in Grant County.

Q. You are a Republican?—A. Yes, sir; of Democratic origin.

Q. You were on the Repnblican ticket at the last election as one of the candidates for Representative from this county?—A. Yes, sir; my name was there.

Q. Did you attend the election last November?—A. Yes, sir.

Q. What precinct and ward?—A. I was at the 3rd precinct of the 11th ward.

Q. Did you occupy any position there that day?—A. I was reckoned as one of the challengers, I believe they call them.

Q. Did you observe the tickets as they were being voted that day?—A. I tried to.

Q. Take this ticket headed "Republican ticket," and marked "Exhibit A" to the deposition of Mr. Holiday, and state if that is the ticket used by the Republicans that day.—A. I should say it was.

Q. Take this ticket headed "Democratic ticket," and marked "Exhibit B" to the deposition of Mr. Holliday, and state if that is the ticket voted by the Democrats that day.—A. Yes, sir; I think so.

Q. State if, when those tickets are folded with the names inside, as tickets are ordinarily folded by voters when being voted, you could tell or distinguish one from the other by sight as they were being voted?—A. No, sir; I could not. I tried all day to distinguish every ticket that went in, but I failed and could not do it.

Q. Could you tell the difference by feeling the tickets?—A. Yes, sir.

Q. Did you ever attend any election in this city prior to 1882?—A. Yes, sir.

Q. Were you able then to distinguish, by feeling the tickets, the difference between them?—A. Well, I do not know as to that. In 1880 I was able to distinguish by sight.

Q. What ticket were you able to distinguish in 1880 by sight?—A. The State.

Q. Or national election?—A. At the national election.

Q. I hand you ticket headed "Democratic ticket," with the words, "For President, Winfield Scott Hancock," and marked Exhibit E to the deposition of William Wallace, and I will ask you to state if that was the ticket used by the Democrats at the national election in 1880?

(Objected to as irrelevant, immaterial, and incompetent.)

A. Well, yes, I should say it was the ticket.

Q. I now hand to you a ticket marked Exhibit F to the deposition of William Wallace, and headed "Republican ticket," and I will ask you if that is the ticket used by the Republicans on that occasion?—A. Yes, sir.

Q. Are those two tickets the ones you had reference to when you said you could distinguish one from the other in 1880?—A. Yes, sir.

Q. You could distinguish them by sight?—A. Yes, sir.

Q. Could you by touch?—A. Yes, sir.

Q. And by feeling?—A. Yes, sir.

Q. Why?—A. I occupied the same position in 1880 at the national—

(Objected to as incompetent, irrelevant, and immaterial.)

and I occupied the same position in 1880 at the national election that I did in 1882. The tickets came in folded twice, as a rule, and that made them four thicknesses, and the difference in the length made a difference in the width which is discernable as far as a man could see the paper, that is, if they were folded. Now, if they were folded three times, making eight ticknesses, then it would be thicker, but not so wide as the other.

Q. Would it still be as distinguishable?—A. Yes, sir; on account of the numerous thickness of the paper; and also there would be some difference in the width. Folding that ticket twice it is almost a round fold, and that one twice it is about $\frac{7}{8}$ of an inch wide.

Q. It gives to one a round appearance and the other a flat appearance?—A. Yes, sir.

Q. I now hand you a ticket headed "Republican ticket," with the words "For governor, Albert G. Porter," marked Exhibit C to the deposition of William Wallace, and I will ask you to state if that is the ticket that was voted at that election in 1880, if you remember?

(Objected to for the reasons heretofore given.)

A. I think it is one like it.

Q. I hand you a ticket headed "Democratic ticket," with the words "For govenor, Franklin Landers," and marked Exhibit Z to the deposition of Mr. Wildman, and I will ask you if that is the ticket voted in 1880?—A. Yes, sir; I think it is.

Q. Do you recognize that flag on the ticket?—A. Yes, sir.

Q. State if those two tickets, when folded as tickets are ordinarialy folded when voted, could be told, one from the other, as they were being voted?—A. I should say now that they could, but at that particular election I chanced to occupy a position in which I tried to be as non-partisan as possible, and I gave very little attention to it.

Q. What position did you occupy?—A. I had the honor of being U. S. marshal.

Q. You gave no attention to the tickets at all?—A. No, sir; I tried to see the thing done fair, and tried to keep down the little disturbances that sometimes come up.

Q. I will ask you to state whether there is or not a more marked difference between the national tickets voted in 1880 for President than there is between the two tickets

voted at the Congressional election in 1882 in this city—I mean marked difference when folded?

(Objected to as immaterial, irrelevant, and incompetent.)

A. I should say that to the sight the difference is more marked on account of the difference in the length of those making a material difference in the width when folded.

Q. What would you say as to the difference in the feeling of the tickets compared with the tickets of 1882?—A. It would seem as though the Republicans in 1882 had got the Democratic paper of 1880 pretty near.

Q. You mean the Republican paper in 1880, don't you?—A. I beg your pardon. I thought that was the Democratic ticket; it was the Republican. You asked me if it is more marked.

Q. Yes, sir; how is it as to the touch and feeling of the tickets as compared with the tickets in 1882 when folded?—A. I don't think it is more marked. I believe the question was if it was not more marked?

Q. Yes, sir.—A. Not as to the feeling of the paper. I do not think that the difference is more marked when folded on account of the width than the others.

Q. What is the difference between the thickness of the national ticket voted for Garfield in 1880 and the Republican ticket voted in 1882 by touch and feeling?—A. the difference in the width?

Q. The feeling and the thickness?—A. The Republican ticket of 1882 is a very slight shade heavier paper than the national ticket, and but very little.

Cross-examination by Mr. WILSON:

Q. You stated in the election in 1880 you undertook to act, as far as possible, non-partisan, particularly because you were a U. S. marshal?—A. Yes, sir.

Q. You were not a regular United States marshal?—A. No, sir.

Q. Deputy; appointed for how long?—A. For that day.

Q. How many of them were there?—A. In the United States?

Q. In this city?

(Objected to as incompetent, irrelevant, and immaterial.)

A. I do not know.

Q. Was not there about one hundred or one hundred and fifty special deputy marshals?

(Objected to as incompetent, irrelevant, and immaterial.)

A. I have not the slightest idea as to the number. I never knew.

Q. You were appointed by Dudley, U. S. marshal?—A. Yes, sir.

Q. Was there any disturbance at that precinct that day?—A. No, sir; nothing serious.

Q. Do you have any serious disturbances at that precinct?—A. No, sir.

Q. Either before, or since, or at all?—A. I may have known a little quarreling or jawing, and there was a little that day, and I thought it my duty to take one young man by the arm and lead him off to one side and tell him he had better be still.

Q. Mr. Peelle asked you whether, when that Republican ticket was folded as tickets are ordinarily folded by the voters, could you tell that or distinguish that ticket, and, referring to the Republican ticket of November, 1882, is it not true when a ticket is folded in that way it is substantially concealed by the hands of the voters when they go up to the polls, and don't most of them put their tickets in their hands when they go up to vote [indicating]?—A. Men vary in voting, the same as in anything else. As a rule, I would say the average voter folds his ticket and holds it between his thumb and first finger in that way [indicating], an inch or an inch and a half of the ticket sticking out.

Q. That is about the way [indicating]?—A. Yes, sir.

Q. Showing the end and part of the side?—A. Yes, sir. Some, however, come up with the ticket entirely concealed in the hand.

Q. If that is true, how could you tell by the length, as you said a while ago, that the Democratic ticket used in the election of 1880 from the Republican ticket, as you said you could?—A. When it passed from the hands of the voter to the inspector, as a rule, the entire ticket is exposed, and especially when the inspector places it at the opening in the top of the ballot-box and holds it until the clerk records the name and then shoves it in.

Q. Therefore it is not when a ticket is folded in the hands, as the voter ordinarily folds them, that you have a chance to see what kind of a ticket it is?—A. It is more when it passes from the hands of the voter to the inspector.

Q. I ask you the question again as to the character of the ticket when it is folded in his hands as a voter ordinarily folds it?—A. Well, now, mark you, that the length of the ticket before it is folded governs the width of it after it is folded, and if I see but the end I see the width of the ticket, and then know that is is a long ticket as well as if it was opened out and held before me. Here, take these tickets [indicating]. If I hold those tickets in my hand so that nothing but the end shows it

shows the width after they were folded, so that it is not necessary for me to see the entire ticket to judge of its length and thus determine as to its length when it was not folded.

Q. Then it is necessary that the ticket shall be folded a given way in order to distinguish it?—A. No, sir; I should say folded in the usual way.

Q. I ask you if it was folded in the usual way when a voter undertook to conceal his vote by folding it so that it would be of the same width as the other ticket, you could not then determine from the outside appearance?—A. If it is the same width it is thicker.

Q. And then you can tell by the thickness?—A. Yes, sir.

Q. I will ask you if the Republican ticket folded at the election in November, 1882, is not thicker than any ticket that you ever saw voted by any party at any election in this city.

(Objected to as incompetent, irrelevant, and immaterial.)

A. No, sir; I think not.

Q. Did you ever know a thicker ticket than that ticket voted at the November election, 1882?—A. Yes, sir; I knew one as thick, but it was not in this county.

Q. What county?—A. Grant County.

Q. Who voted that?—A. The Republicans.

Q. How long since?—A. I do not know that, but I should say it was twelve years ago.

Q. About twelve years ago you think you know of one instance where the Republicans used a ticket as thick as this Republican ticket voted and used here in the fall of 1882?—A. Yes, sir. I should say so.

Q. Was that county a Republican county twelve years ago?

(Objected to as not cross-examination.)

A. Yes, sir. I have known them to vote colored tickets too—red and pink.

Q. That was when the law permitted any color?—A. Yes, sir. At that time the law did not specify as to what kind of a ticket they should have. They could have it on pasteboard if they wanted it, or on a shingle.

Q. I will ask you if you can distinguish the Democratic ticket from the Republican by feeling it—the ones that were used in the fall of 1882?—A. Yes, sir.

Q. How can you do that?—A. The Republican ticket is on heavier paper, and more solid. What they call a finer, smoother finish, I do not know, for I never dealt in paper.

Q. Is it not thicker?—A. Yes, sir.

Q. Is it not about twice as thick?—A. No, sir; not quite. I do not think it is. I do not think that. I never weighed it to see, but I should say that two Democratic tickets would outweigh one Republican.

Q. Would you not say the ratio was about 40 to 90 between the difference in those tickets?—A. No, sir.

Q. You do not think so?—A. No, sir; that would be pretty near double. I do not know. I expect a paper man could tell you exactly, but I cannot.

Q. You were speaking just now of the difference in the appearance of those tickets used heretofore, the national Democratic and national Republican of 1880. I will ask you if the difference in those tickets does not grow out of the fact, principally the difference in the length, and that the Republican ticket is a great deal stiffer and thicker, and very much like the Republican ticket in color used in this election in 1882; take the national Republican ticket and the national Democratic ticket, and don't you say it was because one differs in length from the other?—A. Yes, sir; but when folded it was wider.

Q. Is not that Republican ticket on very stout material, much stouter than the Democratic ticket?—A. Yes, sir; it is what I would call heavier paper than the Democratic ticket.

Re-examination by Mr. PEELLE:

Q. Was there any complaint there about the character of this Republican ticket by anybody?—A. About ten o'clock, perhaps, in the forenoon, ex-Senator McDonald came to the window with one of those tickets in his hand, and showed the inspector, or called the inspector's attention to, the character of the ticket, and asked them to keep a watch out, and he pronounced them the "spring-backs," and showed us a new trick—it was new to me—how they could be manipulated and two or three voted together and spring open.

Q. Is that the only complaint you heard of?—A. Yes, sir.

Q. Did any one vote two tickets at that precinct?—A. Not that I know of.

Q. Do you know how your vote corresponded with the number of names on the poll-books?—A. No, sir; I never heard but what it was the same.

D. B. SHIDELER.

A. W. HATCH, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE;

Q. State your name, age and residence.—A. A. W. Hatch, and I am 26 years old; my residence, Indianapolis.

Q. How long have you resided here?—A. I have lived here 11 years.

Q. What is your business?—A. I am an attorney at law.

Q. You are a Republican?—A. Yes, sir.

Q. Did you attend the Congressional election in 1882, in this city?—A. Yes, sir.

Q. What precinct and ward?—A. We call it the southern precinct of the 10th ward; I do not know what number it is.

Q. Did you occupy any official position that day?—A. No official position. I was one of the challengers.

Q. What portion of the day were you there?—A. I was there all day.

Q. Did you see the tickets that were voted there that day?—A. I did, sir; I did not challenge all day, but I was there at the polls all day; I challenged part of the day.

Q. I hand you a ticket headed "Republican ticket," and marked Exhibit A to the deposition of Mr. Holliday, and I will ask you to state if that was the ticket used by the Republicans at that precinct on that day?—A. I should think so; yes, sir.

Q. I now hand you ticket headed "Democratic ticket," and marked Exhibit B to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket voted by the Democrats at that precinct on that day?—A. Yes, sir; I should suppose so.

Q. Did you handle both of the tickets there that day?—A. Yes, sir.

Q. State if when those tickets are folded with the names on the inside, as tickets are usually folded or ordinarily folded by voters and being voted, if you could tell or distinguish one from the other by sight standing by and looking on as challenger?—A. No, sir.

Q. Did you make any effort to do so?—A. I did with one voter that I recollect of.

Q. Who was that?—A. That was Mr. Samuel Beck, of this city.

Q, Why did you make an effort to do that?—A. At that time the temperance question was an issue and I was a little curious to know how he would vote, he being a very strict Methodist and a very strong temperance man and living near me at the time, and I always supposed and understood him to be quite an ardent temperance man.

Q. Did you distinguish how he voted that day?—A. No, sir; I did not.

Q. Did you make the effort?—A. Yes, sir; I tried to.

Cross-examination by Mr. WILSON:

Q. Could you tell one of those tickets from the other by handling?—A. Yes, sir.

Q. You say you undertook to watch to see how Mr. Beck voted, because of your knowledge of his temperance views; was the temperance question involved?—A. Well, yes, it was; it was quite a factor in the canvass, as I understood it.

Q. It was a very active question in the canvass and a leading question?—A. It was one of the leading questions.

Q. He was a Methodist?—A. Yes, sir.

Q. And you knew his well-known temperance views, and you wanted to see whether his temperance views would permit him to vote that ticket?—A. Yes, sir; that is the recollection I have about it, and what called my attention to it.

Q. Didn't you know he was a life-long Democrat?—A. Yes, sir; he had always been a Democrat.

Q. And you were watching to see how the temperance vote was going in the campaign?—A. I did that with him; I noticed the same thing when he voted at the township election.

Q. The same question was presented at the township election?—A. Yes, sir; it was one of the questions that we considered in both of those elections.

Q. Was it not a leading question in that campaign as to how the temperance and anti-temperance people were going to vote?—A. Yes, sir; I think it was.

Q. Could you describe what constituted the anti-temperance people in that campaign?—A. No, sir; I could not.

Q. Were not the Germans?—A. Yes, sir; as a rule, they were anti-temperance.

Q. Were not the negroes?—A. Anti-temperance?

Q. Yes, sir.—A. I could not say as to that; I never talked with a negro in my life on the question.

Q. You have always taken an active part in politics here?—A. Yes, sir; I have.

Q. And do you not know, as a matter of fact, that there was dissension among the negroes on the temperance question?

(Objected to as not cross-examination.)

A. No; I do not recollect of any particular dissension in that regard.

Q. Don't you know they were not inclined to vote the Republican ticket, and that

that very reason was a matter of apprehension among the Republicans here, who were afraid they would lose the negro vote on account of the temperance question?

(Obiected to as not cross-examination.)

A. No, sir; I don't recollect that; I know there was a good deal of talk as to how the colored people would vote at that election.

Q. Didn't it grow out of the temperance question?—A. No, sir; I do not think it did; I know I never heard the temperance question discussed in connection with the negro vote; I never did; that is news to me.

Q. Were there not many Republicans who were inclined to vote the Democratic ticket on account of the temperance question in that campaign?

(Objected to.)

A. I expect there was.

Re-examination by Mr. PEELLE:

Q. State if the only way the question came up in the last campaign on behalf of the Republican party was not that the Republican party in its State platform simply favored submission of the prohibitory amendment to the people for their determination?—A. Yes, sir; that is what I understood to be the question at that time on the temperance question.

Mr. WILSON. You are a Republican?

The WITNESS. Yes, sir.

A. W. HATCH.

By agreement of both parties the further taking of these depositions was postponed until Saturday, Nov. 10th, 1883, at 2 p. m.

SATURDAY, *November* 10, 1883.

Parties met pursuant to adjournment.

EEWARD F. CULLEN, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. Edward F. Cullen; 33 years old; residence, No. 57 West Maryland st., Indianapolis, Indiana.

Q. What is your business?—A. Plumber and gas-fitter.

Q. How long have you been engaged in that business?—A. I have been here in business for myself for going on three years.

Q. You are a Republican?—A. Yes, sir.

Q. Did you ever occupy any official position?—A. Yes; I was in the post-office about three months.

Q. How long ago was that?—A. I went out of the post-office just after Mr. Wildman's appointment; two months after his appointment I left the post-office on account of my health.

Q. Since that time you have been in the plumbing and gas-fitting business?—A. Yes, sir; I was in it before I went in the post-office.

Q. Did you attend the Congressional election in 1882?—A. Yes, sir.

Q. What precinct and ward?—A. I was in the second precinct of the 16th ward.

Q. What capacity did you act in?—A. I was acting as committeeman.

Q. In that precinct?—A. Yes, sir.

Q. Did you do any challenging that day?—A. I challenged some that day.

Q. Did you see the tickets as they were voted there that day?—A. Yes, sir; I saw some of them. I do not know as I saw all of them. I was there pretty near all day.

Q. Did you see them as they were being voted by the voters and observe them?—A. Yes, sir.

Q. I hand you a ticket, headed "Republican ticket," and marked Exhibit A to Mr. Holliday's deposition, and I will ask you to state if that is the ticket used by the Republicans at that election at that precinct.—A. Yes, sir; I think that is the ticket.

Q. I now hand you a ticket, headed "Democratic ticket," and marked Exhibit B to the deposition of Mr. Halliday, and I will ask you to state if that is the ticket that was used and voted that day by the Democrats at that precinct?—A. Yes, sir; I think those are the same two tickets that were used at the polls that day.

Q. State if, when that Republican ticket is folded as tickets are ordinarily and usually folded by voters when they vote, if it could be told or distinguished from the Democratic ticket by sight, both being folded with the names on the inside.—A. You could not distinguish them unless you would happen to see the man fold them before he went up. You could not tell the difference between the tickets after they were folded and passed to the ballot-box and to the judge's hands. If the head of the ticket, for instance, this part [pointing], was on the outside, you could see that

through, and that was about all that you could tell. If they were folded up and that side opposite from you, you could not tell any difference.

Q. The tickets, as ordinarily folded in the hands of the voter and without any previous knowledge of the politics of the man and without seeing him fold his ticket, you could not tell?—A. I do not think you could.

Q. Did you or not?—A. No, sir.

Cross-examination by Mr. WILSON:

Q. Where were you at the polls at that day?—A. I was on the west side of the chute.

Q. How did the voters ordinarily fold their tickets when they would go to vote them?—A. They fold them up so that they will go through about an inch opening.

Q. How did they carry them?—A. They carry them in their hands; sometimes it is clear shut up like that [indicating].

Q. Clear shut up so that nothing is seen but the little end and just part of the end?—A. Yes, sir; and of course when it goes down the inspector holds it like this [indicating].

Q. But the voter, as he ordinarily votes his ticket, holds it in his hand so that the ticket is substantially concealed?—A. Not entirely so.

Q. I do not mean entirely, but the main portion is concealed?—A. Yes, sir.

Q. And could he not hold it in his hand so that you could not see the ticket at all?—A. Yes, sir, of course; until he passes it to the inspector.

Q. Couldn't you tell the difference between those tickets by handling them?—A. Yes, sir; you can do that very readily.

Re-examination by Mr. PEELLE:

Q. State if you have been able, at elections previous to 1882, to distinguish the tickets by handling them?

(Objected to as immaterial, incompetent, and irrelevant.)

A. Oh, yes, sir.

Q. I hand you a ticket headed "Republican ticket," with the words "For President, James A. Garfield," and marked Exhibit F to the deposition of Mr. Wallace, and I will ask you to state if that is the ticket used by the Republicans at the national election in 1880?

(Objected to as incompetent, irrelevant, and immaterial.)

A. Yes, sir.

Q. I hand you a ticket headed "Democratic ticket," with the words "For President, Winfield Scott Hancock," and marked Exhibit E to the deposition of William Wallace, and I will ask you to state if that is the ticket used by the Democrats on that election, if you remember.

(Objected to as incompetent, irrelevant, and immaterial.)

A. Yes, sir.

Q. I will ask you to fold those two tickets as they are usually folded by voters, and state if you can tell the difference between those two tickets, when folded.—A. Yes, sir.

Q. State if those two tickets are folded and in the hands of the voter coming to the polls as tickets are ordinarily folded, if you could tell by sight one from the other in the hands of the voter?—A. No, sir; you could not do it.

ED. F. CULLEN.

WILLIAM H. MORRISON, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. Wm. H. Morrison; 267 North Mississippi street, Indianapolis, Indiana; thirty-five years old.

Q. What is your business?—A. I am traveling agent for the Indianapolis Journal Company.

Q. How long have you been in that position?—A. Twelve years.

Q. Do you occupy any official position in this city?—A. I am a member of the city council.

Q. How long have you been a member of that body?—A. Something over four years.

Q. Did you attend the Congressional election in this city in 1882?—A. Yes, sir.

Q. What precinct?—A. Twelfth ward, and I was at both precincts.

Q. Were you challenger any portion of the day?—A. No, sir.

Q. What part were you taking at the polls?—A. I was looking after the voters.

Q. As a worker?—A. Yes, sir.

Q. Did you see the tickets as they were being voted?—A. Yes, sir.

Q. State if, when the Republican ticket is folded as tickets are ordinarily folded by voters, if it could be told from the Democratic ticket when similarly folded, both be-

ing folded with the names upon the inside, by sight; if you could distinguish one from the other when they were folded?—A. That would depend upon the distances.

Q. I mean from the external appearance of the ticket, just by looking on and seeing the ticket as it was voted and folded in the hands of the voter; could you tell one from the other?—A. You could not, without a very close observation.

Q. What would enable you to distinguish or tell one from the other?—A. It is this way with me when I am about the polls: I am always looking after the interest of my party, and I generally fix the ticket so I will know the way the ticket is folded.

Q. I ask you, with no previous knowledge of how the ticket got into the hands of the voter, or how he voted it?—A. I do not think you could tell very much about it.

Q. Could you tell the difference in the tickets by feeling?—A. Yes, sir.

Q. Have you been able to do that at elections prior to 18-2?

(Objected to as incompetent, irrelevant, and immaterial.)

A. Yes, sir; always.

Q. State if at any elections prior to 1882 you were or were not able to tell the difference between the tickets by feeling.—A. I always have been.

Q. Did you attend the national election in this city in 1880?—A. Yes, sir.

Q. I hand you a ticket headed "Republican ticket," and marked Exhibit F to the deposition of William Wallace, and I will ask you to state if that is the ticket used by the Republicans at the national election in 1880 for James A. Garfield for President.

(Objected to as incompetent, irrelevant, and immaterial.)

A. It has been a good while ago; I think that is the ticket.

Q. I hand you a ticket headed "Democratic ticket," with the words, "For President, Winfield Scott Hancock," and marked Exhibit E to the deposition of William Wallace, and I will ask you to state if that is the ticket used by the Democrats at that election, if you remember.—A. I am not able to state in regard to that; I think that is the Republican ticket.

Q. I will ask you to take that national Republican ticket and that Republican ticket voted in 1882, and state what difference there is, if any, in the feeling of the paper and in the weight of the paper, and in the thickness.—A. There is a very slight difference, a slight difference. This is a little the heaviest—that used at the November election in 1882.

Q. Have you any knowledge, as an expert, of paper?—A. Very little; no, I would not consider myself competent to testify in regard to that; I have been connected with those folks a good while, but I do not have much to do with that part of the business.

Q. Was there any complaints made at either precinct in the 12th ward that day about the Republican ticket, and if so, state what it was, about the character of the ticket?—A. None at all; no.

Cross-examination by Mr. WILSON:

Q. You heard no complaint at all?—A. None at all.

Q. You were one of the workers there, were you?—A. I was.

Q. How many workers did you have there that day at your precinct with you?—A. At both precincts—I was at both of them—I think we probably had twelve or fifteen.

Q. Twelve or fifteen men at work there?—A. Challengers and all?

Q. Challengers and watchers.—A. Yes, sir; and we had wagon men and everything of the kind and all arranged to get the voters out.

Q. To get them to vote?—A. Yes, sir; to look after them and to watch that election.

Q. You think at each precinct there was a working force of how many?—A. Not that many at each precinct.

Q. About how many at each precinct?—A. Probably one precinct had a few more than the other.

Q. Which had that?—A. Number two.

Q. How many were there?—A. I would think there was probably seven.

Q. How many at number one?—A. Five or six.

Q. Those men were Republicans and working in the interest of the Republican party as challengers, and seeing that the Republicans got in their votes, and serving the cause to the best of their ability?—A. Yes, sir; they went about it not only at that election, but it is generally the case there; we aim to do that.

Q. Are you certain there were no comments on the character of those tickets at either precinct, that you heard?—A. Not a word; I did not hear a man say a word.

Q. Did you say anything about it yourself?—A. No, sir.

Q. Did you notice the difference between the Democratic and the Republican ticket?—A. Of course I saw the tickets; I generally have some of both tickets.

Q. You did not notice the difference yourself?—A. I knew when I took hold of a ticket that the Republican ticket was somewhat heavier than the other.

Q. It was not such a thing that you paid much attention to?—A. No, sir.

Q. You made no comment on it that day?—A. No, sir.

Q. No one else commented upon it?—A. No, sir.
Q. And you heard of no objection at all?—A. No, sir.
Q. You are connected with the Journal Co.?—A. Yes, sir.
Q. They printed these tickets?
(Objected to as not cross-examination.)
A. Yes, sir; I think they did.
Q. You are a pretty zealous Republican, I believe?—A. Yes, sir.

Re-examination by Mr. PEELLE:

Q. State what force the Democrats had at work at those precincts in that ward.—A. They had an equal number at least; I think they had a few more at that election.
Q. At the election in 1882?—A. Yes, sir.
Q. Is it not usually the case that they have more workers at the precincts in this city than the Republicans have—I mean in Republican wards?—A. Well, I think that is customary.
Q. And in the Democratic wards the Republicans are apt to have more men at work?—A. They frequently exchange men, and send some one over to help the brethren out when they do not have sufficient.
Q. And everybody was there about the same as they were before?—A. I think it was a little in excess of what it was before at that election on that day on the part of the Republicans and the Democrats—on both sides.

WM. H. MORRISON.

WILLIAM L. TAYLOR, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. I am twenty-nine years old, and I live in the city of Indianapolis; William L. Taylor is my name.
Q. What is your business?—A. I am an attorney.
Q. I hand you a ticket headed "Republican ticket," with the words on it, "For governor, Albert G. Porter," and marked Exhibit C to the deposition of William Wallace, and I will ask you to state if you have seen that ticket before.—A. Yes, sir.
Q. Was that ticket used at the State election in this city in 1880?—A. It was.
Q. Where did you get that ticket?—A. I got it from my trunk.
Q. How did it get in your trunk?—A. I am in the habit after each election, on the day of each election, of taking all the kind of tickets that are voted and taking them home, and keeping them and filing them away, and those tickets were done the same way.
Q. I now hand you a ticket headed "Democratic ticket," with the words "Democratic ticket" written across a flag, and marked Exhibit D to the deposition of William Wallace, and I will ask you to state if that is the Democratic ticket used at that election.—A. Yes, sir.
Q. Have you seen that ticket before?—A. Yes, sir.
Q. Do you know where it came from?—A. It came from my trunk.
Q. How did it get in there?—A. I put it there on the day of the election like the ticket to which I have just testified—the Republican ticket.
Q. I now hand you a ticket headed "Republican ticket," with the words "For President, James A. Garfield," and marked Exhibit F to the deposition of William Wallace. Was that the ticket voted at that election in 1880?—A. That was the ticket voted in that precinct.
Q. Have you seen that ticket before?—A. Yes, sir.
Q. Where?—A. I got it also at the precinct, with the two tickets just mentioned.
Q. State how it came in your trunk.—A. I put it there on the day of the election in 1880.
Q. I now hand you a ticket headed "Democratic ticket," with the words, "For President, Winfield Scott Hancock," and marked as Exhibit E to the deposition of William Wallace, and I will ask you if that is the ticket used on that occasion.—A. I do not remember; I am not sure. I will say that I filed a good many political documents at that time, and these tickets that I have just testified about having gotten there were all together, and I put rubbers around them; and in looking through my trunk the other day I found them and gave them to Mr. Peelle.
Q. State whether it is your recollection or not that those are the tickets that were used at that election in 1880.—A. Yes, sir.
Q. What do you say as to that Democratic ticket marked Exhibit E to the deposition of Mr. Wallace, with the words, "For President, Winfield Scott Hancock"?—A. I cannot say that; I do not know.

Cross-examination by Mr. WILSON:

Q. You live in this city?—A. Yes, sir.
Q. You are a Republican?—A. Yes, sir.
Q. And you are a law partner of Mr. Peelle?—A. Yes, sir.

WILLIAM L. TAYLOR.

JOHN L. MOTHERSHEAD, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. John L. Mothershead; forty years of age; residence, Indianapolis, Ind.
Q. What is your business?—A. I am a manufacturer.
Q. What kind of a manufacturer?—A. Iron.
Q. Have you ever occupied any official position in this county?—A. Yes, sir.
Q. State what.—A. County treasurer.
Q. Did you attend the Congressional election in this city in 1882?—A. Yes, sir; I did.
Q. What position did you occupy that day?—A. At the polls?
Q. Yes, sir.—A. I was challenger.
Q. What precinct?—A. The first precinct of the ninth ward.
Q. Did you see the tickets as they were voted?—A. I did.
Q. I hand you a ticket headed "Republican ticket," and marked Exhibit A to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket voted by the Republicans at your precinct that day.—A. I think it is. There was a similar one to that voted.
Q. I hand you a ticket headed "Democratic ticket," and marked Exhibit B to the deposition of Mr. Holliday, and I will ask you to state whether that is the ticket used by the Democrats at your precinct on that day.—A. I think it is.
Q. I will ask you to state if, when those tickets were folded with the names on the inside, as tickets are ordinarily folded when voted, you could tell by sight one ticket from the other; or, in other words, could you tell the ticket a man was voting when folded in his hand when going to the polls, by sight?—A. Not as they were ordinarily carried.
Q. Could you tell the difference by the feeling of them?—A. Yes, sir.
Q. Tell if, in elections prior to 1882, you have been able to tell the difference in the tickets by the feeling of them?—A. Yes, sir.
Q. Was there any complaint made at that poll that day about the character of this ticket?—A. No, sir; none that I heard.
Q. Did you stand there as challenger all day?—A. Yes, sir; except at dinner-time.

Cross-examination by Mr. WILSON:

Q. Were you a county officer in 1882?—A. Yes, sir.
Q. You were county treasurer at that time?—A Yes, sir.
Q. Were you connected with the Republican county central committee at that time?—A. No, sir.
Q. You took an active part in politics?—A. Yes, sir.
Q. And you were challenging earnestly and zealously at that precinct?—A. I do not say how zealously or earnestly, but I was endeavoring to see that only legal voters voted.
Q. You say you endeavored?—A. Yes, sir.
Q. Was there any illegal votes cast there?—A. Not that I am aware of.
Q. What is your politics?—A. Republican.

J. L. MOTHERSHEAD.

WILLIAM R. MYERS, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence?—A. William A. Myers; 47 years old; residence, Indianapolis, Ind.
Q. What is your occupation?—A. I am at present secretary of state.
Q. When were you elected secretary of state?—A. At the November election, 1882; I believe on the 7th day.
Q. When were you qualified as secretary of state?—A. I went into office on the 17th day of January, 1883, and I do not remember but what I was sworn in some days previous to that.
Q. I hand you this piece of paper, and I ask you what it is?
(Paper handed witnses.)
A. It is a certificate which I made showing the votes in the counties of Marion, Hancock, and Shelby at the November election, 1882, in this seventh Congressional district, at which Stanton J. Peelle, William E. English, and Robert W. Medkirk were candidates for Congress.
Q. Is that certificate made as it purports to be, from the records on file in your office?—A. Yes, sir.
Q. What are your politics?—A. I am a Democrat.
Q. Elected secretary of state as a Democrat?—A. Yes, sir.

Mr. PEELLE. I now hand this certificate of Wm. R. Myers, secretary of state, to the notary, and ask that it be identified as an exhibit to the deposition of the witness.

The certificate will be found attached to this deposition as a part thereof and marked Exhibit H.

W. R. MYERS.

Exhibit H to deposition of W. R. Myers.—Paul C. Hendricks, Notary Public.

STATE OF INDIANA,
Office of the Secretary of State, ss:

I, W. R. Myers, secretary of state of the State of Indiana, do hereby certify that at a general election held in said State on the seventh day of November, 1882, for Representative in the Forty-eighth Congress from the seventh Congressional district, composed of the counties of Marion, Shelby, and Hancock in said State, the following were certified to my office by the clerk of the circuit court of the respective counties as the votes received and canvassed for the respective candidates, as appears from the records now on file in my office, that is to say:

Counties.	Stanton J. Peelle.	William E. English.	Robert W. Medkirk.
Marion	12,940	12,300	390
Hancock	1,694	2,129	66
Shelby	2,817	2,935	79
Total	17,451	17,364	535

In witness whereof I have hereunto set my hand and affixed the seal of the State of Indiana, at the city of Indianapolis, this sixth day of November, A. D. 1883.

[SEAL.] W. R. MYERS,
Secretary of State.

(Indorsed:) Exhibit H to the deposition of W. R. Myers, Nov. 10, '83, P. C. Hendricks, stenographer.

HORACE MCKAY, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age and residence.—A. Horace McKay; 41 years old; residence 156 Ash street, city of Indianapolis, Ind.

Q. What is your business?—A. I am collector of internal revenue in this district.

Q. What proportion of the internal revenue of this State is collected by you?—A. About 70 per cent.

Q. What will that amount to annually—revenue in your district?—A. I could only approximate it; it would be between $4,000,000 to $6,000,000.

Q. Did you ever occupy any official position in this county and State?—A. Nothing except member of the council.

Q. How long were you member of the council?—A. Three years.

Q. How long have you resided in this city?—A. Eighteen years.

Q. What was your business prior to being appointed collector of internal revenue?—A. Prior to that time I was investing and real estate agent principally.

Q. Were you in this city at the time of the Congressional election in 1882?—A. Yes, sir.

Q. Did you attend the same?—A. Yes, sir.

Q. What precinct?—A. The first precinct of the second ward.

Q. I hand you a ticket headed "Republican ticket" and marked Exhibit A to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket used by the Republicans at that precinct that day?—A. I think it is similar to the ticket that was used.

Q. I will hand you a ticket headed "Democratic ticket" and marked as Exhibit B to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket used by the Democrats at that precinct that day?—A. I think it is, as near as I can recollect.

Q. Did you occupy any particular position at the polls that day?—A. I was there all day in the capacity of challenger.

Q. Were you the challenger?—A. Yes, sir.

Q. What portion of the day were you challenger?—A. All day, or nearly all day.

Q. State if when those tickets were folded with the names on the inside, as tickets

are ordinarily and usually folded by voters, you could tell or distinguish one from the other by sight?—A. I don't know that I understand your question; you mean by voters up the chute?

Q. Certainly; as they were being voted by voters, and as they were folded and in their hands, could you tell what ticket a man was voting by the external appearance of the ticket?—A. Well, I could not; I tried pretty hard, but could not do it very well. There is this about it: a voter coming up there to vote would be met very often by a man and handed a ticket—each man generally had tickets in his hand—and by the time he started up the chute with one of those tickets folded in this way (indicating) you could not tell whether it was either one of those that were given him that was voted, or one that he had before he came there. Of course, a man starting up the chute with those tickets, sometimes he would drop the Republican ticket and sometimes the Democratic.

Q. Without any previous knowledge of the politics of a man, and without seeing him fold the ticket, and seeing his ticket in his hand after it was folded, could you by sight tell one ticket from the other?—A. No, sir; I could not without a close inspection. As I understand you, you say in an ordinary inspection as a man comes up the chute.

Q. Have you been at elections in this city prior to 1882?—A. Yes, sir; I have attended every election in the city since I have been here.

Q. State what your recollection is, if you have any upon the subject, as to whether or not at elections in this city prior to 1882, you have or have not been able to tell the difference in tickets at elections by the feeling of them.—A. By close inspection I think I could almost always tell the tickets, of course getting hold of the two tickets with a close inspection.

Q. I hand you a ticket headed "Republican ticket" and marked as Exhibit F to the deposition of William Wallace, and I will ask you to state if that is the national ticket that was used in 1880.

(Objected to as incompetent, irrelevant, and immaterial.)

A. Yes, sir; I think it is.

Q. I hand you now a ticket marked Exhibit E, to the deposition of William Wallace, and I will ask you to state if that was the ticket used at the national election in 1880?

(Objected to as incompetent, irrelevant, and immaterial.)

A. Yes, sir; I think it is.

Q. I will ask you to fold those tickets as they are ordinarily folded when voted, and state, if when they are folded as voters ordinarly fold them, if there is any difference in the width of them?—A. Yes, sir; there is a difference in the width and length both.

Q. State if you could tell those two tickets one from the other by sight, when they were being voted, if you had previously examined the tickets carefully.—A. If a man could see both of those tickets and have hold of those tickets, he could tell them apart; one is a long ticket, and the other is a short one.

Q. I will ask you if, as a matter of fact, there is not a more marked difference between those two tickets voted at the national election in 1880, by sight, than there is between the tickets voted in 1882?—A. There is, in my opinion; there is no question about that.

Q. State if the difference is as marked in the feeling of the tickets voted in 1882.—A. Yes; it is different paper; you could tell by the feeling of them very readily.

Q. Which is the most marked difference, and where is the most marked difference, between the tickets voted in 1882 and the tickets voted in 1880?—A. I could tell those easier than I could these in 1882.

Q. By feeling and touching the tickets in 1882 there is a more marked difference than in 1880?—A. I mean just the other way; I mean the national tickets; I can tell those tickets by the feeling; that is what you asked me.

Q. Was there any complaint made at your precinct that day as to the character of that Republican ticket in 1882?—A. I do not remember now of any.

Q. Do you remember how the tickets as counted corresponded with the number of names on your poll-list?—A. No; I do not remember that, but I think there was. I do not remember that at all; I was not inside.

Q. State if there was any instances there in which two tickets were voted folded together.—A. I do not remember of any.

Q. I now ask you to take this ticket, headed "Republican ticket," with the words "For governor, Albert G. Porter," and marked as Exhibit C to the deposition of William Wallace, and I will ask you if that is the ticket voted and used by the Republicans at the State election in 1880?

(Objected to as incompetent, irrelevant, and immaterial.)

A. I think it is.

Q. I hand you now a ticket headed "Democratic ticket," with the words "Democratic ticket" printed across a flag, and with the further words "For governor, Frank-

lin Landers," and marked Exhibit Z, to the deposition of James A. Wildman, and state if that is the ticket used by the Democrats at the State election in 1880?

(Objected to for the reasons above stated.)

A. I think it is.

Q. I will ask you to fold those two tickets as votes are ordinarily folded when being voted, and state if there is any difference in the appearance and width of those tickets, especially in the width?—A. Yes, sir; there is a difference.

Q. State if you could tell the difference between those tickets by feeling?—A. Yes, I think I can tell by feeling; I could by sight I know.

Q. State if there is not a more marked difference between those two State tickets, voted in 1880, by sight than there is between the two tickets voted in this city in 1882?—A. Yes, sir; I think there is.

Q. By looking at them by sight when folded?—A. Yes, sir; there is, I think.

Cross-examination by Mr. WILSON:

Q. When were you appointed collector?—A. The 15th day of July, 1882.

Q. You say you do not remember any complaint being made at that precinct by any one of the character of this Republican ticket; I will ask you, do you not recollect that Senator McDonald drove up there in his buggy and walked up close to the chute and a crowd got around him and he took those tickets out and most earnestly protested against the use of them and spoke of them as "spring back" tickets, and went on and denounced them at that precinct on the morning of the election, not long after the polls were opened?—A. No, sir; I do not remember of seeing Senator McDonald that day. It might have been, but I do not recollect him.

Q. Were you a member of the election board at that precinct that day, or were you one of the judges or inspectors?—A. No, sir; I was outside.

Q. You were upon the outside?—A. Yes, sir; all the day; I don't say I was at dinner time; I was at dinner about 30 or 40 minutes probably.

Q. That Republican national ticket to which Mr. Peelle called your attention marked Exhibit F to the deposition of Mr. Wallace is gotten up on very stout material, is it not?—A. What do you mean by stout; thick?

Q. Yes; thick and compact, and finished so as to give it an elastic character.—A. Well, I don't know, comparatively speaking; you would have to compare it with something weaker than that to call it stout.

Q. As compared with the Democratic ticket at that election?—A. Yes, sir; it is heavier than the Democratic ticket, I believe.

Q. What difference is there between that Republican ticket used at that election—the national ticket—and the Republican ticket used at the November election, 1882, as to material?—A. I am not judge enough of paper to tell much about that.

Q. I am just asking you as to the elastic character—the thickness, finish, and polish?—A. This Republican State ticket has not been handled as much as the national ticket, so it is pretty hard to tell; you cannot compare these because they are not all the same.

Q. From the mere appearance of the paper, what would you say was the general difference, if any, between the two Republican tickets; the one used in November, 1882, and the one used at the national election by the Republicans in 1880?—A. I don't believe from handling there is much difference.

Q. There is a great difference in length?—A. Yes, sir; of course.

Q. There is considerable difference in the width?—A. Yes, sir; certainly a difference in width and length.

Q. Looking at the Republican State ticket to which Mr. Peelle first called your attention, marked Exhibit C, to the deposition of William Wallace, I ask you to look at that paper and say whether or not it is on a slick and glossy material back and front?—A. It is a smooth ticket I see by the finish.

Q. It is a smooth ticket and a good deal narrower than the Republican ticket that you say was used in November, 1882, is it not?—A. Yes; it is narrower.

Q. I call your attention now to three tickets: the Democratic ticket, with the flag on it, marked Exhibit G to the deposition of David Swain, and the Democratic ticket marked Exhibit B to the deposition of C. F. Holliday, and the Democratic ticket marked Exhibit E to the deposition of William Wallace, the three tickets having been used; the flag ticket in 1880, Exhibit B in 1882, at the November election, and the national ticket in 1880. Making allowance for time, I will ask you if there is not uniformity in the character of the material upon which they are printed?—A. Yes, sir.

Q. Substantial uniformity now?—There is a difference in the width of the national ticket and the other two.

Q. The other two are about three inches wide, are they not; about the same width?—A. There is a difference between those voted in October and November; a slight difference, perhaps an eighth of an inch, between the two State tickets.

Q. Do you call that an eighth of an inch?—A. It is a little over a sixteenth; it is

very close to an eighth; it is just exactly an eighth. There is a difference of exactly an eighth.

Q. My question was as to the substantial difference, if any, between the quality of the material upon which they are printed.—A. I am not judge enough of paper to say.

Q. Mr. Peelle asked you a similar question about the other ticket?—A. He did not ask me anything about that.

Q. What do you say about the appearance of them?—A. If they are different, so far as the quality of the paper is concerned, I cannot tell you anything about that; I do not know anything about that.

Q. Is there not a more marked difference in the quality of the three Republican tickets voted at the corresponding times than there is between the three Democratic tickets that are there on the table before you?—A. I cannot tell about the quality.

Q. What about the appearance; how do they appear to you?—A. These taken together—of course that is the way you want me to take them?

Q. Yes, sir; the Republican tickets taken together, as to the appearance and quality.—A. Yes, sir; those two of the Republicans are alike, and these two are almost alike; there is about an eighth of an inch there.

Q. I am asking you about the appearance of the quality of the paper.—A. The trouble is here, that you have one substantially new and one very old; I cannot tell. Of course one is lighter paper than the other.

Q. Speaking of the color?—A. Yes sir.

Q. Then you cannot answer those questions?—A. No, sir; I do not feel competent to answer as to the quality, for I never dealt in paper.

Q. Mr. Peelle asked you if there were any tickets voted together?—A. He asked me if I knew of any; I do not know of any.

Q. You were not there when they were counted?—A. No, sir; I went away as soon as the polls closed.

Q. Therefore, you do not know anything about that?—A. No, sir.

Q. I understand you to say that at the time you were there acting in the capacity you have described, you were United States collector?—A. Yes, sir; you understood me so.

Q. Did not Mr. Peelle recommend you to that office?—A. What office?

Q. United States collector?—A. I do not know whether he did or not.

Q. You do not know even whether he favored you?—A. I do not know that I need to answer that question. I do not know anything about his recommendation.

Q. Did he promise to recommend you?—A. No, sir.

Q. Did you ask him to recommend you?—A. No, sir; I never did. You can put Mr. Peelle on the stand and ask him the same question.

Questions by Mr. PEELLE:

Q. Your appointment is one that is controlled and recognized as being controlled by the Senator?—A. Yes, sir.

Q. Did you hear any complaint, or hear anybody intimate that anybody had voted more than one ballot there?—A. I did not.

HORACE MCKAY.

HUGH J. DRUMMOND, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. Hugh J. Drummond; my age is 41; my residence is 277 South Missouri street, Indianapolis, Indiana.

Q. What is your occupation?—A. I work at Drew & Wasson's, shipping and collecting.

Q. What is their business?—A. The coal business.

Q. How long have you been in the coal business?—A. The first day of May of this year.

Q. Have you any trade or profession?—A. Yes, sir; I am a baker by trade.

Q. How long have you lived in this city?—A. Twenty-three years.

Q. State if you attended the Congressional election in this city in 1882, in November.—A. I did.

Q. What precinct and ward?—A. The 1st precinct of the 16th ward.

Q. Did you act in any official capacity?—A. As a worker and challenger. I challenged that day for Mr. Astley, whose brother Sam died a short time ago, and he was sick.

Q. What portion of the time were you there?—A. I was there from the time the polls opened until probably one o'clock, and then I went and got dinner, and I was there until they closed.

Q. How long were you at dinner?—A. Probably half an hour to an hour.

Q. Was there any complaint made there that day about this Republican ticket by any one? and, if so, state.—A. Not that I remember of.

Q. Was you in a position to know and hear if there had been any complaint made?—A. Well, standing there I would have heard of it, I think.

Q. Did you see the tickets as they were voted by both parties there?—A. Yes, sir.

Q. How far were you from the ballot-box?—A. I suppose probably three feet or three and a half.

Q. I hand you a ticket headed "Republican ticket," and marked Exhibit A to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket used and voted by the Republicans on that day at that precinct.—A. I believe that is the ticket.

Q. I now hand you a ticket headed "Democratic ticket," and marked Exhibit B to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket that was voted by the Democrats at that precinct on that day?—A. I presume it is; yes.

Q. I will ask you to state if, when those tickets are folded with the names on the inside, as tickets are usually and ordinarily folded by voters, you could tell or distinguish by sight, as the voters were going to the box to deposit their tickets, one from the other.—A. You mean when they were voted?

Q. When the tickets were ordinarily folded, could you tell by the external appearance of the ticket what ticket a man was voting?—A. I never could.

Q. Did you make any effort to do that that day?—A. No, I did not. That is the first time I have ever challenged. I have been on election boards a good many times, and there are so few Republican voters down there that I generally know who would vote the Republican ticket, and I made no special effort, and I never was able to distinguish one ticket from the other, that I know of. In fact, I never charged my memory with it, and did not do anything of that kind.

Q. You are a Republican?—A. Yes, sir.

HUGH J. DRUMMOND.

By agreement of the parties the further taking of these depositions was adjourned until Monday, November 12, 1883.

MONDAY, *November* 12*th*, 1883.

The parties met pursuant to adjournment.

HENRY SALISBURY, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your age, name and residence.—A. Henry Salisbury; age, 63; residence, Indianapolis, Indiana.

Q. How long have you resided in Indianapolis?—A. I have been here since 1869.

Q. What business are you engaged in?—A. Paper manufacturing.

Q. What is the name of your firm?—A. The Salisbury & Vinton Paper Company.

Q. Have you been in that business since you have been in this city?—A. Yes, sir.

Q. What business were you in prior to that time?—A. Before I came here I was in the same business.

Q. Where were you engaged in that business?—A. Springfield, Massachusetts.

Q. Engaged in the manufacturing of paper in Springfield, Mass.?—A. Yes, sir; my mill was not there, but I resided there, and did business there.

Q. Were you ever engaged in the business of paper dealing?—A. Yes, sir.

Q. How long were you engaged in that business?—A. Nine years.

Q. What kind of paper did you handle as a dealer?—A. Nearly all grades of paper—fine papers and coarse papers.

Q. What kind of paper do you manufacture in your mill in this city?—A. Principally "news."

Q. Do you manufacture any other kinds?—A. Some little "book."

Q. How high a grade of "book" do you make?—A. About medium quality; not a very high grade.

Q. I hand you a ticket headed "Republican Ticket," and marked Exhibit A, to the deposition of C. F. Holliday, and I will ask you to take that ticket and examine it carefully and state what kind of paper it is printed on, if you can?—A. I should call that a "book" paper.

Q. About what weight would you call that, say 19x24, five hundred sheets to the ream?—A. I should think about forty pounds.

Q. About forty pounds, 19x24?—A. Somewheres about that; I cannot tell it exactly.

Q. Take its size 25x38, five hundred sheets to the ream, and how much more would it weigh than that?—A. Nearly twice as much more.

Q. You think about eighty pounds?—A. About eighty pounds.

Q. I now hand you a ticket headed "Republican Ticket," which was put in evi-

dence in this case by the contestant, on the cross-examination of William Wallace, and which is marked Exhibit Q to the deposition of William Wallace, and I will ask you to take that ticket and examine it carefully, and compare it with the ticket you have in your hand and state what difference, if any, there is between the paper of the two tickets?—A. I should say it was a little better grade of paper, perhaps.

Q. What ticket is that; the one I handed you last?—A. Yes, sir; possibly.

Q. Which is the better grade?—A. I should call that one the nicest paper of the two.

Q. That is the ticket marked Exhibit Q to the deposition of William Wallace?—A. Yes, sir.

Q. In what way is it a better grade?—A. It is a little better quality, and possibly a little better stock; more in its color than its stock.

Q. What difference do you think there would be between the weight of a ream of that and the weight of a ream like that which I first handed you, the same size?—A. There would be very little difference, I should think, from the feeling of it; possibly it is a little mite the heaviest of the two, I judge.

Q. The one marked Exhibit Q to the deposition of William Wallace?—A. Yes, sir.

Q. About how much heavier would you think it a ream?—A. Perhaps ten pounds, I cannot say exactly; It might not be as much as that.

Q. I now hand you a ticket, which has been considerably handled, headed "Republican Ticket," and marked Exhibit F to the deposition of William Wallace, with the words on it, "For President, James A. Garfield," and I will ask you to examine that and state, as near as you can, the kind of material that ticket is printed on?—A. I should think it was a rag paper, made of rags; that is the material that it is made of.

Q. What particular kind of paper?—A. That is book paper.

Q. What is the difference between the weight of that ticket, if any, and the ticket you hold in your hand, especially the one first handed you and marked Exhibit A to the deposition of Mr. Holliday?—A. I should say there was about twenty pounds, 25x38.

Q. I will ask you to state, when that paper is in sheets 19x24 or 25x38, what it is known as in the trade?—A. It is known as "book" paper.

Q. What is the color of that paper—I mean those tickets voted in 1882?—A. It is what they call white paper.

Q. Is it, or not, plain white paper?—A. I should say it was plain white paper.

Q. I believe you are a Republican?—A. Yes, sir; not a very violent politician.

Q. You never occupied any official position?—A. No, sir.

Q. You never was a candidate for office?—A. No, I think not.

Q. I now hand you a ticket marked Exhibit B to the deposition of Mr. C. F. Holliday, and headed "Democratic ticket," and I will ask you to state what kind of paper that ticket is printed on?—A. I should call that a "book" paper.

Q. Is there any difference in the finish of the two Republican tickets I handed you, one being introduced in the deposition of Mr. Holliday, and the other in William Wallace's deposition?—A. Very little. Perhaps that one marked Q is a little finer.

Q. That one marked Q to the deposition of William Wallace?—A. Yes, sir; there is very little difference in the finish.

Q. I will ask you to state whether or not bristol board or card-board is known as paper in the trade, and handled and sold as such?—A. Not as paper, and yet it is paper; but is known by name as bristol-board or card-board.

Q. I will ask you to state if at the mill in this city, of which you are one of the proprietors, you can manufacture book paper as heavy as the paper upon which that Republican ticket is printed—I mean the one marked Exhibit A to the deposition of Mr. Holliday, that I first handed you?—A. Yes, sir; we could.

Q. What is the finish of those two tickets, the first one I handed you?—A. It is calendered paper; nothing fine, but a good, fair quality of calendered paper.

Q. Would you say it is what is termed super-calendered?—A. No, sir; I should not say it was.

Q. Is it sized?—A. It is sized, probably.

Q. What is the process of calendering paper?—A. Simply running through heavy iron rollers.

Q. State what difference there is, if any, in the process of manufacturing the paper upon which those Republican tickets are printed, and the process of manufacturing the paper upon which that Democratic ticket is printed?—A. I would not suppose there is any difference.

Q. Is there any difference in the material, the stock?—A. No, sir; not much, I do not think; simply a lighter weight.

Q. Then, as a matter of fact, the stock is the same and the process of manufacturing the same, except that the heavier tickets are run through the rollers a little more to put a finer finish or calender on?—A. That is all.

Q. State if that paper upon which that Democratic ticket is printed has been calendered?—A. It has been calendered, but not so much.

Q. State, now, if either of the tickets that I handed you are what is termed "toned" paper.—A. I hardly understand the word "toned" used in connection with paper, unless it means color.

Q. Has there been any coloring of those Republican tickets I handed you—any coloring matter put in them?—A. Yes, sir.

Q. What is it?—A. Probably there was a little bluing used in giving them their shade.

Q. State if in the absence of bluing, paper could be made as white as that paper upon whith the Republican tickets are printed?—A. It is possible. It may be with some fancy stock, but the tendency is to yellow, unless it is shaded with bluing.

Q. Would you say there was or was not bluing used?—A. Yes, sir; I should say there was.

Q. In those two Republican tickets?—A. Yes, sir.

Q. Was you in this city at the time of the Congressional election last November?—A. Yes, sir.

Q. Did you attend the election?—A. Yes, sir.

Q. What precinct and ward, if you remember?—A. I live in ward 5.

Q. Did you spend any time at the polls other than simply as a voter?—A. No, sir.

Q. I will ask you if from your experience in the handling of paper, and in the manufacture of paper, this ticket marked Exhibit A to the deposition of Mr. Holliday and the ticket marked Exhibit B to the deposition of Mr. Holliday, being the Republican and Democratic tickets voted in this city at the Congressional election, 1882, could, when folded as tickets are ordinarily folded in the hands of the voter, be told or distingished by sight, one from the other—a man having but one ticket, of course, in his hand at the time of going to the polls to vote?—A. I should not suppose there would be any noticeable difference. I should not suppose there would be.

Q. As an expert in the handling of paper and manufacturing of paper, could you when those tickets are folded separately and voted separately, retain the distinction in color in your eyes sufficiently to detect or distinguish one from the other, as they were being voted?—A. No, sir.

Cross-examination by Mr. WILSON:

Q. Do you manufacture plate paper at your mill?—A. No, sir.

Q. You do not manufacture lithographic plate?—A. No, sir.

Q. Can a mill that manufactures print paper manufacture lithographic plate?—A. Not without some additional machinery.

Q. Can the same machinery manufacture lithographic plate that manufactures print paper?—A. The same machinery would be carried to a certain extent, but they would not put the finish on without additional machinery.

Q. You manafacture principally what kind of paper?—A. News paper.

Q. How much book paper do you suppose you manufacture a year?—A. I do not know. We do not make a great deal. Occasionally we get an order, but not much.

Q. Then you do not manufacture very much book paper?—A. Not very much.

Q. Did you ever manufacture any book paper as thick as that [indicating]?—A. I think we have. I think we have made some about as thick as that.

Q. When?—A. Some few years ago; I do not know exactly when it was.

Q. To whom did you sell it?—A. I think it went to St. Louis, if I remember aright.

Q. Is it not true that Bristol board is manufactured thinner than that Republican ticket?—A. I do not think I ever saw any thinner; I do not know; it may be.

Q. What is book paper made out of?—A. Made of rags and other materials—maybe wood and straw mixed with the rags.

Q. How is blotting paper made?—A. It is made of soft stock, and not calendered hard.

Q. What is used to produce the soft character?—A. Usually cotton waste. There is some use woolen waste, but usually cotton waste.

Q. I call your attention to the specimen there which I hand you, and ask you what it is?—A. It may be card, or it may be collow paper or card. I do not know which it is. It may be book paper—whatever it is made for I do not know.

Q. What is it called in the trade?—A. What is what called?

Q. That specimen you have there.—A. Whatever it was made for; I do not know what it was made for.

Q. What it was made for determines the name of it?—A. Usually.

Q. Therefore, if you were to make lithogrephic plate paper and print a book upon it, you would style it a book paper?—A. Certainly.

Q. And if it had been made for plate, you would style it plate paper?—A. Yes, sir; certainly.

Q. And if it was made for the purpose of printing tickets on, you would call it ticket paper?—A. I do not know about that.

Mr. WILSON. I offer that specimen in evidence as a part of the cross-examination of Mr. Salisbury, and desire that it shall be marked as an exhibit by the stenographer.

The paper will be found attached to the deposition of Mr. Salisbury, and marked as Exhibit U.

Q. I call your attention to another specimen, and ask you to examine that and state what it is called in the trade.—A. I do not know. I never handled that kind of paper.

Mr. WILSON. I offer that specimen as an exhibit to the cross-examination of Mr. Salisbury, and ask that it be marked by the stenographer. The specimen will be found attached to this deposition as a part thereof, and marked Exhibit V.

Q. I call your attention to a specimen of paper there, and I will ask you what it is?—A. I should call that book paper.

Mr. WILSON. I offer that specimen in evidence as a part of the cross-examination of Mr. Salisbury, and desire that it shall be marked by the stenographer. The paper will be found attached to this deposition as a part thereof, and marked Exhibit W.

Q. Please look at that specimen and tell us what it is.—A. That may be a book paper, or it may be what they call a light flat cap paper, I should think.

Mr. WILSON. I offer that specimen in evidence as a part of the cross-examination of Mr. Salisbury, and desire that it be marked by the stenographer. The paper will be found attached to this deposition as a part thereof, and marked Exhibit X.

Q. Did you watch the election of the 7th day of November, 1882?—A. No, sir.

Q. You did not observe that day the difference in the paper?—A. No, sir.

Q. Can you tell the difference between those two tickets Mr. Peelle called your attention to—the Democratic and Republican tickets—by feeling them?—A. I do not know that I can. I do not remember now.

Re-examination by Mr. PEELLE:

Q. If they were folded up, could you tell the difference between them in handling them; can you tell which is the Republican and which is the Democratic ticket by holding them in your hands, by feeling them when folded?—A. There is a plain difference in the feeling of them, one being thicker than the other.

Q. I believe you stated that your manufacture of paper consisted principally of news and book paper in your experience?—A. Yes, sir.

Q. And it is as a manufacturer, therefore, of news and book paper that you answer that this Republican ticket is printed on book paper?—A. Yes, sir.

Q. And beyond the domain of book paper you do not profess to be an expert as a manufacturer, as I understand it?—A. No, sir.

Q. But you are familiar with all kinds of paper from handling it as a dealer?—A. Yes, sir.

HENRY SALISBURY.

Exhibit U to the deposition of Henry Salsbury, on cross-examination.—Paul C. Hendricks, Notary Public.

(Omitted. See original, page 1271.)

(Indorsed:) Exhibit U to the cross-examination of Mr. Salisbury.

Exhibit V to the deposition of Henry Salsbury, on cross-examination.—Paul C. Hendricks. Notary Public.

(Omitted. See original, page 1272.)

(Indorsed:) Exhibit V to cross-examination of Mr. Salisbury.

Exhibit W to cross-examination of Henry Salsbury.—Paul C. Hendricks, Notary Public.

(Omitted. See original, page 1273.)

(Indorsed:) Exhibit W to cross-examination of Mr. Salisbury.

Exhibit X to cross-examination of Henry Salsbury.—Paul C. Hendricks, Notary Public.

(Omitted. See original, page 1274.)

(Indorsed:) Exhibit X to cross-examination of Mr. Salisbury.

W. C. DAVID, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. W. C. David; 38 years old; residence, 131 North Meridian street, Indianapolis, Indiana.

Q. What is your trade or business?—A. At present I am employed with the collector of internal revenue.

Q. Did you attend the election in this city in 1882?—A. I did, sir.

Q. You are a Republican, I believe?—A. Yes, sir.

Q. At what precinct and ward did you attend the election in this city?—A. I think it is the second precinct, here on Ohio street, between Pennsylvania and Meridian, in the 11th ward.

Q. Who was inspector at that precinct?—A. Mr. Kitz, the township trustee.

Q. State what portion of the day you were there.—A. I was there nearly all day, probably from ten o'clock in the morning, all day, until the closing of the polls. I may have left for dinner; it is likely I did.

Q. Did you act in any capacity as a challenger or worker there?—A. I was a worker at the polls.

Q. Did you see the tickets and observe them or not as they were voted by the voters there?—A. Yes, sir.

Q. Did you hear any complaint made there by any one about the Republican ticket in any way?—A. In what particular way?

Q. Any complaint or objection to the character of the Republican ticket.—A. No, sir; I heard none.

Q. I hand you a ticket headed "Republican ticket," and marked Exhibit A to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket voted by the Republicans at that precinct that day, if you know.—A. It looks as though it might be the same ticket.

Q. I hand you a ticket headed "Democratic ticket," marked Exhibit B to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket used by the Democrats at that precinct on that day?—A. It resembles the ticket used on that day.

Q. State if those tickets are folded separately with the names on the inside, as tickets are ordinarily, or usually, folded by voters when they vote, you could tell or distinguish one from the other by sight as a voter would go up to the box to deposit his ballot?—A. I could not.

Q. State if you made any effort that day to tell how men were voting by the appearance of their tickets?—A. I presume I did. I usually do in standing around the polls endeavor to ascertain what ticket a man is voting when he is going up the chute if I can.

Q. Were you or not able to do that that day in any instance?—A. I was not; not from looking at them.

Q. State if any complaint was made to the board that day about the character of the Republican ticket by any one that you know of.—A. I heard none.

Q. State if you know of any one who cast more than one of those votes at a time there—voted two ballots.—A. I know that I went up to the chute with two tickets folded up, but they were not voted.

Q. Was your attention called to it?—A. It was, sir.

Q. How did that occur?—A. It was when I first went to the polls in the morning, and I had no tickets in my possession, and I asked some person—I don't know who it was now—that I met at the corner to give me a ticket, and he handed me, as I supposed, one; and, glancing at it casually, I ascertained that it was the Republican ticket, and I folded it up and went up to the chute and gave my name, and handed the ticket to Mr. Kitz, and then went down the chute; and when I reached the foot, Mr. Kitz remarked, he says, "Will, you have got two tickets folded here"; and I turned around and went back, and he handed me the tickets, and there were two tickets folded together.

Q. What remark did you make to him at the time?—A. The Democratic challenger spoke to me and says something like, "That won't do," or some such remark as that, which I did not like very well, and I simply turned to him and said, "I think you ought to make no remarks, for if that had gone into the box I should have been the loser and you the gainer." That was the Democratic challenger. I think it was Mr. Meyers; and I said if that had gone into the box he would be the gainer, and I the loser, as my vote would have been thrown out.

Q. The two tickets being folded together?—A. Yes, sir; they were folded lengthways.

Q. When your attention was called to it you folded one up and handed it in?—A. Yes, sir.

Q. The township trustee knew you very well?—A. Oh, yes, sir; he has known me for years.

Q. How long have you lived here?—A. I have lived here since 1859, with the exception of the time I was in the Army.

Cross-examination, by Mr. WILSON:

Q. What official position did you hold at that time?—A. I held no official position at that time.

Q. What official position did you hold prior to that time?—A. Up to 1878 I held a position under the United States marshal, General Spooner. I was with him twelve years.

Q. You retired in 1878?—A. I think it was 1878, or the early part of 1879. When Dudley came in I went out.

Q. What position do you hold now?—A. Clerk in the collector's office of internal revenue.

Q. Can you tell one of those tickets from the other by handling them?—A. No, sir; I do not think I can.

By Mr. PEELLE:

Q. You do not remember of having handled them to see?—A. I made no effort to detect them in that way.

WILLIAM C. DAVID.

W. C. NEWCOMB, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. W. C. Newcomb; 51 years old; residence, 107 St. Joseph st., Indianapolis, Ind.

Q. What is your occupation?—A. Flour and feed business at present.

Q. You are a Republican, I believe?—A. Yes, sir; always trained in that camp.

Q. Did you attend the Congressional election in this city in 1882, in November?—A. Yes, sir; I did.

Q. In what precinct and ward?—A. Second precinct, Sixth ward.

Q. Were you occupying any official position there?—A. I was committeeman of the ward, and assisted the challenging committee at the election.

Q. What portion of the day were you at the polls?—A. I think I was there pretty near all day.

Q. Did you see the tickets voted?—A. Yes, sir.

Q. I hand you a ticket headed "Republican ticket," and marked Exhibit A to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket used by the Republicans on that day at that precinct?—A. It looks very much like it; I think that is the same ticket.

Q. I hand you a ticket headed "Democratic ticket" and marked Exhibit B to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket used by the Democrats on that day?—A. I should think it was; it has that appearance.

Q. State if, when those tickets are folded with the names on the inside, as tickets are ordinarily folded by voters when voted, if you could by sight tell or distinguish one from the other?—A. When they were being voted it was very hard to distinguish them. They are folded up and held in the hand so you cannot see the entire ticket; if you could get to see the entire ticket, as that is folded up in that way, you could tell the difference, but in voting there was several parties all day watching every one to know how they voted, and several times I could not tell what ticket they were voting, if I could only see part of the ticket.

Q. Could you, in fact, tell one ticket from the other when they were being voted?—A. No, sir; I think not; I could not, because I tried that day on several occasions to tell what ticket a party voted, and seeing a part of the ticket I could not do it.

Q. Was any objection made there that day to the character of this Republican ticket?—A. I think not.

Q. Did the vote as counted out at that precinct correspond with the poll-list?—A. I think it did exactly; there were two tickets, I think. I know there was two Republican tickets thrown out that were laid out that we supposed to be voted together, and I think it proved so, and on footing up and tallying I think there was one of each party voted that way, and we were satisfied they were voted togther, and laid them out until we got through, and in counting the tally-sheet we became convinced that they were voted double.

Q. And they were not counted?—A. No, sir; that is my impression. I am sure there was one, and I think there was one of each party.

Cross-examination by Mr. WILSON:

Q. Could you tell the difference between those tickets by feeling them and handling them?—A. Oh, yes; I could tell the difference by handling, because one was a good deal thicker and more of it than the other.

Question by Mr. PEELLE:

Q. Have you or not been able to do that in elections prior to 1882 in this city?—A. There has always been a difference in them, and frequently a difference more marked in sight than this time. The tickets were the same length and width, and I have known before at almost all previous elections there was a difference in the width so one could tell from the thickness which ticket they were voting, but this time they were the same length and width, and it was very hard to tell unless you could make a close observation of the ticket.

W. C. NEWCOMB.

M. F. CONNETT, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—M. F. Connett; age, 33; residence, Indianapolis, Ind.

Q. What is your business?—A. I am city assessor at present.

Q. How long have you resided in this city?—A. Since September, 1871.

Q. How long have you been city assessor?—A. Since September, 1879.

Q. Did you attend the Congressional election in this city in November, 1882?—A. Yes, sir.

Q. What precinct and ward?—A. Second precinct, 13th ward. I will say here that I am not positive about the number of the precinct. It was the north precinct of the ward, north of Vermont street—Vermont street being the dividing line.

Q. Who was the inspector?—A. The inspector was Thomas E. Chandler.

Q. I hand you a ticket headed "Republican ticket," and marked Exhibit A to the deposition of Mr. Holliday, and I will ask you to state if that is the Republican ticket voted at that election.—A. I presume that is the same ticket.

Q. I hand you a ticket headed "Democratic ticket," and marked Exhibit B, to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket used by the Democrats at that election.—A. Yes, sir; that is the ticket, I think.

Q. In what capacity did you act in at the polls that day?—A. I was challenger for the Republicans.

Q. How much of the time?—A. All of the time.

Q. Were you there all day?—A. Yes, sir.

Q. State if, when those tickets were folded in the hands of voters, with the names on the inside, as tickets are generally and ordinarily folded when voted, if it could be told or distinguished from the Democratic ticket by sight?—A. I could not tell them when the voters would come to the chute—with this ticket?

Q. That is what I mean.—A. No, sir; you could not tell.

Q. Did you make any effort to do it?—A. Certainly; we always do. We never make much effort to distinguish what kind of a ticket a man was voting if we knew him to be a legal voter in the ward; but with strangers and men that are suspected of bartering their vote for money we are very particular, and try to find out what kind of tickets they vote.

Q. Could you tell the difference between those tickets from the feeling of them?—A. Oh, yes, sir.

Q. Have you been able at elections previous to 1882 to tell that?—A. I have always been better able to tell it than this last time from the simple reason that one party or the other would print their tickets on very thin paper—even thinner than that Democratic ticket—and had a habit of putting a very heavy impression upon it, so the ticket would be sometimes as readily read from the back as from the front. I have acted as challenger and filled that position there for eight years, and I did more of it this time than ever before, for if a man held his ticket close we could not tell anything about it. Of course, if he came up with his ticket held loosely you could tell; but there is not one man in a hundred that voted that way in our part of town.

Q. State how many precincts there were in the 13th ward at the November election, 1882?—A. Two.

Q. Did they ever vote by the precincts in that way before?—A. Not in that way. We voted at the April election by precincts, but we had three.

Q. Do you know Esador Dietch?—A. Yes, sir.

Q. Was he at work there at the polls that day?—A. Yes, sir.

Q. The same precinct where you were?—A. Yes, sir; he lives in our precinct.

Q. What is his business?—A. I guess he is kind of a broker; I always understood that that was his business. He deals in horses and buggies, and speculates.

Q. How far is his house from the precinct there—from the voting place?—A. It must be nearly a square –that is, to go in the front way; but to go in the back way it is not probably over half a square from the voting place.

Q. Did you observe Mr. Dietch that day?—A. Oh, yes; I noticed him very frequently. He is one of the most important workers on the other side, and I did not get away from him very far.

Q. Did he have whisky anywhere there that day?

(Objected to as incompetent, irrelevant, and immaterial.)

A. That was the report.

Q. State what you know about his having whisky there, or selling it or giving it away that day?—A. Some of our boys said they were getting their whisky there, and I told the old gentleman he would get into trouble if he was not careful; I am testifying to report; I do not know anything about that.

(Objected to as incompetent, irrelevant, and immaterial.)

Q. State what you know from what you saw there that day.—A. From my own

personal knowledge I do not know anything; only I know they arrested him for giving away whisky.

Q. What do you know about his giving away whisky, or what did you see about that?—A. Personally I did not see his whisky; I do not know anything about it in that way.

Q. What did you say to him about it?—A. I told him the rumor was that he was giving away whisky, and I told him he would get into trouble, and he asked me if I would go to his house and have a drink, and I told him no, I would drink with the Republicans, and I told him I did not want to get him into any trouble.

Q. What do you know in regard to the boys that went to his house to get a drink?—A. I do not know whether they got any or not.

Q. What was their conduct when they got back?

(Objected to.)

A. We were all very boisterous over there on election day, and I do not know as I would care to testify about that.

Q. You say he was arrested there that day on that charge?—A. Yes, sir.

Q. Was he arrested there on that day on any other charge?—A. Yes, sir; he was arrested shortly after that for attempting to purchase a vote; that is what he was arrested for.

Q. Did you see the man it was reported he had bought?—A. Yes, sir; I saw the man taken out of the chute.

Q. Did he attempt to vote?—A. Yes, sir; he came up and gave his name, and we usually interrogate a man and ask him where he lives, if we do not know where he lives, and so I asked him, "Where do you live, sir?" and of course everybody always undertakes to answer for a man, and there was considerable confusion, and I insisted upon the question being answered, and he answered, "295 Bright street," and the man that lived at that number grabbed him by the collar and pulled him over the chute and said, "You don't live there; I live there myself," and in the excitement and hurry of the business I staid right by the chute and didn't follow them up. They surged on down Vermont st., and I do not know what finally became of it; but I know they took the old man off again.

Q. That was Mr. Dietch?—A. Yes, sir.

Cross-examination by Mr. WILSON:

Q. Was that a colored man?—A. Yes, sir.

Q. What was his name?—A. Lacy.

Q. What was his full name?—A. I do not recollect his first name. I always had known him as "old Lacy."

Q. Did you see Mr. Dietch trying to purchase that vote?—A. No, sir; the first I knew of it was when he was in the chute.

Q. All you know about it was what you heard on that score?—A. I did not see him purchase it; but I said he was arrested for attempting to purchase it.

Q. Do you know anything about the attempt to purchase it?—A. I know something about it.

Q. Can you tell one of those tickets from the other by feeling?—A. Yes, sir.

M. F. CONNETT.

GEORGE T. PORTER, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. George T. Porter; age, 34; residence, Indianapolis, Indiana.

Q. What is your business?—A. I am attorney at law.

Q. How long have you been engaged in the practice?—A. Six or seven years.

Q. You are the son of Governor Porter of this State?—A. Yes, sir.

Q. State if you attended the Congressional election in this city in November, 1882?—A. Yes, sir.

Q. What precinct and ward?—A. I do not know what precinct it was. It was up here on Ohio st., between Meridian and Pennsylvania.

Q. What ward?—A. I believe it is the 11th ward.

Q. Who was the inspector?—A. The inspector was Ernest Kitz, I think.

Q. Township trustee?—A. Yes, sir.

Q. Were you there acting as challenger or worker?—A. I was acting as a citizen. I was not challenger, for I challenged nobody that I remember; but I was there most of the day, and was working in the interest of the Republican party.

Q. Did you handle the poll-book that day?—A. Yes; I had the poll-book much of the day that was prepared for the Republican canvass, I believe.

Q. You challenged no votes there that day?—A. Not that I think of. I do not think I ever challenged any voter, anywhere, at any election.

Q. I hand you a ticket headed "Republican ticket," and marked Exhibit A to

the deposition of Mr. Holliday, and I will ask you to state if that is the ticket used by the Republicans at that precinct that day, if you recollect.—A. It looks very much like it. I suppose it is.

Q. I hand you ticket headed "Democratic ticket," marked Exhibit B to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket used by the Democrats that day.—A. I presume it is; it looks very much like it.

Q. Did you observe the tickets there that day as they were being voted and folded in the hands of the voters?—A. Yes, sir.

Q. State if when the tickets were folded and in the hands of the voter, with the names inside as tickets are ordinarily and usually folded by voters when they vote, if you could tell or distinguish one from the other by sight.—A. No, sir.

Q. Did you make any effort to do it?—A. Yes, sir; I did make some effort, and I found I was not sharp enough for it.

Q. You can tell the difference in the feeling of the tickets?—A. Oh, yes; one, I presume, is thicker than the other.

Q. I hand you ticket headed "Republican ticket," with the words "For governor, Albert G. Porter," and marked Exhibit E to the deposition of William Wallace, and I will ask you if that is the ticket voted at the State election in this city in 1880?

(Objected to as incompetent, irrelevant, and immaterial.)

A. I believe it is; the heading looks like it.

Q. I now hand you ticket headed "Democratic ticket," with the words "Democratic ticket" written across a flag, with the further words "For governor, Franklin Landers," and marked Exhibit G to the deposition of David Swain. I will ask you if that is the ticket voted by the Democrats at that election?

(Objected to as incompetent, irrelevant, and immaterial.)

A. I think it is. I recognize these flourishes around the names of Franklin Landers and Daniel Lemon.

Q. Do you recollect anything about the heading of the ticket?—A. Well, yes; the flag at the top I recollect, but particularly the manner in which those names were printed upon the ticket.

Q. Could you readily paste over those names?—A. Well, I suppose so; I did not try. It would take perhaps a rather crooked paster to go over the names.

Q. State the probable difference in the width of those two tickets.—A. Well, I should think there was something over a quarter of an inch difference.

Q. Fold those two tickets as tickets are ordinarily folded when voted. Fold them separately with the names on the inside. I now ask you to state if, when those tickets are folded, there is not a more marked difference between the appearance of the tickets when so folded than there is between the tickets voted at the Congressional election in November, 1882?—A. I should think so, on account of the difference in length when folded, provided one could see the length of the ticket when folded.

Q. I now hand you ticket headed "Republican ticket" with the words for "President, James A. Garfield," and marked Exhibit F, to the deposition of William Wallace, and I will ask you to state if that is the ticket voted by the Republicans at the national election in 1880?—A. I have no doubt of it; I recognize that heading.

Q. I hand you ticket headed "Democratic ticket," with the further words "Winfield Scott Hancock," and marked Exhibit E, to the deposition of William Wallace; and I will ask you to state if that is the ticket voted by the Democrats at that election?—A. That I do not recollect so well.

Q. I will ask you to fold these two tickets in the same manner that you did the other two, and state what the probable difference in the width of those two tickets, when folded, is?—A. I should think about $\frac{1}{8}$ of an inch or more.

Q. State if when those two tickets are folded and a looker-on can see the tickets, if there is not a more marked difference between those two tickets by sight than there is between the tickets voted at the Congressional election in 1882.—A. I should say there was.

Q. Can you feel a difference in those tickets?—A. Oh, yes.

Cross-examination by Mr. WILLON:

Q. How old do you say you are?—A. Thirty-four.

Q. You state you could not see a difference between those tickets there that day?—A. No; I do not think I could.

Q. Was your attention called to that matter in such a way that you made a special effort?—A. I think I made an ordinary effort to see. I do not think I made a special effort to see.

Q. Is not your eyesight very bad?—A. No, sir; my eyesight is rather good I believe.

Q. You say you made an ordinary effort?—A. Yes, sir.

Q. You say you were challenger that day?—A. No, sir; I was not challenger.

Q. Is there any ordinary way of folding tickets?—A. No, I think not; some fold

them one way and some another. Some fold them many times and some fold them few times. Some fold them wider and some narrow.

Q. You can fold tickets when they are different in length so that the width when folded would be the same?—A. I suppose so; I did not experiment with them.

Q. You did not try that just now when you looked back at the tickets voted in 1880?—A. No, sir; I folded them in the ordinary way in which I think they are ordinarily folded.

Q. What is the ordinary way?—A. To take a ticket and put the ends together and bend them again and again until the voter gets them to suit him.

Q. That would give a difference in the appearance of those tickets that Mr. Peelle called your attention to used in the national campaign of 1880, growing out of the fact that they were very different in length; are they not?—A. Oh, yes.

Q. Are you an expert on the subject of paper?—A. No, sir; I am not.

Q. You can tell these tickets used here in 1882 very readily by handling them and by feeling them?—A. At that Congressional election, yes, sir; I suppose I could.

Q. Is there an ordinary way of holding a ticket when a voter starts up the chute to put his vote in the box?—A. Oh, I don't know that there is.

Q. You do not think there is?—A. I say I do not know that there is. I suppose they hold them in different ways; some men might display their ticket, and some men might choose rather to put it where it could not be very readily seen; but the tickets can be seen when they are handed to the inspector of the election.

Q. After they pass out of the hands of the voter to the inspector they can be readily seen. Is it not true that in voting at this precinct a number of voters get in the chute and walk very slowly up the chute, and each one waiting for the one in front to vote and get out of the way?—A. Yes, sir.

Q. Then the gentleman asks his name, and the men who have the poll-book on each side, Democratic and Republican, look through and find his residence and check him off; that is true, is it not?—A. That is generally the rule unless he is very well known.

Q. And then generally the officer who is in charge of the ballot-box, the inspector, announces the name to the clerks and they put it down?—A. Yes, sir.

Q. That consumes time?—A. Yes, sir.

Re-examination by Mr. PEELLE:

Q. The voting was pretty slow at that precinct?—A. I do not think it was very lively. I do not think that at any time there was a crowd in the chute. They came there rather slowly.

Q. I understand you to say you never challenged a vote in your life?—A. I do not think I ever challenged a vote in my life. I have no recollection of it.

Q. Do you recollect whether you challenged any at the last election?—A. I am pretty certain I did not at the last election. I did not know the politics. I did not prepare the poll-book or assist in its preparation, and I do not know who were the challengers for the Republicans on that day.

GEORGE T. PORTER.

W. C. WEST, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. W. C. West; 36 years old; I reside in the city of Indianapolis.

Q. What is your business?—A. Printer.

Q. With whom?—A. I have an office of my own—a publishing office—on West Washington st.

Q. What is the publication?—A. I have a general printing office, and publish a paper, the Grand Army Guide.

Q. How long have you been in the printing business and newspaper business?—A. Off and on since 1860, when I first commenced the business.

Q. Are you familiar with the different qualities of paper?—A. Some; yes, sir.

Q. Did you attend the Congressional election in November, 1882, in this city?—A. Yes, sir.

Q. What precinct and ward?—A. Second precinct and 21st ward.

Q. In what capacity did you act?—A. Clerk of the board.

Q. Did you see the tickets as they were voted there that day and handed in to the inspector?—A. Some of them; yes, sir.

Q. I hand you ticket headed "Republican ticket" and marked Exhibit A to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket used by the Republicans there that day?—A. Yes, sir.

Q. Do you know what kind of paper that ticket is printed on?—A. That is what they call No. 1 book paper.

Q. Is that a heavy or light grade of book paper?—A. Rather heavy.

Q. Is that what they call calendered?—A. Yes, sir.

Q. I hand you ticket headed "Democratic ticket" and marked Exhibit B to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket voted by the Democrats there that day?—A. I believe it is; yes, sir.

Q. What kind of paper is that ticket printed on?—A. What I would call No. 2 book paper.

Q. State if when these tickets are folded as tickets are ordinarily folded by voters when being voted, you could tell or distinguish by sight one ticket from the other, so as to know how a man was voting?—A. You could not.

Q. I hand you a ticket headed "Democratic ticket," with the words "Democratic ticket" printed across the flag, and the words "For governor, Franklin Landers," and marked Exhibit Z, to the deposition of Mr. Wildman; I will ask you to state if that is the ticket used by the Democrats in the State election in 1880 in this city?

(Objected to as incompetent, irrelevant, and immaterial.)

A. I do not recollect distinctly, but I think it was.

Q. Do you remember that, and have you any recollection of it?—A. I could not say that I could say positively that was the ticket.

Q. State what kind of a heading that Democratic ticket voted in 1880 has; a lithograph, wood-cut, or printed heading?—A. I would call it a wood-cut, I think, or print both.

Q. The flag you would call a wood-cut?—A. That is made from a wood-cut in the first place and electrotyped from that.

Q. Examine the heading of the Democratic ticket voted at the Congressional election in 1882 and marked Exhibit B to the deposition of Mr. Holliday, and I will ask you to state what kind of a heading that is, whether a wood-cut or lithograph, or print?—A. That is just regular type, I should judge; I would not say for certain; it might be an engraving, but I do not know whether it is or not.

Q. Do you think that is a wood-cut? Do you know of type in use of that kind?—A. Yes; you can get type like that; they have a style of type of that kind; I am not positive it is type, but it could be electrotyped from that; but still there is a style of type of that kind in general use. But that is an engraving [referring to the other ticket].

Q. The ticket voted for Franklin Landers in 1880?—A. Yes, sir.

Q. When you say engraving you mean wood-cut?—A. Yes, sir.

Q. Look at the scrolls around the name of Franklin Landers and also around the name of Daniel A. Lemon on that ticket with the flag on it, and state if that is necessary in the printing of the ticket?—A. No, sir; it is not necessary.

Q. I will ask you how the vote counted down there at that precinct corresponded with the poll-book?—A. I believe it did to the best of my recollection; that it tallied all right.

Cross-examination by Mr. WILSON:

Q. What were you doing there on the day of election?—A. I was clerk on the board.

Q. You say you have been in the printing business off and on since 1860?—A. Yes, sir; since I first commenced learning the trade; I commenced the business in 1860.

Q. As journeyman printer?—A. As a boy in the office—the devil.

Q. Did you not leave that and go into one of the county offices?—A. I left there and went into the army, and I was in the post-office awhile, and I came here to the city after the war in 1866 and worked at the business until 1870.

Q. From 1866 to 1870 you set type?—A. Yes, sir; carried on here, and had a job printing office from 1866 to 1870.

Q. From 1870, what were you engaged in?—A. After that I went in the sheriff's office under Colonel Ruckel.

Q. And staid there how long?—A. Until the spring of 1873.

Q. Then you went out?—A. Yes, sir.

Q. What did you do then?—A. I was elected city marshal, and served until 1875.

Q. What then?—A. I was in the post-office for about a year and a half.

Q. And then when did you resume the printing business?—A. In 1877 I went to work for the Journal Company.

Q. Commenced setting type for the Journal in 1877?—A. Yes, sir.

Q. When did you commence working where you are now?—A. Last February.

Q. So you have been a little more off than on in the printing business?—A. No, sir; I would not say more; about equally.

Q. You say you know something about paper?—A. I do not know that I said I knew anything about it. I think I do know something about it; yes, sir.

Q. You know how paper is manufactured?—A. No, sir; I cannot say that I do; I have seen it manufactured, but I cannot explain the process.

Q. Do you know anything about a white paper called lithographic plate?—A. But very little.

Q. Did you ever see a newspaper upon material like that Republican ticket—as heavy as that Republican ticket?—A. I could not say that I have; no, sir.

Q. You never saw it?—A. No, sir.

Q. What would be the weight of that paper upon which the Democratic ticket is printed on, and the one that was used November, 1882, sheets 25 by 38; how much per ream would be the weight of it?—A. I judge about 45, or probably 50 pounds to the ream.

Q. What would you say the weight of the material upon which the Republican ticket is printed, the sheets being 25 by 38; how much would it weigh per ream?

Mr. PEELLE. How many sheets in the ream, the same number of sheets?

Mr. WILSON. Yes, sir.

The WITNESS. That is No. 2; the No. 1 I would call about 65 pounds to the ream.

Q. Did you get to work on the outside much that day?—A. No, sir; I was not out that day; I was in the house that day.

Q. Can you not tell that Republican ticket from the Democratic ticket by the feeling of them?—Yes, sir.

Q. By handling it and feeling it?—A. Yes, sir.

Q. You are a Republican?—A. That is my politics.

Q. You have been a pretty active Republican, have you not?—A. No; not in late years; I have not in the last three or four years, I have not been very active. I have voted for nearly as many Democrats as Republicans in the last three elections.

Q. You acted with the board as clerk with the Republicans that day?—A. Yes, sir.

Q. What tickets were voted at your precinct—were all the tickets of the Republicans voted at your precinct like this one I show you?—A. If I remember correctly, yes, sir; they were.

Mr. WILSON. That is Exhibit Q shown to William Wallace.

Q. Was all the Democratic tickets voted at your precinct similar to the one Mr. Peelle showed you?—A. If I remember correctly, I think that is the kind.

Re-examination by Mr. PEELLE:

Q. That ticket Mr. Wilson handed you marked Exhibit Q to the deposition of William Wallace, I will ask you to take in your hands again, and I will also hand you the ticket marked Exhibit A to the deposition of Mr. Holliday, and I will ask you to examine those two tickets and state if there is any difference in them; I do not mean in the names on them, but I mean in the body of the paper and the width, &c.—A. I do not see any particular difference in those tickets.

WILLIAM C. WEST.

JESSE DE HAVEN, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. Jesse De Haven, age 42, residence 34 Sinker street, Indianapolis, Ind.

Q. What is your business?—A. I am plasterer by trade, but at present I am weigher at the Eastern market.

Q. How long have you lived in this city?—A. Since 1866.

Q. Were you at the Congressional election in 1882?—A. I was; yes, sir.

Q. What precinct and ward?—A. In the 1st precinct, 23rd ward.

Q Did you act in any official capacity?—A. No, sir; I was just there at the polls at work during the day.

Q. What portion of the day were you there?—A. I believe I was there from morning until night.

Q. I hand you ticket marked Exhibit A to the deposition of Mr. Holliday, headed "Republican ticket," and I will ask you to state if that is the ticket used by the Republicans at that election that day?—A. I believe that was, so far as I know.

Q. I hand you ticket headed "Democratic ticket," and marked Exhibit B" to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket used by the Democrats that day?—A. I could not say to that. We could not get any of them. I saw them, but I could not say positive that that was the ticket. It was something like that.

Q. Did the Democrats have a heavier ticket than that at that precinct?—A. I do not know as they did. I could not say as to that.

Q. Did you see the tickets as they were being voted by the different parties?—A. Yes, sir.

Q. State if when the tickets were folded as they were being voted there, if you were able to tell one from the other by sight, when folded and in the hands of the voters, with the names inside?—A. As they were put in, of course a person standing at the polls could tell.

Q. I mean standing looking on, as men went up the polls, without any knowledge of their politics, but simply seeing the tickets then?—A. No, sir; I do not thiuk a person just standing looking on could at all.

Cross-examination by Mr. WILSON:

Q. Could you tell by handling or feeling?—A. Yes, sir.

Questions by Mr. PEELLE:

Q. You have always been able to do that in this town?—A. Yes, sir.

Q. Has there ever been an election in this town since you have been here that you could not tell by feeling of the tickets?—A. No, sir; I think not.

Mr. WILSON. You are a Republican?

The WITNESS. Yes, sir.

JESSE DE HAVEN.

By agreement of both parties the further taking of these depositions was postponed until Tuesday, November 13, 1883.

TUESDAY, *November* 13*th*, 1883.

Parties met pursuant to adjournment.

P. H. JAMESON, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. P. H. Jameson; age, 59; residence, Indianapolis, Ind.

Q. State your business.—A. I am a physician.

Q. How long have you practiced?—A. 33 years.

Q. What portion of that time have you been engaged in the practice of medicine in this city?—A. All the time.

Q. State if you attended the Congressional election in this city in November, 1882—A. Yes. sir; I was there just long enough to vote.

Q. Did you see the tickets that were voted that day?—A. Yes, sir.

Q. I hand you a ticket headed "Republican ticket," and marked as Exhibit A to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket used by the Republicans that day?—A, I guess so; I think that is the Republican ticket.

Q. I hand you a ticket headed "Democratic ticket," and marked Exhibit B to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket used by the Democrats that day?—A. It was similar to that; I do not know for certain; I did not look very closely at the tickets.

Q. State if, when those tickets are folded with the names on the inside, as they are ordinarily folded by voters, they could be told or distinguished one from the other by external appearance?—A. I think not.

Cross-examination by Mr. WILSON:

Q. Do you mean when it is in the hands of the voter?—A. I mean when it is folded up tightly like a man folds his ticket when he wants to vote it.

Q. As a man folds it and holds it when he is going to vote?—A. Yes, sir.

Q. Could you tell them by touching and handling them?—A. I do not know that I could.

Q. You are a Republican?—A. Most generally; sometimes I vote for Democrats.

P. H. JAMESON.

JOHN MOUNTAIN, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. Your name, age, and residence?—A. John Mountain; I am 30 years old; my residence is Carlos street, No. 60, Indianapolis, Ind.

Q. What is your business?—A. I am a member of the fire department.

Q. Did you attend the Congressional election in this city in 1882?—A. Yes, sir.

Q. At the time Mr. Peelle and Mr. English were candidates?—A. Yes, sir.

Q. What precinct and ward?—A. 25th ward, third precinct.

Q. What position did you occupy that day?—A. Challenger.

Q. Were you on the police force that day?—A. No, sir; I was a member of the force, but I was not on the force that day.

Q. You were challenger there that day?—A. Yes, sir.

Q. I hand you a ticket headed "Republican ticket," and marked as Exhibit A to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket voted by the Republicans that day?—A. I think so.

Q. I hand you a ticket headed "Democratic ticket," and marked as Exhibit B to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket used by the Democrats that day?—A. Yes, sir; I believe it is.

Q. Did you see and handle those tickets that day?—A. Yes, sir.

Q. How much of the time were you at the chute as challenger?—A. I was there very nearly all the day.

Q. State if, when those tickets were folded in the hands of the voters, as tickets are ordinarily and usually folded, you could tell or distinguish one from the other by sight?—A. No, sir; I could not.

Q. Did you make any effort that day to do it?—A. No, sir.

Q. Did you, as a matter of fact, tell how a man was voting, at any time, from the kind of a ticket he held in his hand?—A. No, sir.

Cross-examination by Mr. WILSON:

Q. You say you were a policeman the day before?—A. Yes, sir; I was a member of the force the day before.

Q. Were you a member of the force the day afterwards?—A. Yes, sir.

Q. How was it that you was not a member of the force on that day?—A. I had leave of absence.

Q. Who granted you that leave?—A. The chief.

Q. Did you want a leave of absence?—A. Yes, sir; I asked for it.

Q. What for?—A. For the purpose of being challenger at the polls that day.

Q. Did you have your uniform on that day?—A. No, sir.

Q. Did you have any badge on?—A. No, sir.

Q. You got special leave to act as challenger that day, and on the day before you acted as policeman, and on the day afterwards you resumed your duties, or on the following night?—A. The following night.

Q. On that night?—A. Yes, sir.

Q. The night of the election day?—A. No, sir; not the night of the day, but the next night.

Q. The night of the day following the election?—A. Yes, sir.

Q. Were you a regular policeman?—A. Yes, sir.

Q. And you are now in the employ of the fire department?—A. Yes, sir.

Q. Who appointed you?—A. The fire board.

Q. What party has the control over that fire board?—A. Mr. Reichwine, Mr. Thalman, and Mr. Yoke.

Q. Are they Republicans?—A. I believe so.

Q. What ward did you live in at that time?—A. The 25th ward—ever since it has been a ward.

Q. When you say that you could not tell those tickets, you mean you could not tell them by sight?—A. Yes, sir.

Q. Could you tell them by handling them?—A. You might tell them by feeling them, by the difference in the paper.

Q. When you say you could not tell them by sight, when folded, you mean when folded in the hands of the voter?—A. When they were in the hands of the voter I could not distinguish one ticket from the other.

Re-examination by Mr. PEELLE:

Q. That 25th ward is a strong Democratic ward?—A. Yes, sir.

Q. And very few Republican workers down there?—A. We have very few scattered through the precinct.

Q. There is no politics in the fire board in this city?—A. No, sir; not in the way I am working now.

Q. They are of both political parties?—A. Yes, sir; there are men of both political parties right in our house.

Recross-examination by Mr. WILSON:

Q. Were there not a number of Republican workers there on that day?—A. At our precinct on that day we had more than at any other precinct in the ward.

Q. How many did you have at your precinct?—A. About six or seven.

Q. Any of them policemen, or policemen the day before?—A. Not in our precinct.

Q. Were you the only man that had been connected with the police force that was there?—A. Yes, sir, I believe so; that had anything to do with political affairs. There were officers came afterwards there, but I do not know that they had anything to do. I did not notice them.

Q. Who were they, if you recollect?—A. The officers in the precinct?

Q. Yes, sir.—A. I think Connett was one of them—Bradley Connett.

Q. Didn't he stay around that precinct pretty much all day?—A. No, sir; he went from that precinct to another. That was his business.

Q. Were there any Republican officials there or deputies?—A. Not that I know of.

Q. Did not you see deputies there from the jail working in that precinct?—A. No, sir.

Q. None at all?—A. No, sir.

Q. You did not see any there?—A. No, sir.

Q. You say that is strongly Democratic?—A. Yes, sir.

Q. What was the Democratic vote that day, if you recollect?—A. In the ward or precinct?

Q. In the precinct where you were.—A. I could not recollect that, but I was there that evening after the vote was counted. I could not recollect now what the majority was.

Q. Do you know what relationship the Republican vote that day at that precinct sustained to the Republicen vote at that precinct at the recent election since that time?—A. What difference there was in the majority?

Q. Yes, sir.—A. No, sir; I do not know that I ever noticed that.

Q. How about the election next before that, when Mr. Kitz was elected?—A. I do not recollect now what the majority was that he had down there.

Re-examination by Mr. PEELLE:

Q. The Democratic majority has been gradually decreasing down there on account of the large accessions to the Republican party from the Irish voters?—A. Yes, sir; to a certain extent. Take our councilman, for instance; we cut the majority down considerable and for certain men, but it has not done it for the whole ticket.

Q. There are more Irish voters in that ward than in any other ward in the city?—A. I believe there are; I am not positive about that, but I think there is.

Q. Did not a greater number of Irishmen vote the Republican ticket at the Congressional election in 1880 than had voted at the previous election?—A. No, I believe not; I believe at this last election they voted more for our councilman.

Q. I am speaking about the Congressional election of 1882. Were there more Irish votes for the Republican party in 1882 than there had been at previous elections?—A. Do you mean they voted for more of the ticket?

Q. Yes, sir.—A. They voted for more of the ticket in the Congressional election than in the city election.

Q. How was it as compared with the vote of 1880? Were there more Irish votes in 1882 than in 1880?—A. I could not tell.

Q. You do not know about that?—A. No, sir; I could not say about that.

JOHN MOUNTAIN.

ROBERT W. CATHCART, being first duly sworn, testified at follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. Robert W. Cathcart; 40 years; residence, Indianapolis, Ind., for the last 3 years.

Q. What is your business?—A. The book business.

Q. How long have you been in that business?—A. Since 1856, except during three years in the Army.

Q. Have you been employed or engaged in this city in that time?—A. Yes, sir.

Q. What kind of books or papers do you handle?—A. Well, we handled the first two or three years—I was clerk then; part of that time I have been in business for myself.

Q. Are you familiar with the different qualities of book paper?—A. Not with all qualities, because I usually handle them—when I do handle them, only the cheaper goods. That is when I was with Merril some years ago.

Q. I hand you a ticket, headed "Republican ticket," and marked Exhibit A to the deposition of Mr. Holliday, and I will ask you to examine it carefully and state the kind of paper that that ticket is printed on, if you know.—A. I should say it was a cheap book paper; we have had what we call a No. 2, that has wood in it; I suppose this is about the same grade of book.

Q. Have you any paper in books in your establishment as heavy or heavier than that?—A. Yes, sir; in the finer grade of books, most all our books are heavier paper; this, I suppose, is used mostly for subscription books.

Q. Have you paper in books in your establishment heavier than that?—A. Yes; I would say most of our Christmas books are heavier than that; but they are finer books—finer stock.

Q. Have you made an examination and examined that paper in connection with books in your establishment?—A. I have examined the weight of it; we have some paper that is almost as heavy as cardboard in our Christmas books and illustrated books; the finer goods are upon heavier paper.

Q. I mean a book in which there is printed matter; not the illustrations.—A. We have both—illustrations, and the poem itself; for instance, where they want to make a thick book and only put in one poem.

Q. How much thicker is the paper you have in some of those books than this?—A. It varies a good deal; some is twice as thick as this, and some thicker; that is determined by the publisher.

Q. Have you writing paper in your establishment as heavy as that?—A. Yes; I should think it was quite as heavy as this.

Q. Did you examine some writing paper to see if it was as heavy as this?—A. Yes, sir; it is what we call 80-pound, but I am not able to say what the weight of this is; but we have what we call our 80-pound cream-laid, and it is as heavy, and I should think, heavier than this; it is the finest paper we handle.

Cross-examination by Mr. WILSON:

Q. Were you ever in the business of manufacturing paper?—A. No, sir.

Q. Your business is dealing in stationery and books?—A. Yes, sir.

Q. You have what is called a book and stationery store?—A. Yes, sir.

Q. What would you think would be the weight of that Republican ticket, 25 by 38, 500 sheets to the ream?—A. It would only be a guess, because we do not handle flat paper. I would say in the neighborhood of 60 pounds.

Q. Do you handle paper of that character?—A. No, sir; we do not handle anything in flat papers at all. We do not handle this kind of papers. We handle writing papers and newspapers.

Q. Do you deal in lithographic plate?—A. No, sir.

Q. Did you ever have it?—A. We may have had it occasionally for orders.

Q. Do you know how it is made?—A. No, sir.

Q. Do you know how it is finished?—A. No; I cannot say how it is finished.

Q. Do you know what use it is put to?—A. I suppose it is for lithographic purposes.

Q. You say you have some books on paper heavier than that; about what weight would you say the books were—sheets 25 by 38, to the ream—how much would you say they would weigh?—A. It would simply be as near as I could come to it. I would think I could safely say that we have it twice as heavy as that, and that would be 120 pounds if this is 60.

Q. And if it is 80, how much would it be?—A. Twice that.

Q. Then you think you have it weighing 160 pounds to the ream?—A. Yes, sir; if this is 80. I think it is too heavy for books.

Q. What sort of books are those; what books have you of that kind?—A. We have little books that Appleton gets out, and Bryant's books, and Longfellow's poems—a single poem with the book illustrated, one-half illustrated and one-half poem—and things of that kind. Of course, it is a great deal finer paper than this.

Q. Is it not the exceptional thing, and only rare, when books are printed on the material you have described?—A. Twice as heavy? That is much rarer now than it used to be, because the trade does not like it so. It is apt to break in the book unless it is very fine paper, and it tears out. If this quality of paper is twice as heavy it soon tears out. We buy few books twice as heavy as that.

Q. You say you have William Cullen Bryant's books?—A. I say we have some Longfellow's, and some Longfellow and Bryant's, and other books published by Houghton, Mifflin & Co.

Q. Are they separate poems or complete works?—A. Most of them are separate poems.

Q. Is it not true that books, when gotten up of the character you have described, are usually separate poems and that heavy material is used to give them bulk and elegance?—A. That is used in some Christmas books to give them elegance. It is used in the cheaper books to give them thickness.

Q. When a man is making a short book and wishes to have it look like a full volume, he would use some of that kind of paper?—A. Like cheap subscription books. Almost all subscription books are on paper like this.

Q. You say you have seen subscription books on the same kind of material as that Republican paper?—A. They are cheaper books.

Q. On the same material?—A. You mean in stock?

Q. Yes, sir.—A. I think it is the same. I think this has wood in it. It is a cheap stock.

Q. Cannot lithograph plate be made with some quantity of wood?—A. I cannot say about that.

Q. Is it not rare that books are gotten up of the character you have described here?—A. No; we sell about, I guess, one-fifth or maybe one-quarter of our fine Christmas books gotten up in this way.

Q. What would be the proportion of one-fifth of your Christmas books to the stock of books in your store that you sell right along?—A. Our Christmas trade is really our most extensive trade.

Q. I am talking about the general trade.—A. It would be in the neighborhood of one-sixth or one-eighth.

Q. Have you not got as many books in your establishment, separate and distinct books, printed on this cloth, for children, as you have on that heavy material that you describe, which you say is Christmas stock?—A. No, sir. We have only three kinds; I will say we have five linen books now.

Q. How many volumes to each book?—A. Of the linen books?

Q. Yes, sir.—A. Each one is complete in itself. They are toy books.
Q. How many of a kind?—A. I could not say exactly. I would say not over three dozen of any one kind.
Q. And you have five kinds?—A. Yes, sir.
Q. These books are printed on stout material made of cloth and with a sort of a paper finish on the outside?—A. Some of them are paper finish and some of them are board finish.
Q. You have five kinds and about three dozen of a kind?—A. No, sir. I said not more than three dozen of one kind. We have about a dozen of a kind, probably. They are more expensive.

ROBT. W. CATHCART.

W. O. ANDERSON, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. W. O. Anderson; age, 44; residence, Indianapolis, Ind.
Q. State your business.—A. Wholesale paper business.
Q. Have you any one with you?—A. Yes, sir.
Q. What is the name of the firm?—A. It is the Hubbard & Anderson Paper Co., 127 S. Meridian street.
Q. How long have you been engaged in that business in this city?—A. About five years.
Q. How long have you been engaged in the paper business?—A. Something over twenty years.
Q. How long have you been engaged in the manufacture of paper?—A. Yes, sir; over eight years.
Q. Whereabouts?—A. In Richmond, in this State, and in Columbus, Ohio; also in Clifton.
Q. What grade of paper do you manufacture?—A. We manufactured newspaper principally, what we call "news," and manilas.
Q. Did you manufacture book-paper?—A. I was connected with a mill, as book-keeper that manufactured book-paper.
Q. Are you familiar with the different grades of paper?—A. Yes, sir.
Q. Is there any standard catalogue of papers?—A. Yes, sir; nearly every house has a catalogue of papers.
Q. What is the catalogue standard that you use in your business?—A. We have none printed in our business; we use the same catalogue of other houses, as a general thing.
Q. What house do you use?—A. We have the catalogues of Chatfield & Woods, of Cincinnati, and Bradley & Smith, of Chicago, and such houses.
Q. I hand you a catalogue marked "Price list of Chatfield & Woods, manufacturers of paper, Cincinnati, Ohio, for 1882." I will ask you to state if that is the price-list published by Chatfield & Woods, and which you have in your business?—A. That is the catalogue of Chatfield & Woods, and the papers are graded here just as we grade our papers.
Q. I will ask you to turn there to the grading of book-papers No. 2, and state the various sizes and weights of book-paper as shown by that catalogue.
(Objected to as incompetent; that the catalogue will speak for itself.)
A. I see them here from 22 by 32 to 28 by 38, which is the largest that is quoted here in that quality of book, and the weights vary from 30 to 60 pounds in this one.
Q. In those sizes?—A. Yes, sir.
Q. Is there any book-paper there heavier than that?—A. Yes, sir.
Q. Please state what sizes and weights per ream.—A. There is No. 3 book here, 32 by 49, 70 pounds, and there is No. 1 book quoted, 25 by 38, 100 pounds to the ream.
Q. Is there a heavier grade of book-paper manufactured than that?—A. Than 100 pounds?
Q. Yes, sir.—A. Yes, sir; sometimes, to order; it is not kept in stock generally by the house.
Q. I will ask you to turn in that book under the head of "Plate-papers," and state how plate-papers are catalogued, whether as simple "Plate," "Woodsdale Plate," or whether as "Plate-papers" and "Woodsdale Plate-papers"?—A. It is catalogued as "Eastern Plate-papers" and "Woodsdale Plate-papers," two different qualities of plate-papers.
Mr. PEELLE. I now offer in evidence, as a part of the deposition of the witness, the catalogue that he has identified, and ask that it be marked as a part of his deposition.
(The catalogue will be found attached to this deposition as a part thereof, and marked as Exhibit No. 3.)
Q. I now hand you a ticket headed "Republican ticket," and marked Exhibit A to

the deposition of Mr. Halliday, and I will ask you to take that ticket and examine it, and state the kind of paper upon which that ticket is printed?—A. I should say it was a medium grade of book-paper.

Q. As to the number?—A. It is what we call No. 2.

Q. What is the weight, probably, per ream of that paper—size 19 by 24 and 25 by 38, respectively?—A. In 19 by 24 I should take it to be about a 40-pound paper, and just about double that in the other size.

Q. You think it would be about an 80-pound paper in 25 by 38?—A. Yes, sir.

Q. I now hand you a piece of writing paper and I will ask you to state what kind of writing paper that is?—A. It is what we call a tub sized and animal sized writing paper of a fair quality—a good quality. There are different grades of writing paper, as well as book paper.

Q. Are there any heavier grades of writing paper than that?—A. Very much heavier grades.

Q. What are the heaviest grades of writing paper per ream kept in stock?—A. In ledger papers they run—it is a class of work we do not keep in stock ourselves, but they run in similar sizes, probably 19 by 24 is from 80 to 120 to the ream.

Q. You mean pounds?—A. Yes, sir.

Q. What is the probable weight per ream of the kind of writing paper I have just handed you, and which I take from the bunch of papers upon which the stenographer is taking this testimony?—A. That probably, in the size sheets it is, would be ten pound paper to the thousand sheets.

Q. I mean per ream 25 by 38; what would be the difference between the weight of that paper and the paper upon which the Republican ticket is printed?—A. Probably it would be about 100 to 110 pounds.

Q. You mean the writing paper would run?—A. Yes, sir.

Q. Is writing paper of the same thickness heavier than book paper?—A. Yes, sir; This being heavier than writing paper, it is a different material and is heavier when folded; that is, the same thickness sheet would weigh more than the same thickness of book paper.

Q. What difference is there between the thickness of that piece of paper I handed you, and the paper upon which that Republican ticket is printed?—A. There is very little difference.

Q. Is there any difference in the stiffness of the paper?—A. Yes, sir; The writing paper is the stiffest.

Q. Is there any difference in the spring of the paper?—A. I suppose it would be the same reason—the stiffer the paper, the more spring.

Mr. PEELLE. I now offer in evidence this piece of writing paper which the witness has examined, and ask that it be marked as an exhibit to his deposition.

(The paper will be found attached to the deposition as a part thereof, and marked as Exhibit No. 1.)

Q. That is the kind of paper that the short-hand reporter is taking his notes of the testimony on?—A. Yes, sir.

Q. I now hand you a ticket headed "Democratic ticket," and marked Exhibit B to the deposition of Mr. Holliday, and I will ask you to state what kind of paper that ticket is printed on.—A. I should consider that a No. 1 "news," or a cheap grade of "book."

Q. Is No. 1 "news" a good grade of "news," or a cheap grade, or medium?—A. No. 1 is a good grade of "news," and "No. 3 book" will run about the same.

Q. State if you handle plate papers in your business.—A. No, sir; we do not.

Q. Have you specimens or samples?—A. We have samples; yes, sir.

Q. And you are familiar, are you not, with "plate paper"?—A. To some extent.

Q. From your long experience in the handling of papers—"news" and "book"—you think the paper upon which the Republican ticket is printed upon is a No. 2 book paper?—A. Yes, sir.

Q. Is it a calendered paper?—A. It is what we call a "machine finished calendered."

Q. Is it what is known as "super-calendered" paper?—A. No, sir.

Q. What would be the difference between calendered and super-calendered paper?—A. You mean in value?

Q. In the appearance of the paper.—A. Super-calendered paper has a finer finish on it. It is finished different from the machine calendered; it is calendered a second time.

Q. I hand you a ticket headed "Republican ticket," marked Exhibit Q to the deposition of William Wallace, and I will ask you to take that ticket and examine it, and compare it with the other Republican ticket that I showed you, that was made a part of the deposition of Mr. Holliday, and state what difference there is, if any, in the paper upon which these tickets are printed.—A. There is a difference in the color; it is about the same grade of paper with a harder finish.

Q. How is that harder finish given?—A. It is given by what we call "sizing."

Q. Is that ticket marked Exhibit A sized as much, or more?—A. It is sized more, and would be considered rather a better grade of paper, although the stock is not much better.

Q. Is there any difference in the weight of the paper, thickness, feeling, and stiffness?—A. There is very little; the stiffer paper would probably weigh a little more, a few pounds, but little in that sized sheet.

Q. What would you think would be the difference between the weight of that paper per ream?—A. I should hardly think it would be more than five pounds. It would be hard to tell when it runs as close as that. It is just about enough to be heavier.

Q. Which would weigh the most, the ticket I last handed you marked Exhibit Q to the deposition of William Wallace?—A. Yes, sir.

Q. I now hand you a ticket headed "National ticket," being the ticket voted by the "Greenback party" in this city at the November election, 1882, and I will ask you to take that ticket and examine it and state the kind of paper that that ticket is printed on.—A. That is a light grade of cheap writing paper; what we call a light folio.

Q. What is the difference between a "news" and "print" paper?—A. It is the difference in the stock. One is manufactured from cheap rags and the other is manufactured from a better grade, and in the sizing of it. There is more care in the preparation; and cheap "news" has no sizing whatever.

Q. Then there is some sizing in that National ticket?—A. Yes, sir.

Q. State if papers, news, print, book, flat, and plate papers, are, or are not, sized in their manufacture.—A. They are all sized; that is, unless it is a very low grade of book, that is not sized sometimes, but book papers, as a general thing, are sized.

Q. Is this Democratic ticket marked Exhibit B to the deposition of Mr. Holliday, that I hand you, sized paper?—A. I should think there was some sizing in it.

Q. Is it calendered paper?—A. It is called machine-calendered, not a super-calendered.

Q. Is that Republican ticket, marked Exhibit A to the deposition of Mr. Holliday, sized in the same way, or different?—A. In the same way.

Q. Calendered the same way?—A. Yes, sir; calendered in the same way. It gets a better finish by being a heavier paper.

Q. That is, the Republican ticket?—A. Yes, sir.

Q. What would you say would be the weight, per ream, size 25 by 38, of that Democratic ticket?—A. It would be from 35 to 40 pounds, not to exceed 40.

Q. I will ask you to take this catalogue, which has been exhibited to you, and made a part of your testimony, being the catalogue of Chatfield & Woods, and I will ask you to state the price of book paper, such as that Democratic ticket was printed on, as shown by that catalogue, in 1882, in November.—A. Eight cents, I should guess, is the price quoted in this catalogue

Q. Per pound?—A. Yes, sir.

Q. I ask you now to refer to that catalogue and state the price of the paper upon which that Republican ticket is printed, in November, 1882.—A. The quotation given here in 9¼ cents.

Q. Then the same size per ream of book paper, such as that Democratic ticket is printed on, and of the book paper upon which that Republican ticket is printed, size being 25 by 38, are worth, respectively, the Democratic 8 c. per pound, and the Republican ticket 9¼ cents per pound in 1882; or, in other words, you say there is a difference of 1¼ cents per pound in that paper in 1882?—A. Yes, sir.

Q. As shown by Chatfield & Woods' catalogue and price list of 1882?—A Yes, sir.

Mr. PEELLE. I offer in evidence the ticket headed "National ticket," being the Greenback ticket voted at this election in 1882, and ask that it be marked as an exhibit to the testimony of Mr. Anderson.

(The ticket will be found attached to this deposition as a part thereof, and marked "Exhibit No. 2"; being objected to by the contestant on the ground that there is no proof that that is the National ticket that Mr. Peelle says was used at that time, and for the reason that no witness has so testified.)

Mr. PEELLE. I will follow it up and offer evidence to prove that it is the ticket that was voted by the Greenback and National parties in November, 1882.

Q. Did you state whether the paper upon which the Republican ticket is printed was a medium or a fine grade of book?—A. I stated it was a medium.

Q. State the color of the paper upon which that Republican ticket is printed—I mean the original color before it was soiled.—A. Then it was a white paper. It has a bluish cast, but it is white paper.

Q. Is it what is known in the trade as a plain white paper?

(Objected to.)

A. White paper; yes, sir.

Q. What is plain white paper?—A. It is a paper that is bleached white with chem-

icals. It generally has in connection with it some shade of blue to kill a dead whiteness, and both are known as white paper and called white paper.

Q. Is blue used to kill a dead white?—A. Yes, sir.

Q. Is there any bluing used in the paper on which the Republican ticket is printed?—A. Yes, sir.

Q. State if, when you get into Bristol board or card-board, you would call it paper.—A. No, sir.

Q. What do you call Bristol or card-board?—A. We call them Bristol board and card-board.

Q. Then would or would not Bristol board and card-board be known to the business as plain white paper?

(Objected to.)

A. It would not be known as plain white paper.

Q. Would you call a blotting paper paper in the trade?—A. Yes, sir; I would call it blotting paper.

Q. Is it called anything else?—A. No, sir.

Cross-examination by Mr. WILSON:

Q. When you gave your answer just now to the question of Mr. Peelle, which asked you to turn to the catalogue and tell the weights, &c., of the Democratic ticket and the Republican ticket, you answered according to your opinion?—A. Yes, sir.

Q. Merely?—A. Yes, sir.

Q. What did you say that National, or Greenback, ticket was printed on?—A. It looks like a cheap grade of writing paper.

Q. Of what is it made?—A. In looking at it closely afterward I would not know but what it was—instead of being as I supposed—that it was a chemical straw paper. It is very highly sized, and it is almost impossible to tell just what it is.

Q. What is your answer to the question?—A. My answer was that it was a cheap grade of writing paper.

Q. What do you say now is the material upon which it is printed?—A. In examining it more closely, I am somwhat in doubt as to that. It may be a very thin grade of chemically-prepared straw paper. I can only tell by comparison. We have not been handling this paper.

Q. Did you ever handle any material like that?—A. Something that resembles it very closely in a cheap grade of writing paper. That is, a very highly-sized paper, and would answer the same purpose as a cheap grade of writing paper.

Q. What are the cheap grades of writing paper used for?—A. Mostly in printing pamphlets and insurance documents, and such things as that.

Q. You say that the cheap grades of writing paper are used for printing purposes?—A. Yes, sir; for printing purposes mostly.

Q. Is there anything else they are used for?—A. They are used sometimes where writing has to be done, and a copy is not expected to be taken from it.

Q. Can you write on it with pen and ink?—A. Just the same as any grade of paper.

Q. What is the stock out of which that National ticket is made, or the Greenback ticket?—A. That is just where I stated to you I was in doubt.

Q. Of what stock is book paper made?—A. Cotton rags.

Q. Exclusively?—A. Sometimes there are other ingredients, or wood pulp, and such things, sometimes in the lower grades.

Q. In the lower grades they mix wood pulp?—A. Yes, sir.

Q. The higher grades are made of what, exclusively?—A. Of rags—the best grade.

Q. Does the same machine that makes print paper make book paper?—A. Yes, sir; as a general thing it can make it.

Q. I understand you that the same machine that makes print paper, can make book paper?—A. A fine grade of paper cannot be made from the same machine that makes a low grade of paper; still, a machine that will make print paper will not always make book paper.

Q. Will it make book paper?—A. Machines that are mostly used for print paper, will make book paper; yes, sir.

Q. What is the name of that machine that can do that?—A. We call it a "Fourdrinier" machine.

Q. How is print paper sized, when it is sized?—A. Print paper when it is sized, is sized in what we call the engines, at the tubs.

Q. In what stage?—A. As the rags are being prepared in the pulp.

Q. At what stage is book paper sized?—A. At the same stage with the exception of strictly No. 1, sized and super-calendered.

Q. At what stage is that sized?—A. That is sized after the paper is made—No. 1 is. That is very seldom done. It is first-class paper that requires that.

Q. Is print paper usually calendered?—A. Machine calendered; yes, sir.

Q. What do you mean by machine calendered?—A. Calender rolls that are on the machine. As the paper is being made it runs through these rolls. Most machines

have two sets of rolls; for print paper they will use one set, and if they run into book paper they will probably use two sets.

Q. Is it not true that print paper is what they call machine finished?—A. Yes, sir; newspaper is machine finished paper.

Q. Print paper is what is called machine calendered paper?—A. Yes, sir.

Q. What is the natural color of book paper stock?—A. I do not know as I understand you.

Q. I mean in the pulp; as soon as it is reduced to pulp.—A. After bleaching and all, it is white.

Q. What do you mean by bleaching?—A. Using chemicals that produce whiteness.

Q. Do chemicals produce whiteness?—A. Yes, sir.

Q. What chemicals do you use to produce whiteness?—A. Chloride of lime mostly; that is the principal thing.

Q. You use that for white?—Yes, sir.

Q. For bleaching?—A. Yes, sir.

Q. Before that is done what do I understand you to say would be the natural color of the stock?—A. Before the bleaching is done?

Q. Yes, sir.—A. Oh, it is a very dirty color. The manufacture of rags into book paper such as book papers are manufactured in the west, are manufactured from colored rags, not from white rags, as some think; and when they are beaten up I do know what color you would call it.

Q. According to the color of the rags, and the amount of dirt?—A. That would be the color of it; yes, sir. It is not white by any means.

Q. In manufacturing book paper you secure a white color by using chloride of lime as a bleacher?—A. Yes, sir.

Q. Is that generally done?—A. Always done.

Q. Did you ever manufacture any plate?—A. No, sir; I never manufactured any plate paper.

Q. Did you ever handle much of it?—A. I was connected with the house of Chatfield & Woods for some time, and they were handling more or less of plate paper.

Q. Explain how plate paper is manufactured.—A. Western plate paper is nothing more than book paper, but put up heavier, as a general thing, and flat—sometimes sized and sometimes some extra sizing. Eastern plates are generally better finished and harder finished—sometimes one side finished and the other side left unfinished.

Q. Is it not true that western plate and eastern plate both have only one side finished?—A. Not necessarily so; no, sir.

Q. Is it not usually true?—A. I think not; so far as western plate is concerned. one side of the paper is, you might say, better finished than the other in all cases. It would happen so in heavier papers, and one side would show a better finish than the other, but it is not so intended in the manufacture.

Q. It is not so intended?—A. No, sir.

Q. Is not that one of the peculiarities and one of the purposes for which plate paper is made; that one side is highly finished and the other is not; and is it not used for engraving and do they not distinguish and discriminate in the finish of one side for that purpose; that it may be used with more facility and ease?—A. Still in the manufacture of western plate the same finish is done to that that there is to the book papers and no other.

Q. Look at the Republican ticket marked Exhibit Q, to Mr. Wallace's deposition and state whether one side of that paper is more highly finished than the other?—A. Yes, sir; one side is better finished than the other and book paper of the same weight would show the same finish.

Q. You say that "western plate" is nothing but book paper?—A. No, sir; that is all.

Q. And when you answer that this is book paper you can also answer that it is western plate paper?—A. Yes, sir; It could be sold for the same thing.

Q. In other words, western plate paper as you understand it, and book paper are one and the same kind of paper.—A. Yes, sir.

Q. Do you know what firm manufactured that paper?—A. No, sir.

Q. Would you call eastern plate paper a kind of book paper too?—A. I mean plate paper as a general thing, is made of better stock and has a better finish, and there is more care taken in preparing it. It has the same stock as No. 1 book.

Q. When you testified in chief, in answer to the questions in reference to the character of that paper, you never once said it was plate paper?—A. No, sir.

Q. You called it book paper?—A. Yes, sir.

Q. Do Chatfield & Woods manufacture western plate paper?—A. I believe they do; I believe they have an interest in a mill that does. They are not the sole manufacturers of it.

Q. What mill is that?—A. Their's is called the Woodsdale Mills, and manufacture book paper, and what they call "western plate."

Q. What is the general use to which western plate is put?—A. Printing maps and such character of work as that.

Q. It is generally used for lithographic purposes?—A. Yes, sir.

Q. Now I will ask you about the color of that Republican ticket; Is not that what you call toned?—A. No, sir.

Q. You think not?—A. No. sir.

Q. How is toning secured?—A. It is a tint that comes by coloring matter.

Q. You say it is not toned at all?—A. No, sir; the bluish tint is never considered as toned paper, not unless it is a marked color. Tint paper has generally some other color, what is called "cream" or "rose."

Q. Is there a difference between what you call toned and the tint, in the sense in which you use the word "tint"?—A. No, sir; there is not a difference.

Q. Is there not in the trade, and known amongst manufacturers a difference between the two?—A. There is a toned paper sometimes made there what is called the natural color of stock, and in which the bluish tint has not been put in.

Q. According to the catalogue of Chatfield & Woods, which was introduced by Mr. Peelle, what would be the weight and cost, respectively, of a ream of such paper as you understand the Democratic ticket to be printed on, and a ream of such material as the Republican ticket is printed on—size of sheets in both cases, 25 by 38 inches?—A. The Democratic ticket I should consider a 40-pound paper, not to exceed that, and value as to Wood's catalogue, 8c per pound, and the Republican ticket would be 80 pounds, and the value as placed here, 9¼ cents per pound.

Q. There is the same number of sheets in a ream of each kind, as you understood it?—A. Yes, sir.

Q. Is there any variance in the number of sheets to the ream, or is that a fixed quantity?—A. Yes, sir.

Q. Five hundred?—A. Four hundred and eighty sheets to the ream.

Q. How about plate paper; does the same rule prevail there?—A. Yes, sir.

Q. The same number of sheets to the ream?—A. Yes, sir; although some manufactories now are changing—that is recently—and putting up papers in a thousand sheets, but a ream is always 480 sheets.

Q. Have you bought or sold any plate paper recently?—A. No, sir.

Q. Have you bought or sold any plate paper in four or five years, as you recollect it?—A. We may have taken some orders and filled them, but I do not recall any plate paper; still, the house may have taken some orders.

Q. Do you mean, when you say 80 pounds to the ream, that the sheets are 25 by 38 inches?—A. Yes, sir.

Q. And you referred to what you call book paper, looking at the catalogue of Chatfield and Woods?—A. Yes, sir.

Q. In selling Woodsdale plate papers for book purposes, if you would so sell it, would you bill it as book paper?

(Objected to as immaterial.)

A. If we sold Woodsdale plate papers we would bill them as Woodsdale plate papers.

Q. That is the usual rule in the business?—A. Yes, sir.

Q. Was that the rule when you was with Chatfield & Wood?—A. Yes, sir.

Q. And yet you say there is no substantial difference?—A. What makes the difference are the sizes. The sizes of plate papers are larger than book—half sizes. When I was with Chatfield & Woods we always folded book papers; they are now putting them up flat, but at that time we always folded them; and plate papers are always put up flat on account of being printed on a full sheet, but the size of plate is what make them plate as a general thing.

Q. Do you say that this Republican ticket is plate paper?—A. No, sir; we consider that a book paper.

Q. I thought you said a while ago that book paper and plate paper are the same?—A. I say that may have been made and called a plate paper, although it would be just the same paper as a book paper.

Q. It would be the same paper?—A. It would be the same if it was sold as such, but if it was sold 25 by 38 the probabilities are that it was billed as book paper, and not sold as plate paper.

Q. Do not they bill and sell plate paper in quantities 25 by 38 sized sheets?—A. Not as a general thing, although it could be done in sizes and sold like that.

Q. Then it is the size that would determine, in your mind, whether it was sold as book or plate paper?—A. No, sir; not as a general thing. I would consider that that was sold as book paper and not as plate paper, although it could be sold as plate paper. I would never consider that it was sold as plate paper.

Q. That is plate paper [indicating]?—A. Yes, sir.

Q. It has the characteristics of plate paper?—A. Of cheap plate paper. It could not be used in good work.

Q. In the better class of work for which plate paper is used you generally use east-

ern plate?—A. Yes, sir; as a general thing; but the Woodsdale people make a plate paper that is very much better than that.

Q. That is the house of Chatfield & Woods?—A. Yes, sir.

Q. Then, it would be your opinion that Chatfield & Woods did not manufacture this?—A. No, sir; I do not say so. I guess they make a paper of a lower grade than that, and different, at that mill.

Q. You mean at the Woodsdale mill?—A. Yes, sir. They make different grades of paper at the Woodsdale mills; also book papers and plate papers of different grades.

Q. I call your attention to this specimen that I have shown you, and I will ask you what is the material out of which that is made?—A. Mostly wood pulp, I would say.

Q. What would you call that?—A. In this state, do you mean?

Q. Yes, sir.—A. I would call that a board.

Q. What sort of a board?—A. I would call it a card-board.

Q. Please tell me what is a card-board and how it is made.—A. Card-boards are made very similar to paper, only heavier—two or more sheets run together.

Q. They are the same material as paper?—A. Yes, sir; but two or more sheets run together over one cylinder to another and pressed together in the process of manufacturing.

Q. The same material as used in making paper?—A. Yes, sir; the same material as is used in making paper.

Q. Did you ever know card-board to be made in any other way than to put two or more sheets together?—A. I have never seen the process of manufacturing card-board, but my understanding is that is the way in which they are made.

Q. Is there a Bristol board that is thinner than the Republican ticket shown you a while ago?—A. Not that I have ever seen.

Q. You think that is card-board that you have in your hand?—A. It is the character of card-board, although I never saw a board as heavy as that; but that in the size of a card sheet would be termed a card-board.

Q. Is not card-board finished different from ordinary paper?—A. No, sir.

Q. It is not?—A. No, sir; not necessarily so. Some are heavier finished than others; some are very well cut and highly finished.

Q. Have you got a card-board called "china"?—A. Yes sir.

Q. How is that finished?—A. That is generally a very thin sheet over a commoner grade of board; a cheap board with a thin sheet over it to give it a finish. It is a cheap board. The inside would be a cheaper grade of stock than the outside sheet would be, which would be a very thin one.

Q. Would not you call it paper, then?—A. No, sir.

Q. It is not sold as paper?—A. No, sir; it is not sold as paper.

Q. It is not catalogued or sold as paper?—A. No, sir.

Q. It is not known as paper in the trade?—A. No, sir.

Q. It is called card-board?—A. Yes, sir.

Q. And plate-paper is called plate-paper?—A. Yes, sir.

Q. And so all the way through?—A. Yes, sir.

Q. And yet they are called paper?—A. Yes, sir.

Q. And sold as such?—A. Yes, sir.

Mr. WILSON. I offer in evidence on the cross-examination of Mr. Anderson the specimen last shown him, and desire to have it marked as an exhibit to his deposition.

(The specimen will be found attached to this deposition as a part thereof, and marked Exhibit No. 4.)

Re-examination by Mr. PEELLE:

Q. I now hand you a piece of white paper, and ask you to examine that, and state what it is.—A. It is a No. 1 book.

Q. Examine both sides of it carefully.—A. One side is better finished than the other.

Q. I now hand you another piece of white paper, and ask you to examine that, and state what it is.—A. That is a sized and supercalendered book.

Q. How much will that weigh per ream?—A. I should think about 80 pounds, 25 by 38.

Q. Yes, sir; 25 by 38.—A. It is hard to tell by handling one sheet—from 70 to 80 pounds.

Q. I ask you to take this ticket marked "Republican ticket" and Exhibit A to Mr. Holliday's deposition and state the difference between that paper and the paper now iny our hands.—A. But very little difference. If anything, the ticket is a little bit spongier.

Q. That thin paper is supercalendered?—A. Yes, sir.

Q. And better finished than the paper upon which the Republican ticket is printed, or not?—A. Yes, sir; a better finish.

Q. What would be the number of that paper?—A. I consider that a No. 1 paper.

Q. Is that, or not, a better quality of paper than the paper upon which the Republican ticket is printed?—A. Better.

Mr. PEELLE. I now offer in evidence this piece of paper, which the witness says is No. 1 book paper, and ask that it be marked as an exhibit to the deposition of the witness.

(The specimen will be found attached to this deposition, as a part thereof, and marked as Exhibit 5.)

Q. I now hand you another piece of white paper and ask you to examine it and state what it is.—A. That is a sized and supercalendered No. 1 paper.

Q. How much will it weigh per ream, sheets 25 by 38?—A. About 70 pounds, I should think.

Q. How does that compare with the paper upon which that Republican ticket is printed?—A. The paper of the ticket is a little heavier.

Q. How much difference would there probably be per ream?—A. I should think there would probably be about ten pounds.

Q. I will ask you to feel of the paper which you say, is what kind of paper?—A. Sized and supercalendered No. 1.

Q. What is the difference between the feeling of that and the spring and stiffness of that paper, and the paper upon which the Republican ticket is printed?—A. It is stiffer paper.

Q. Which is stiffer?—A. The sample of the paper.

Q. The 70 pound?—A. Yes, sir; the sizing would make it so, and the finish of it.

Q. I now rehand you the piece of paper which I handed you a while ago, and, in connection with it, I hand you the sheet from which it was clipped, and without looking at the writing on the back of that, I will ask ——

A. That, I see now, is what we call plate.

Q. What kind of plate?—A. Eastern plate.

Q. That is an Eastern plate paper?—A. Yes, sir.

Mr. PEELLE. I offer now in evidence this piece of plate paper, which the witness says is plate ——

The WITNESS (interrupting). You cut it from an unfortunate place. The paper does not seem to be finished alike.

Mr. PEELLE (continuing), paper, and ask that the same be marked as an exhibit to his deposition.

(The paper will be found attached to this deposition as a part thereof, and marked Exhibit No. 6.)

Mr. PEELLE. I withdraw the little bit of paper which I just handed you, and I now hand you another piece of paper—white paper, larger than the piece I handed you, and which you said was Eastern plate, and I ask you to state what that is.

A. That is an Eastern plate paper.

Q. What size is that paper usually sold in?—A. 19 by 24 is the common size.

Q. What would that paper weigh per ream, 19 by 24?—A. I should think about 40 to 45 pounds.

Q. What would that make it, 25 by 38?—A. From 80 to 90.

Mr. PEELLE. I now offer the piece of white paper, which the witness says is "Eastern Plate" in evidence, and ask that it be marked as an exhibit to his deposition.

(The same will be found attached to this deposition as a part thereof, and marked as Exhibit No. 7.)

Q. State if there are, or are not, heavier Eastern plate papers made than the specimen I have just handed you which has been made a part of your deposition.—A. Yes, sir; there are heavier.

Q. How much heavier?—A. Fifty per cent., if not more. I could not say, of course, how heavy they are made. I have handled papers fifty per cent. heavier.

Q. The same size?—A. Yes, sir.

Recross-examination by Mr. WILSON:

Q. Mr. Peelle's first question, or re-examination, was that he would hand you a piece of white paper and ask you to examine it and state what it was, and you stated that that was a No. 1 book. Upon a re-examination you came to the conclusion that you were mistaken.—A. Yes, sir.

Q. You came to the conclusion that it was what you would term plate?—A. Yes, sir.

Q. It is a specimen of plate the same as introduced by Mr. Peelle and made Exhibit No. 7 to your evidence?—A. Yes, sir.

Q. That is Eastern plate?—A. Yes, sir; that is Eastern plate.

Q. What did you say would be the weight of Eastern plate 22 by 28 inches to the sheet, per ream?—A. Twenty-five by 28.

Q. No, sir; I asked the question intentionally; 22 by 28 Eastern plate?—A. It varies in weights. There is no regular weight.

Q. What is the ratio?—A. Twenty-two by 28.

Q. Yes, sir; about what?—A. Fifty pounds would be probably an average weight. It would vary.

Q. You say you worked with Chatfield & Woods for a while?—A. Yes, sir.

Q. They have in their catalogue a piece of Eastern plate paper No. 1, 22 by 28, 70 pounds; sized and supercalendered, 22 by 28, 80 pounds. Now, how about Woodsdale plate that they were interested in? What would you say would be the weight of that, 22 by 58?—A. They run the same weight as Eastern papers if they are ordered.

Q. What is the difference, if any, between No. 1 Eastern plate papers and Woodsdale plate papers, 22 by 28, in point of weight, would you say?—A. I would say, as a general thing, there would be no difference.

Q. Chatfield & Woods catalogue it "Woodsdale plate papers 22 by 28, 80 pounds; 22 by 28, 100 pounds; best Eastern plate 22 by 28, 70 pounds;" 22 by 28, 80 pounds"—excuse me; they commence with "22 by 28 Woodsdale plate from 50 to 100 pounds;" 22 by 28 is best Eastern plate, as I stated.—A. From 70, nothing lighter.

Q. Nothing lighter 22 by 28 than 70?—A. They give a great variety of weights in Western, styled Woodsdale, but still Chatfield & Woods furnish Eastern plate 100 pounds.

Q. The truth is, you can make paper about as thick as you choose?—A. Yes, sir.

Q. It can be made book paper weighing over 200 pounds to the ream, can it not?—A. 25 by 38 could be.

Q. And it could be made thicker a great deal than Bristol—some kinds of Bristol, and even thicker than some species of card-board, so far as that is concerned?—A. It could be made in the same way.

Q. It could be made thicker?—A. No thicker. It could be made as thick.

Q. I mean that it is possible to make a species of book paper thicker than a species of card board?—A. They can make them as thick.

Q. Cannot they make them thicker?—A. They can make a card-board as heavy.

Q. Are there not book papers that can be made thicker than some kinds of Bristol board?—A. The book papers are sometimes made as heavy, or heavier than the lightest card-board.

Q. And it is sometimes made heavier than the heaviest card-board?—A. No, sir.

Q. What is the average weight of card—I will turn here——. A. That does not give it.

Q. It would not give it?—A. No, sir; not the average weight of card-board.

Q. Why would it not?—A. It would give in Bristol 100, 120, and 140 pounds. That is the only grade it will give the weight of.

Mr. PEELLE. These go by numbers.

The WITNESS. Yes, sir; the boards are made heavier; the weights are not given; they give it in plys.

Mr. PEELLE. They go by numbers, do they not?

The WITNESS. Yes, sir.

Q. What did you say was the weight of Bristol, a moment ago?—A. 100, 120, and 140 are the common weights.

Q. What is the size?—A. 22 by 28.

Q. Have you not stated here that book papers reach way beyond those you have named—22 by 28?—A. I do know as I did with reference to book papers; I did with reference to plate papers. Book papers can be made that way; but they are not, as a general thing, made as heavy. Plate paper can be.

Questions by Mr. PEELLE:

Q. I understood you to say when book paper was made thicker than Bristol board, it was thicker than Bristol board?—A. I said it could be made thicker than Bristol board.

Q. And if is made thicker, of course it is thicker?—A. Yes, sir.

Q. But that book papers are not so made?—A. Book papers are not so made, as a general thing.

WM. O. ANDERSON.

Exhibit No. 1 *to deposition of W. O. Anderson.—Paul C. Hendricks, Notary Public.*

(Omitted in printing. See original, page 1393.)

Exhibit No. 2 to deposition of W. O. Anderson.—Paul C. Hendricks, Notary Public.

NATIONAL TICKET.

For Secretary of State,
HIRAM Z. LEONARD.
For Auditor of State,
JOSHUA N. ARMANTROUT.
For Treasurer of State,
JOHN STUDABAKER.
For Attorney-General,
MINES W. LEE.
For Clerk of the Supreme Court,
JARED SATER.
For Superintendent of Public Instruction,
CHARLTON BULL.
For Judge of the Supreme Court, 1st District,
WILLIAM E. NIBLACK.
For Judge of the Supreme Court, 2d District,
GEORGE V. HOWK.
For Judge of the Supreme Court, 4th District,
JOHN F. KIBBY.
For Representative in Congress, 7th District,
ROBERT W. MEDKIRK.
For Judges of Superior Court,
Term of 1882,
DANIEL W. HOWE.
NAPOLEON B. TAYLOR.
For Judge of Superior Court,
Term of 1884,
LEWIS C. WALKER.
For Criminal Judge,
PIERCE NORTON.
For Judge, 19th Judicial Circuit,
JOSHUA G. ADAMS,
For Prosecuting Attorney, 19th Judicial Circuit,
WILLIAM T. BROWN.
For County Clerk,
ROBERT L. McOUAT.
For Sheriff,
DANIEL A. LEMON.
For Auditor,
THOMAS H. LITZENBERG.
For Treasurer,
ELI HEINEY.
For Recorder,
WILLIAM F. KEAY.
For Coroner,
ALLISON MAXWELL.
For Surveyor,
HERVEY B. FATOUT.
For County Commissioners, First District,
WHARTON R. CLINTON.
For County Commissioner, Second District,
FREDERICK OSTERMEYER.
For County Commissioner, Third District,
JOSEPH LOFTIN,
For Senator,
WILLIAM H. HARTMAN.
For Representatives,
SCOTT A. TURNER.
HEZEKIAH W. ROBERTS.
WILLIAM HUBBARD.
ALFRED P. WILEY.
ALEXANDER S. STANTON.

Indorsed :) Exhibit No. 2 to deposition of W. O. Anderson.

Exhibit No. 3 to deposition of W. O. Anderson.—Paul C. Hendricks, Notary Public.

(Omitted in printing. See original, page 1395.)

Exhibit No. 4 to W. O. Anderson's deposition.—Paul C. Hendricks, Notary Public.

(Omitted. See original, page 1396.)

Exhibit No. 5 to deposition of W. O. Anderson.—Paul C. Hendricks, Notary Public.

(Omitted. See original, page 1397.)

Exhibit No. 6 to deposition of W. O. Anderson.—Paul C. Hendricks, Notary Public.

(Omitted. See original, page 1398.)

Exhibit No. 7 to deposition of W. O. Anderson.—Paul C. Hendricks, Notary Public.

(Omitted. See original, page 1399.)

JAMES C. YOHN, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence?—A. James C. Yohn; my age is 65; my residence is Indianapolis, Ind., number 206 North Delaware street.

Q. What is your business?—A. I am now engaged in the book business with my son.

Q. How long have you resided in this city?—A. Forty-nine years last November.

Q. Have you occupied any official position by election or appointment?—A. Yes, sir; a member of the school board of the city, by appointment first and afterwards by election; and I am now one of the city commissioners by appointment. I never asked for any office in my life.

Q. What is your politics?—A. I generally vote the Republican ticket, but I frequently vote for the best man on the other side, as I understand it.

Q. Were you in the city at the time of the Congressional election in 1882?—A. Yes, sir.

Q. At the time Mr. English and myself were candidates for Congress?—A. Yes, sir.

Q. Did you act in any official capacity that day?—A. Yes, sir; I was inspector, and acted as such.

Q. What precinct and ward?—A. The 1st precinct of the 11th ward.

Q. Was that at the engine house?—A. Yes, sir.

Q. Was that at a precinct where a man named Ross Clark acted as Democratic challenger?—A. Ross was there almost all day; yes, sir.

Q. Did you see the tickets as they were voted there that day?—A. I took the tickets in as they were voted.

Q. I now hand you a ticket headed "Republican ticket," with the words "State ticket; for secretary, Emanuel R. Hawn," and I will ask you to examine that and state if that is the kind of ticket used by the Republicans in that precinct that day?—A. I think it is, as far as I remember it; I have never examined it from that time to this.

Mr. PEELLE. I offer now in evidence this Republican ticket, which has been identified by the witness, and ask that it be marked as an exhibit to the testimony of the witness.

(The ticket will be found attached to this deposition as a part thereof, and marked Exhibit No. 1.

Q. I now hand you a ticket headed "Democratic ticket," with the words "For secretary of state, William R. Myers," and I will ask you to state if that was the kind of a ticket that was voted by the Democrats there that day?—A. I suppose it is.

Q. Do you recognize it?—A. Yes, sir.

Mr. PEELLE. I now offer that ticket in evidence as a part of the deposition of this witness, and ask that it be marked as an exhibit.

(The ticket will be found attached to this deposition as a part thereof, and marked Exhibit No. 2.

Q. State if when those two tickets that you have just identified are folded in the hands of the voter, and being voted, you can tell or distinguish one from the other by the external appearance of the tickets?—A. I do not think I could.

Q. Did you, or not, that day distinguish or tell how a man was voting from the ticket he held in his hand; just from the sight of the ticket as he came up?—A. No, sir; from the fact that I did not care to know how men were voting, and I did not want to know.

Q. Could you tell from the difference in the tickets when you were feeling them?—

A. There is a slight difference in them, if I had wanted to find out that fact, but I never did, and I did not try to.

Q. You did not, as a matter of fact, tell or distinguish one ticket from the other by sight, as they were being voted and handed to you as inspector?—A. I might have noticed a vote where they were not folded.

Q. I mean by sight?—A. No, sir.

Q. You did not by sight?—A. No, sir.

Q. You say you did a few by feeling?—A. Yes, sir; a few, where they were not folded closely; but where they were folded closely I could not tell one from the other, for the life of me.

Q. Were they folded closely?—A. Most of them; when a man comes up we would require him to fold his ticket. That is our duty as inspectors. Sometimes they came up with the ticket open and we would require them to fold it before they handed it to us, and I would see what the ticket was, and it would be folded sometimes right in my presence; but I never would take an open ticket.

Q. How did the vote of that precinct, when counted, correspond with the number of names on the poll-book?—A. It has been a good while ago, but my recollection is that there was one vote more than there was on the tally-sheet.

Q. Did you find any tickets there that were voted double?—A. Yes, sir.

Q. What ticket was that?—A. It was a small ticket; the Democratic ticket folded together.

Q. Was it a straight Democratic ticket?—A. No, sir.

Q. What kind of a ticket was that?—A. It was a straight Democratic ticket, excepting the name of yourself for Congress.

Q. How was that name on the ticket, pasted or written?—A. It was pasted on.

Q. Was that double ticket counted?—A. It was not. With the consent of all concerned we just laid that ticket out to see how it would come out, and when we came out, my recollection is—I do not know whether it was 218 or 318—I do not profess to know, but there was just one over that way. I have not thought much about it since, but the impression I have, it was something and nineteen voters and there were eighteen tickets.

Q. And by the throwing out of that ticket, is it your recollection that the vote then corresponded with the poll-book?—A. Yes, sir; counting the two tickets as one.

Q. Were they, or not, counted?—A. No, sir; they were not counted.

Q. I wish, if you can, you would show exactly how they were folded.—A. I have a recollection of it, although I have not thought of that matter at all until just now, because I was not here when the matter was spoken of a year ago; I was in New York. The ticket was folded in that way [indicating]. Mr. Stout, as soon as he saw it, said it was a double ticket.

Q. The upper edge of the ticket was slightly turned down before it was folded?—A. Yes, sir. They were together very plainly, just in that way. It was all a plain Democratic ticket all the way down but your name, and that was "Stanton J. Peelle."

Q. Pasted in?—A. Pasted in there [indicating].

Q. In both tickets?—A. Yes, sir, on both tickets; and that is the way it stood. I took it right out so they all could see it, and I think Ross Clark was there; I am not sure whether he was or not, but Mr. Stout was there.

Q. He was the Democratic judge?—A. Yes, sir. He said "That will not do," and it was laid out carefully and the others were consulted, and they all agreed it was right.

Q. By unanimous consent of the board the ticket was not counted?—A. Yes, sir; it was folded up very closely. It was folded so closely that it passed my inspection. I may have taken it; I could not state; I may have taken it, or Mr. Lecklider might have taken it.

Q. Mr. Lecklider was Republican judge?—A. Yes, sir; I took the most of them, but I got so sick at the window, with the cigar smoke, that it made me deathly sick, and I had to go out and get some fresh air, and for that reason I refused to serve at this time.

Q. Have you frequently been on election boards in this city?—A. No, sir; I think that is the second or third time; perhaps three times I have served; not as inspector. I think I have served twice as inspector; maybe I have been four times—several railroad elections.

Q. In counting the tickets that were taken out of the ballot-box, how did you usually count them; did you count the straight tickets in fives or tens, or did you count them singly, one at a time?—A. We usually counted them one at a time; we took them out, and I first looked at them—no, I didn't—yes, I did; I took them out and handed them to Mr. Stout, who sat next to me, and Mr. Lecklider put them on the string, and Mr. Stout sat right by to see how I took them out, and I took them out one ticket at a time, and he was satisfied with them.

Q. You counted them out one at a time?—A. Yes, sir.

Q. Do they or not sometimes count straight tickets in larger numbers as they sort the straight tickets; count them in fives or tens?—A. We took these out and passed

each one along for each one to see it and handed it right over; I do not know whether we did this in this case or not; I do not think we did; I know we did when Mr. Delzel was on the board.

Q. When was he on the board; at elections previous to this?—A. Yes, sir; I would take it out and I would hand it to Mr. Delzel, and at the same time we would tally by five; we considered it just the same, because we examined each ticket separately; I wanted to see that every man got his due.

Q. State if any complaint or objection was made there that day by Ross Clark, or any one else, to the character of this Republican ticket; and, if so, who it was and how it was.—A. I never heard Ross Clark make any complaint.

Q. Did you hear anybody else?—A. No, sir.

Q. Was Senator McDonald there that day?—A. Yes, sir.

Q. What did he do?—A. He came early in the morning, about half an hour after the polls opened; I do not know whether Mr. English was with him or not, but some gentleman was, and called me by name and called my attention to the ticket; that it seemed to be thicker than the other, and to see that those tickets did not go in double; that is the only request he made, and that is the only thing I did look after.

Q. What did he state to you?—A. He stated that the ticket that was being voted—he had just discovered it—the Republican ticket was a thicker ticket than the other, and to examine them carefully to see that they were not doubled in being voted and that there were no double tickets voted.

Q. You say he asked you that?—A. Yes, sir; he says "I have all confidence in you, but I want to call your attention to that fact"; that is the only thing I looked after. Sometimes a ticket would come up and I would suspicion it and I thought it was double, and one or two occasions we would require the voter to open that ticket and fold it up again; I did not open it, but in doubtful cases I asked Mr. Lecklider or Mr. Stout, or both, before I put it in the ballot-box, right before the voter, to see that it was not voted double, any ticket that I had any suspicion about; but there was none that were there that were counted, except the one that I spoke of, and I think you will find the tally-books will show that.

Q. Did Mr. Ross Clark get up there at any time during the day and make any complaint, or denounce the Republican ticket in any way?—A. No, sir; not in my hearing.

Q. If it had been done at the polls would you have heard it?—A. Possibly I would. I was not there all the time, however.

Q. State if, during that election, you gave any sign, wink, nod, or in any way held your ticket so that the challengers might know what kind of a ticket had been handed to you?—A. I did not.

Q. Was there any such arrangement or understanding between you and the challengers?—A. There was not; no, sir.

Cross-examination by Mr. WILSON:

Q. Did Senator McDonald say anything to you about the spring-back character of that ticket?—A. I do not remember of his using the word "spring-back."

Q. You do not recollect?—A. No, sir; he called our attention, and he called me by name, as being the first one at the window, to pay particular attention. I have heard the name "spring-back" used so often since that I am not sure about it, but I do not think that he used the word "spring-back."

Q. You thought several times they were being voted double?—A. Yes, sir; they were folded very loosely.

Q. And they were so thick?—A. Yes, sir; they were folded loosely. You know a man can bring up a ticket and make it larger than any other man; and they were folded very loosely; and I remember it from the fact of his calling my attention to it.

Q. Was Mr. Hasselman there?—A. Yes, sir; Ott Hasselman.

Q. When you testified as to how the tickets were counted, you testified as to what you in your experience have done?—A. No, sir; at that particular counting out.

Q. Your testimony is what you did?—A. Yes, sir.

Q. When you speak of the poll-book and the count corresponding, what poll-book do you refer to—the poll-book kept by the judges?—A. No, sir; the judges did not keep a book; it is the clerk's poll-book that we had, with the names of the voters and the number of the voters; I have not seen the book since, but my impression is that it was something in the eighteens or nineteens.

Q. And your recollection is it corresponded with the number of votes cast, less the double ticket that was voted for Mr. Peelle?—A. Yes, sir; there was one ticket less.

Re-examination by Mr. PEELLE:

Q. That one ticket less you mean was the double ticket you spoke of?—A. Yes, sir; if we had counted that it would have been one over, but of course we did not count that.

Q. The count, then, corresponded?—A. Yes, sir.

Questions by Mr. WILSON:

Q. You mean, as a matter of fact, that there was one vote less there than the number of names recorded?—A. Yes, sir; that is what I mean to say.

Q. After throwing out that ballot there was one vote less?—A. Yes, sir; that is my impression about it. I am not positive as to that, because I have never thought of the matter since. I think there was something said about it, but it was when I was in New York, and I did not think anything about it, and have never thought about it since. That is my recollection of the way that the matter came up, and I would say that Mr. Stout and all of us were satisfied it was done right.

Q. When a ticket was handed to the inspector he held it between his fingers?—A. I most always took it in my fingers.

Q. And the name was announced and the clerk would take down the name and the ticket would go in the box?—A. And I would always say "voted"; just a regular tally.

Q. During that time all the ticket could be seen by parties?—A. Yes, sir; I held the ticket to show the man that I was not trying to hide his ticket, and I would hold it there.

Q. Between your fingers?—A. Yes, sir; sometimes I would hold it in my hand. I have no particular way of holding it, but just catch it in that way. [Indicating.] I would hold the ticket in the manner in which the man handed it to me.

Q. Usually with the fingers?—A. Yes, sir; so I could just drop it. I suppose they could see it if they wanted to. I wanted the voter to see that I was not concealing his ticket. That was all I cared for.

Questions by Mr. PEELLE:

Q. Did you hear any conversation between Ross Clark and Ott Hasselman that day about this Republican ticket?—A. I did not. I heard them talking a good deal; Ross was talking pretty fierce for awhile. He got pretty angry towards the last, but I heard nothing at all as to that

Q. Did you hear Hasselman make any remark about the fact that this Republican ticket was a scheme, a job, or anything of that kind, for the purpose of beating the Democrats?—A. I did not.

Q. State the best you can what took place with reference to this ticket, if you heard anything.—A. I heard nothing.

Q. Would you have been able to hear it if it occurred?—A. It might have occurred outside and I not hear it. It did not occur in my hearing.

Q. How long did Mr. Hasselman stay around there?—A. He was there nearly all day.

Q. How far was he from you?—A. He was not around there all the time. Sometimes he was as far as from here to the fire.

Q. The challenger, as the challenger stood, would be how far from you: three or four feet?—A. Yes, sir; it was perhaps farther than that, and sometimes he would be closer.

Q. Closer than three feet?—A. No, sir; but I do not know whether they staid close together. They did not seem to be challenging much.

Q. Did the Republicans challenge anybody there, and, if so, who?—A. I do not remember.

Q. Do you remember whether the Republicans challenged any votes there that day?—A. I do not recolleet any; they may have done it.

Q. Did the Democrats challenge any votes?—A. Yes, sir; Ross Clark challenged several.

Q. Were they white or colored men?—A. They were mostly colored men. One white man he challenged.

Q. Did he afterwards vote?—A. The colored man did not. Dr. Walker made an affidavit, but he did not live in the precinct, and we could not take his affidavit.

Q. He did not live in the precinct?—A. No, sir; he lived just across the line. He said to us that he was a legal voter and he would make the affidavit, but Ross Clark raised the question that he was not in the precinct, and they wanted to know if that would not do, and I said, "No; what Dr. Walker knows I do not know, and I never did it in my life, and I would not do it now"; and we did not take his vote.

Q Did Dr. Walker swear in any votes that day?—A. No, sir; because he did not live in the precinct. He came in and made out an affidavit in good faith, and Mr. Stout was disposed to take it, but the law was right square on it, and Clark made the point, and we decided not to.

Q. Did Mr. John Spann swear in any votes that day?—A. Yes, sir; I think he did finally. I know he did.

Q. Do you know anybody else that swore in votes?—A. I think John Spann was the only one.

Questions by Mr. WILSON:

Q. Is it not true that Mr. Hasselman and Mr. Clark were talking backwards and forwards at each other there all day?—A. They were talking and joking a good deal as they usually do.

Q. Do you recollect what they were talking about?—A. No, I don't.

Q. Could not they have talked and discussed that matter about the ticket out of your presence?—A. They might, certainly. I do not pretend to say, and do not say, that I heard all they said.

Questions by Mr. PEELLE:

Q. What was Ross Clark's manner that day in challenging?—A. It was very obnoxious.

Q. Was there any complaint or objection made to it by the Democratic judge? (Objected to.)

Q. Was there any objection to his course there made by the Democratic judge, Mr. Stout?

A. At that election or the one since?

Q. At that election.—A. At the last election Mr. Stout did not seem to like just the way he was doing, and reprimanded him very severely.

J. C. YOHN.

Exhibit No. 1 to deposition of James C. Yohn. —Paul C. Hendricks, Notary Public.

REPUBLICAN TICKET.

STATE TICKET.

For Secretary of State,
EMANUEL R. HAWN.
For Auditor of State,
EDWARD H. WOLFE.
For Treasurer of State,
ROSWELL S. HILL.
For Attorney-General,
DANIEL P. BALDWIN.
For Clerk of the Supreme Court,
JONATHAN W. GORDON.
For Superintendent of Public Instruction,
JOHN M. BLOSS.
For Judges of the Supreme Court,
First District—WILLIAM P. EDSON.
Second District—JOHN G. BERKSHIRE.
Fourth District—JOHN F. KIBBEY.

CONGRESSIONAL TICKET.

For Member of Congress, Seventh Congressional District,
STANTON J. PEELLE.

MARION COUNTY TICKET.

For Judges Superior Court—Term 1882,
JOHN L. McMASTER.
DANIEL W. HOWE.
For Judge Superior Court—Term 1884,
LEWIS C. WALKER.
For Judge Criminal Court,
JAMES E. HELLER.
For Judge Circuit Court, Nineteenth Judicial Circuit,
JOSHUA G. ADAMS.
For Prosecuting Attorney, Nineteenth Judicial Circuit,
WILLIAM T. BROWN.
For Clerk,
MOSES G. McLAIN.
For Sheriff,
JAMES W. HESS.
For Treasurer,
WILLIAM G. WASSON.
For Auditor,
JUSTUS C. ADAMS.
For Recorder,
WILLIAM F. KEAY.
For Coroner,
ALLISON MAXWELL.
For County Snrveyor,
HERVEY B. FATOUT.
For County Commissioners,
First District—WHARTON R. CLINTON.
Second District—FRIEDERICH OSTERMEYER.
Third District—ARCHIBALD GLENN.
For State Senator,
JOHN B. ELAM.
For Joint Representative Marion. Shelby, and Bartholomew Counties,
WILLIAM GILGOUR.
For Representatives,
RALPH HILL,
WILLIAM D. TOBIN,
WILLIAM T. FLETCHER,
DAVID B. SHIDELER,
SAMUEL A. ELBERT.

(Indorsed:) Exhibit No. 1 to deposition of James C. Yohn.

Exhibit No 2 to deposition of James C. Yohn. —Paul C. Hendricks, Notary Public.

DEMOCRATIC TICKET.

Secretary of State,
WILLIAM R. MYERS.
Auditor of State,
JAMES H. RICE.
Treasurer of State,
JOHN J. COOPER.
Attorney-General,
FRANCIS T. HORD.
Clerk of the Supreme Court,
SIMON P. SHEERIN.
Superintendent of Public Instruction,
JOHN W. HOLCOMBE.
Judge of the Supreme Court,
1st Dist.—WILLIAM E. NIBLACK.
Judge of the Supreme Court,
2d Dist.—GEORGE V. HOWK.
Judge of the Supreme Court,
4th Dist.—ALLEN ZOLLARS.

Member of Congress—Seventh District,
WILLIAM E. ENGLISH.

Judge, Nineteenth Judicial Circuit,
ALEXANDER C. AYRES.
Judges Superior Court, Vacancies Occurring in 1882,
JOHN A. HOLMAN,
NAPOLEON B. TAYLOR.
Judge Superior Court, Vacancy to Occur in 1884,
FREDERICK HEINER.
Judge Criminal Court,
PIERCE NORTON
Prosecuting Attorney, Nineteenth Judicial Circuit,
FRANCIS M. WRIGHT.
State Senator,
WILLIAM B. FLETCHER.
Representatives,
JESSE S. WHITSIT,
WILLIAM D. BYNUM,
JOHN C. FERRITER,
JOHN R. WILSON,
ELISHA J. HOWLAND.
Joint Representative Marion, Shelby, and Bartholomew Counties,
BELLAMY S. SUTTON.
Clerk,
ROBERT L. McOUAT.
Sheriff,
DANIEL A. LEMON.
Auditor,
THOMAS H. LITZENBERG.
Treasurer,
ELI HEINEY.
Recorder,
CORNELIUS KELLY.
Coroner,
CHARLES N. METCALF.
Surveyor,
DANIEL B. HOSBROOK.
Commissioners,
First District—RICHARD SENOUR.
Second District—HENRY GIMBER.
Third District—JOSEPH LOFTIN.
(Indorsed:) Exhibit No. 2 to deposition of James C. Yohn.

AUSTIN B. PRATHER, being first duly sworn, testified as follows:

Direct examination by Mr. Peelle:

Q. State your name, age, and residence.—A. Austin B. Prather; 38 years old; residence, Indianapolis, Ind.

Q. What is your occupation?—A. Bookkeeper for W. E. Mick & Co.

Q. What is their business?—A. Real estate.

Q. How long have you resided in this city?—A. I have resided here, I think, twenty years; 19 or 20.

Q. Did you attend the Congressional election in this city in 1882?—A. I did.

Q. What precinct and ward?—A. First precinct and 15th ward.

Q. In what capacity did you act on that day?—A. I was one of the challengers.

Q. What portion of the day were you there?—A. I think the greater portion.

Q. I hand you a ticket, headed "Republican ticket," and marked Exhibit No. 1 to the deposition of James C. Yohn. I will ask you to state if that is the ticket used by the Republicans at that election.—A I think it was, sir. It was.

Q. I now hand you a ticket headed "Democratic ticket," and marked Exhibit No. 2 to the deposition of Mr. Yohn, and I will ask you to state if that is the ticket used by the Democrats that day.—A. I think it is. It was.

Q. I hand you ticket, headed "National ticket," and marked Exhibit No. 2 to the deposition of W. O. Anderson, being the State or Greenback ticket, voted in 1882, and I will ask you to state if that is the ticket voted there.—A. I have no positive recollection of this ticket, because I do not think I saw one that day.

Q. Were there any voted at that precinct?—A. I think there was one voted, but I did not see it. I do not think I saw a Greenback ticket that day. There was none that I know of around.

Q. I will ask you to state if, when these Republican and Democratic tickets are folded separately with the names on the inside, as tickets are ordinarily folded, when voted they could be told or distinguished one from the other?—A. Well, I do not think they could.

Q. What do you say; could you by sight tell or distingnish one ticket from the other that day as they were being voted?—A. I do not think I could tell if a man came up to put in his vote; I do not think I could.

Q. Did you, as a matter of fact or not, tell how a man was voting from the external appearance of his ticket?—A. No, sir; I could not.

Cross-examination by Mr. WILSON:

Q. Can you tell the difference between those tickets by handling them?—A. Well, I never paid enough attention to it to notice it.

Q. You never paid enough attention to notice?—A. That is, to notice the particular material of it.

Q. What is your politics?—A. I am a Republican, generally.

AUSTIN B. PRATHER.

DERK DE RUITER, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. Derk De Ruiter; age, 39; 144 California street, Indianapolis, Ind.

Q. How long have you lived in this city?—A. 18 years last month.

Q. Have you ever occupied any official position in this city?—A. No, sir; except member of the board of aldermen.

Q. How long have you been a member of that board?—A. Since two years ago the first of May; and I am still a member.

Q. What ward do you live in?—A. 13th.

Q. Did you live there at the time of the Congressional election?—A. Yes, sir.

Q. Did you attend that election?—A. Yes, sir.

Q. What precinct of the ward?—A. The 2d precinct most of the time; although our voting places are right together, and I was from one to the other; they are just across the street.

Q. Who was the inspector at your particular precinct?—A. James A Isgrigg.

Q. What capacity did you act in that day?—A. Part of the day I was challenging, and sometimes superintending the wagon and sending out for voters, and such general work as is to be done.

Q. I hand you ticket headed "Republican ticket," marked Exhibit No. 1 to the deposition of James C. Yohn, and I will ask you to state if that is the ticket used on that occasion by the Republicans?—A. Yes, sir; that is the ticket; we have a number of them in our house now; I can identify that very readily.

Q. I hand you ticket headed "Democratic ticket," and marked Exhibit No. 2 to the deposition of James C. Yohn, and I will ask you to state if that is the ticket

used by the Democrats that day?—A. That is my impression, that it is the same ticket.

Q. Did you notice these tickets as they were being voted that day folded?—A. I did, very closely.

Q. Could you tell what ticket a man was voting from the external appearance of the ticket when folded in the hands of the voter?—A. No, sir; I could not tell from the fold; I tried to find them out when I was challenger.

Q. Have you been able to do that at elections before?—A. Frequently.

Q. What is the color of those tickets?—A. My impression is they are white, unless I am color-blind.

Q. What is called plain white? –A. Plain white tickets.

Q. Did you make any effort to distinguish those tickets?—A. I did a great deal of challenging, and a challenger watches a ticket very closely.

Q. Did Mr. Isgrigg on that day so hold the tickets or give any nod or wink or other sign to the challenger on the outside, so they might know what kind of tickets had been handed to him?—A. No, sir; I think not.

Q. Did you notice anything of that kind?—A. No, sir.

Q. If anything of that kind occurred there, you know nothing about it?—A. I think I should have known it if it had.

Q. Who is Mr. Isgrigg?—A. He is employed by C. C. Foster & Co., in the lumber yard.

Q. How old is he?—A. The man, I should think, would be about 50 or 55 years of age.

Q. How long has he lived in this city?—A. He lived here long before I came here. I do not know how much longer.

Q. Was there ever an election held at that precinct prior to 1882?—A. No, sir; under the first division we had three precincts; that was the township election.

Q. When was that?—A. That was the spring preceding this election the precincts were redivided.

Q. There were two in 1882?—A. Yes, sir.

Q. How many precincts were there in that ward in 1880?—A. In 1880 there was but one precinct.

Q. Then, you cannot tell how the vote of 1882 compared with the vote at that precinct, because there is no way of arriving at that?—A. No, sir; you could tell by the aggregate of the entire ward.

Q. State how the vote of 1882 compared with the vote in 1880.—A. The vote of 1882 in that ward; you mean aggregating the vote in the ward?

Q. Yes, sir; as you did not have precincts to correspond.—A. The aggregate vote of the ward, I think, was about 30 short of 1880.

Q. Do you remember how the vote stood in that ward in 1882 as compared with 1880 for Mr. Peelle for Congress?—A. Yes, sir; I can arrive at that very closely. I think it was probably a difference in the majority of Mr. Peelle. I think he carried the ward in 1880 by probably 15 to 20 more than in 1882; that is a rough guess. I am figuring somewhat by the head of the ticket.

Q. You cannot get at that in any other way except by the ward?—A. No, sir; we never held an election under that law before the township election, and there was hardly a two-thirds vote polled. It would hardly be a basis to go upon.

Q. What township election was that?—A. The township election preceding the election of 1882; April, 1882. We polled less than 600 votes when we usually poll very nearly a thousand.

Q. How was the vote in the last city election in October in that ward?—A. We had about 700 votes.

Q. How would that compare with the vote of 1882?—A. Well, it was less; we had less votes in the city election than in 1882.

Q. Was there less votes generally in the city here in October than in the election in 1882?—A. Yes, sir; if I remember right, the aggregate vote was not as large as that in the fall of 1882.

Q. About how much difference?—A. That is pretty hard to get at. It seems to me we were over one thousand votes short in the city.

Q. Are you not mistaken?—A. I may be.

Q. Is not the difference four or five thousand less in the city election than in 1882?—A. I cannot now get at that from the figures. You mean this last city election; that the vote this time was less than in 1882?

Q. Yes, sir.—A. There was a considerable falling off in the vote, but to what extent I do not recollect.

Q. How was it in the precinct where you were?—A. There was a very decided falling off.

Q. How much falling off?—A. I think we had over 600. I think we had about 650 votes, and then there was a falling off of nearly 100 votes in our precinct.

Q. I will ask you to state if in the second ward, in which Mr. Wilson and myself

both voted, there was not a falling off of over 200 votes in the city election of October last?—A. No; I think not quite 200; very nearly that. It was in the neighborhood of 200 votes short.

Q. In the second ward?—A. Yes, sir.

Q. State if in most of the wards there was not a heavy falling off.—A. There was a very decided falling off; yes, sir.

Q. Was there any more falling off in the vote in that precinct than in any other precinct in the city?—A. No, sir; I think not. We lost very heavy; we could not get out our vote. I think we polled nearly a full vote; we have only 350 or 400 in that precinct, and it is a compact precinct. The first precinct lies north of Vermont street.

Q. Who was inspector at that first precinct in 1882?—A. Mr. Chandeler.

Q. How did the vote in that precinct in the city election in October compare with the vote in 1882?—A. My impression is it was very close to it. I think in the south precinct you will find we lost more votes than at the north. We had a very large precinct, and it covers a very large territory.

Cross-examination by Mr. WILSON:

Q. When you answered Mr. Peelle's question with reference to his vote in 1882 in that precinct, did you compare it to his vote at previous elections? Your answer was based upon the total vote of the ward?—A. Yes, sir; the total vote of the ward was what we were speaking of.

Q. So you do not know what the vote was in that territory covered by that precinct at his previous election?—A. No, sir; I do not know any way of arriving at it at all.

Q. The first Congressional election that was at that voting precinct and territory, was that in 1882; was the election in 1882?—A. Yes, sir; that was the first election. You cannot compare it with any other election.

Q. You say when you were challenging voters you tried to find out what their tickets were?—A. We certainly did.

Q. What difference would that make in challenging a vote?—A. I presume the challenger understands the vote and what the difference is. Men do not particularly care to challenge their own party's vote. We leave the other side to do that.

Q. In other words, if a man came there that you were looking after and he had a Democratic ticket you would challenge him a heap quicker than you would a Republican?—A. I suppose the other side would take care of their own row. They always have taken care of their own row, and we have had a pretty hard time to do that in our ward.

(Question repeated.)

A. We simply suppose that the fellows on the other side would take care of the Republicans.

(Question repeated.)

A. Yes, sir; we would challenge a Democrat quicker than we would a Republican.

Q. If a colored man came in with a Democratic ticket and you saw it you would challenge him quicker than you would if he had a Republican ticket?

(Objected as not cross-examination.)

A. I think there was none in my precinct that voted the Democratic ticket that day.

Q. Why was that, if you know?—A. They probably had their own motives for voting; I could not say why they voted the Republican ticket; they usually do it.

Q. You say at that precinct——? A. (Interrupting.) There was none that I heard of; there was three or four in that North precinct.

Q. Do you not know as a matter of fact that at that very precinct there was a disposition on the part of the colored people, on account of the prohibition question, to vote the Democrat ticket?—A. No, sir; I do not know it.

Q. When you get hold of one of those tickets can you tell the difference between that and a Democratic ticket?—A. Yes, sir; when I take hold of it.

Q. And you could not tell anything about it by sight?—A. There was no way to tell; they were the same size and color.

Q. You have been a pretty active politician?—A. I have, sir; but not so active as some and more than others.

Q. Have you not been as active as any of those gentlemen?—A. I have been on the board occasionally but not always.

Q. Have you not always been at the polls during elections?—A. Usually.

Q. And have always taken a hand?—A. I would not say always; I guess there may have been one or two elections I have missed in my life; but I am usually there.

Q. Could the inspector tell the difference in your opinion by handling these tickets?—A. I think he could when he got hold of the ticket; I could tell the difference by feeling, and that is the only way I could; and any inspector could tell the difference in the tickets by handling them. It does not make any difference how it was done; they never make paper of exactly the same texture, anyway.

Q. You say that was the Democratic ticket voted at that precinct that day that Mr. Peelle showed you?—A. I said that was my impression, so far as my recollection goes.

Q. Was it the only kind of a ticket headed Democratic that was voted there that day?—A. I am not certain that it was. There may have been a difference, but my impression is there was a plain one and a bogus one that had some names mixed with it—an occasional ticket, but I am not certain about it. My impression is there was.

Q. Was there any Republican ticket of that kind?—A. I do not know; it was said there was some names on Mr. Peelle's ticket, but I did not see any or I did not handle any; I heard them spoken of, but I did not see them.

Q. There was quite a falling off in the vote of 1883 from the vote in 1882?—A. Yes, sir; there was a falling off; there always is in the off year.

Q. Was it not greater this time on the Republican side than you have known for some time?—A. I think you will find that the 13th ward came nearer than any ward in the city to her full vote. I am satisfied she did, and nearer her Republican majority. Probably not one ward in the city came near giving her majority in 1880.

Q. Did you not say awhile ago there was a considerable falling off in the ward?—A. No, sir; not in the aggregate vote. I said there was a falling off in regard to the Congressional election and the last election. There may have been a falling off in the full vote, but not very much in the majority.

Q. I will ask you if it was not the fact that the Republican majority at the Congressional election at that precinct, in the second precinct of the thirteenth ward, was 83?—A. My impression it was 87. I have been saying it was 87.

Q. In 1883 was not the majority only 12?—A. We did not hold any election in 1883.

Q. City election?—A. In that precinct we never held a city election before, if I remember right, until this fall.

Q. I mean this fall.—A. Well, in that precinct I think we lost the precinct on most of the ticket. On councilman I know we lost it by 50 and we carried it for mayor by a very small majority.

Q. Then there was some falling off?—A. There was a great falling off between 1882 and this fall election.

Q. On the vote for mayor was there not only a majority of 12?—A. I think so. I think that is about it. If we carried it at all we carried it by a very small majority in that precinct.

Q. Did you have any policemen around this precinct where you were in 1883?—A. Yes, sir.

Q. Did they take part?—A. I did not see any take part—you mean this election of 1883?

Q. No, sir; in 1882.—A. I thought you were speaking of November, 1883. No; I do not think of any that took part.

Q. Are you certain of that?—A. Mr. Thornton may have sworn in some votes, he usually did.

Q. Ben Thornton?—A. Yes, sir.

Q. A colored policeman?—A. Yes, sir.

Q. Now I ask you did not Ben Thornton swear in Republican votes there at the November election, 1882?—A. I do not know that he did. My impression is that he did.

Q. They were not swearing in votes there at the October election in 1883 at all—any policemen?—A. I do not remember of any policemen there swearing in votes. Thornton was not there, because he was assigned to duty elsewhere. He was keeping out of there.

Q. Was there any policemen there at all that day doing anything whatever in October, 1883?—A. No, sir; I think there was one or two policemen knocking around the edges a little, but what their politics were I do not know.

Q. They took no part?—A. No; I think not.

Re-examination by Mr. PEELLE:

Q. Did Ben Thornton challenge any votes in 1882?—A. No, sir.

Q. Did any policeman make any challenge in that ward?—A. No, sir; I never saw a policeman challenge a vote in that ward.

Q. Did you ever see a policeman in this city when he was on duty challenging at the polls?—A. No, sir; the most I have seen is an occasion when a man came up, a colored man that was well known, and challenged—they frequently challenge the colored men—Mr. Thornton would swear them in, being the only property-owner qualified to swear in.

Q. Being the only colored man that owns property in that precinct?—A. I think so. Mr. Hill is another colored man that owns property; he use to swear in votes.

Q. In November, 1882, was there any other colored man there owning property but Ben Thornton?—A. No, sir; I think not. Mr. Hill owned property, but he was employed by the Democracy to swear in votes.

Q. Was Mr. Hill a Republican or Democrat in 1882?—A. Mr. Hill was a Democrat.

Q. Mr. Thornton is the only Republican colored man in that precinct that owns property?—A. He is the only one to my knowledge. I know of no other—you were speaking of my precinct. Mr. Thornton is not in my precinct; he is in the north precinct, but the voting places are so near together I was at both a part of the day. Mr. Thornton is not in my precinct at all, and did not swear any votes in that came there.

Q. Do you know of another colored man that owns property in the north precinct?—A. Outside of Mr. Thornton and Mr. Hill I do not know of any others. Oh, yes, I think two; there was one man named Simmons, an old preacher, but he never takes any part in politics, and he owns a house and lot. I never saw him take any part in politics or swear in any votes.

Q. Is Ben Thornton a policeman now?—A. Yes, sir.

Q. Metropolitan policeman?—A. Yes, sir.

Q. What business are you in?—A. Grocery business.

Q. Whereabouts?—A. 191 Indiana avenue.

DERK DE RUITER.

THOMAS E. CHANDLER, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Question. Your name, age, and residence?—Answer. Thomas E. Chandler, age 51; residence 284 West Vermont street, Indianapolis, Ind.

Q. How long have you resided in this city?—A. About twenty-five years; since 1858.

Q. What is your business?—A. Machinist—manufacturer.

Q. Have you any partner?—A. Chandler & Taylor is our firm.

Q. Have you been in the manufacturing business, since you have been here, constantly?—A. We commenced in 1859.

Q. Did you ever occupy any official position?—A. I was a member of the board of aldermen for three years.

Q. Is that all?—A. Yes, sir.

Q. Did you attend the Congressional election in this city in 1882?—A. Yes, sir.

Q. What precinct and ward?—A. The first precinct of the thirteenth ward.

Q. Did you act in any official capacity?—A. I was inspector.

Q. Did you receive the votes as they were being voted?—A. Yes, sir.

Q. I hand you a ticket headed "Republican Ticket," marked as Exhibit No. 1 to the deposition of James C. Yohn, and I will ask you to state if that is the ticket voted by the Republicans at that election?—A. Well, sir, I think it is; I do not think I can remember all the names, but that is the appearance of the ticket voted in 1882.

Q. Would you say that is the ticket, or a similar ticket?—A. Yes, sir.

Q. I now hand you a ticket headed "Democratic Ticket" and marked as Exhibit No. 2 to the deposition of Mr. Yohn, and I will ask you to state if that is the ticket that the Democrats voted at that election?—A. I think it is, sir.

Q. When these tickets are folded with the names on the inside, as tickets are ordinarily folded when voted, could you tell or distinguish one from the other by sight?—A. Not unless they were held between me and the light; I could then, not otherwise. Now some men are careless in folding their tickets, and if they would fold their ticket and hold it between me and where I could see that the ticket is more transparant than the other then I might tell; if they were folded so that one thickness would project.

Q. Do you think you could do it with those two tickets?—A. I did not notice at this election, but I did at this last election; I could tell the tickets in that way; I do not know that my attention was called to it then. There was a difference when you look through them that way [witness held tickets between himself and the light] in that light; I do not know that I ever thought of this until this last election; I acted as inspector at the last election, and the difference in the tickets was talked of by the board, and we compared them at the light and we saw that we could tell the difference although they were alike when folded up.

Q. Take this Democratic ticket voted in 1882 and see if you could tell the difference.—A. I do not think I could tell the difference holding it away from the light.

Q. Could you tell them holding them between you and the light?—A. Yes, sir; one is more transparent. I think I could tell them in that way.

Q. When the tickets were folded as tickets are ordinarily folded, could you tell one ticket from the other by sight?—A. No, sir; not without feeling them.

Q. State if at that election you gave any sign, wink, or nod or held the ticket in any way so that the challenger would know what kind of ticket it was that you were handling.—A. I held no ticket unless it was challenged, and then I held it until the matter was settled.

Q. Did you have any arrangement or understanding by which you were to hold a ticket

in such a way that they could tell which ticket it was by your holding it?—A. No, sir; none whatever.

Q. I will ask you how the tickets were counted that day?—A. They were counted by fives. We would take out the tickets and count and tally the straight tickets by fives, read off at first the whole Republican ticket, and then tally by fives, and then read off the whole Democratic ticket and tally by fives until we had all the straight tickets counted, and we would lay all the scratched tickets at one end until we got through with the straight tickets first.

Q. Was that different from the way they had been previously counted?—A. I do not know that. I never acted as inspector before, but I have been on boards once or twice before, and that is the way it was. We would count awhile on the straight Republican tickets, and then count on the straight Democratic tickets awhile, when the Republican tickets would become scarce on top, and then I would take the straight Democratic tickets and may be push the straight Democratic tickets out awhile, and when we got to the bottom of the box we would clear the box and take the scratched tickets.

Q. Then that is the usual way it has been?—A. I never knew of it being done in any other way except once, and then I was not on the board. I was acting as committeeman of the ward, and Jim Ryan was on the board and he insisted on them being counted and read out singly, every ticket, and the result of it was that the board gave out and had to get new clerks, and before they got through counting they were all so overcome for the want of sleep that they decided to stop counting that way, and counted by fives. That is as I understood. I was present part of the time.

Q. How was your ward redistricted at the time of the election in 1880? How many precincts were there in your ward in 1880?—A. We all voted at the same place in 1880.

Q. How did you vote at the April election, 1882?—A. In 1882 we voted at two precincts.

Q. Three or two?—A. Two.

Q. Was there not three there?—A. No, sir; I think not.

Q. How many precincts were there at the Congressional election in 1882?—A. I think there were two precincts at that time. We had a township election in 1881 or 1882, at the time Mr. Kitz was elected. I think we had three at that time.

Q. And then at the Congressional election in 1882 you had two precincts?—A. Yes, sir.

Q. Then, as a matter of fact, you never held any election in that ward with two precincts prior to the Congressional election of 1882?—A. No, sir; 1882 and 1883 were the only ones.

Q. How did the vote of the thirteenth ward in 1882 correspond with the total vote in 1880?—A. It was rather larger.

Q. Larger when?—A. In 1882 than it was in 1880.

Q. You mean the total vote, or simply the majority?—A. The total vote.

Q. How was the Democratic vote in that ward in 1882, as compared with 1880?—A. Larger.

Q. How much larger was the Democratic vote in that precinct in 1882 than it was in 1880?—A. Well, 30 to 40.

Q. Have you the exact figures?—A. No, sir; I have not.

Q. Have you examined any figures before you came here to see?—A. Yes, sir; if they are reliable figures.

Q. Are they figures you made yourself?—A. Yes, sir; if the reports at that time were complete.

Q. Independent of any figures, state what is your recollection as to the vote of 1882 compared with the vote of 1880?—A. The vote of 1880 was the largest that had ever been cast up to that time, and the vote of 1882 exceeded it somewhat; 25 or 30 votes, probably; and the Democratic vote was increased in 1882 over the one of 1880, and the Republican just about the same as that of 1880.

Q. The Republican vote of 1882 was about the same as that of 1880?—A. Yes, sir.

Q. Do you remember how it stood on the candidates for Congress at that time?—A. I do not.

Q. State where you got the report of the vote of 1882 in that ward.—A. I saw it in the Sentinel.

Q. Did you compare it with the vote in the Journal?—A. I did not.

Q. Did you take the vote of 1880 and 1882 from the Sentinel?—A. No, sir; the other was from the Journal.

Q. The vote of 1880 was taken from the Journal?—A. Yes, sir.

Q. And 1882 from the Sentinel?—A. Yes, sir.

Q. Did the Sentinel report purport to be the official vote?—A. Yes, sir; there was some 40 or 42 more Democratic votes than there had been in 1880, and the Republican vote was just the same as in 1880.

Cross-examination by Mr. WILSON:

Q. In what you state about the vote in 1880 and 1882 you refer to the vote of the entire ward, or the vote of the precinct where you were inspector?—A. I speak only of the ward, not the precincts.

Q. And in 1880 there were three precincts?—A. No, sir; in 1880 there was one precinct.

Q. When was it there was three?—A. There was three at the township election. That was changed in the spring of 1882, in April, I think.

Q. How many precincts at the election for Congress in 1882?—A. Two precincts.

Q. Do you know what the Republican majority was at the precinct where you were inspector at the Congressional election in 1882—what the Republican majority was?—A. [Referring to book.] In 1882?

Q. At the Congressional election in 1882; yes, sir.—A. There was 234 Republican and 98 Democratic.

Q. What majority would that make?

Mr. PEELLE. On what candidate?

Q. I am speaking about the Congressional election of 1882.—A. I believe this was on Peelle and English.

Q. Tell us what the Republican majority was at your precinct at that election.—A. [Figuring.] 234. I do not know whether I understand my own figures or not. I did not tell you right there. The first precinct was 234 Democratic and 249 Republican. I think that is the right way.

Q. What was Mr. Peelle's majority? What was the Republican majority at your precinct at that election?—A. I would not attempt to testify on that, because I do not understand my own figures as I put them in here. I do not know which was which. I have 249 and 317 as the vote in the first precinct, making 566, which was just the same as the vote in 1880 in the two precincts. In 1882 the first gave 234 Democratic and the other gave 98 Democratic, making 332.

Q. I want to get at the Republican majority in the precinct of the thirteenth ward, where you were inspector.—A. I do not think I can tell you until I look up the paper. I think it was 249 in the first precinct, because it was a smaller precinct than the second, and for that reason I would think that was it.

Q. You think that was the vote of the precinct?—A. Oh, I am not sure about that. It may have been just the reverse. It may have been that 317 was the vote at that precinct; as I have it put down here it would be just the reverse from what I think it is.

Q. Were you the inspector of the election at the same precinct at the election held for mayor in the last month?—A. Yes, sir.

Q. How many precincts in the thirteenth ward at that election?—A. Two. There have only been two elections in which that ward has been divided into two precincts.

Q. Do you remember what the Republican majority was at that precinct at the last election?—A. No, sir; I do not.

Q. Do you know whether the Republican majority was more or less at the last election than it was at the preceding?—A. I know it was less. I think that the Republican majority for councilman was in the neighborhood of 150 in my precinct and the general ticket was 25 or 30 less at the last election held this year. There was a large majority in the ward, but in the other precincts it was just the reverse.

Q. Do you not know that the Republican majority at the election for mayor early in October, 1883, in the first precinct of the thirteenth ward, where you were the inspector, was only 196?—A. Perhaps that is correct. I am not sure about that.

Q. Do you not know that the Republican majority at the election in the same precinct of the same ward in 1882 was 151 for Mr. Peelle?—A. Well, I do not recollect about that, I am sure. I know it was a great deal larger vote in 1883 than it was in 1882.

Q. But you do know that the Republican majority was less at the election in October, 1883, than it was for Mr. Peelle in 1882?—A. I think it was, sir.

Q. You spoke about being able to distinguish the Republican ticket voted at the Congressional election in 1882 by sight when it was in a certain position.—A. Yes, sir; also the vote of 1883, the city election in the spring.

Q. I am asking you about the election in 1882.—A. Yes, sir.

Q. I will ask you whether, in receiving these Republican tickets voted at that election, you did not hold them up between your thumb and finger when they were placed in your hands by the voter, and hold them in that position until the clerk recorded the name and then drop them in the ballot-box; hold them in such a position that they could be seen by bystanders and all persons that chose to look at them at the polls—bystanders and challengers?—A. I might have held some tickets that way. I have no recollection of it.

Q. You do not say you did not?—A. No, sir.

Q. Is not that generally done by inspectors?—A. I think not, sir.

Q. How did you hold them?—A. I have frequently held a ticket in the mouth of the ballot-box when it was challenged, and I would hold it there and drop it if the challenge was withdrawn, and if it was decided to be all right. I invariably held my wrist on the box when I received a ticket and would hold it over the hole.

Q. Is that the way you did at that election?—A. I can not testify as to the way I held every ticket. I had no uniform way of holding tickets.

Q. Is it not true, in point of fact, in the early part of the day, when those Republican tickets were voted, you held them between your thumb and fingers in such a way that the bystanders could see the ticket—I do not mean the inside of the ticket, but see the ticket that you held between your thumb and fingers before it went into the box?—A. If you mean that I held the ticket in such a way that the bystanders could know what the ticket was, I say no.

Q. I have not asked you if you held it with a view of it being distinguished; I ask you as to the fact?—A. I do not know that I had any general rule about it. I might have held the ticket that way at times, and other ways at other times. I have no uniform way.

Q. I will ask you this question: Whether you could not by the feel of the Republican ticket tell what it was without it being opened?—A. I think I could.

Q. I ask you further: Whether in the count you say you took the tickets out five at a time out of the box each kind?—A. We counted them by fives.

Q. You say you counted them in bunches of fives; I will ask you whether you did not by feeling take out the Republican tickets in that way without opening them to see whether they were Republican tickets. In other words, did not you put your hands in the box and take out these tickets by feeling them—five at a time?—A. These tickets being folded, I can tell you what my practice was. The tickets being folded in the box, I would take a ticket that way [indicating] and unfold it, and look at the head of the ticket, and run it down to see if there was any paster on it or none of it scratched, and then I would see what the heading would be and if it was a straight ticket, and no scratches on it. I would take it between my fingers in this way [illustrating] and hold it open, and I would take up another ticket headed "Republican Ticket" and run over it the same way, and I would keep it the same way between my fingers.

Q. And in taking them out of the box did you go by your knowledge of the Republican ticket and take them out by feeling them and take the Republican tickets out, bunches at a time?—A. No, sir; I did not take out any bunches at a time. I only took them out of the box one at a time.

Q. But you could tell, as I understand you, when you came to a Republican ticket, that, by the feel of it, it was a Republican ticket?—A. I could tell it was a Republican ticket because of the difference in the paper.

Q. And that was before it was opened?—A. Yes, sir; I could tell before it was opened. I could at the last election, in the same way. If I recollect right, the Democratic ticket was a little heavier at the last election.

Questions by Mr. PEELLE:

Q. Is it not true that at all elections you have been able to do the same thing, and distinguish them?—A. Yes, sir; I have never acted as inspector except at two elections, I believe.

Q. You mean by feeling the ticket you could tell, where you had attended elections?—A. I have always been able to give my judgment upon it. I do not know that I have always been able to tell absolutely. I always thought I could see some difference in the tickets. There is a difference in the width of the tickets sometimes, and sometimes the paper. Where they are the same thickness, one has a little gloss upon it and the other has not, as one of those tickets [indicating] has a little gloss upon it and the other has not.

Q. The Republican ticket of 1880 has a little gloss upon it, the State ticket?—A. Yes, sir.

Mr. WILSON. Is not this Republican ticket voted at the Congressional election of 1882 a much thicker and heavier ticket than any ticket voted at any election where you have been inspector?

The WITNESS. I never was inspector at any other election except in 1882. As compared with 1883 it is a heavier paper than in 1882. I do not recollect of my attention being called to the fact that they were more transparent than the others until the election of 1883, when I was on the board, and we talked about that at the time, I recollect.

T. E. CHANDLER.

SILAS L. HARVEY, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Question. State your name, age, and residence.—Answer. Silas L. Harvey; age, 39; residence, Indianapolis, Ind.

Q. What is your business?—A. I am a deputy county clerk.

Q. How long have you been deputy county clerk?—A. Between fifteen and sixteen years, I think.

Q. Did you attend the Congressional election in this city in November, 1882?—A. Yes, sir.

Q. What precinct and ward?—A. I was in the second precinct, ninth ward.

Q. In what capacity did you act that day?—A. I was assisting the challengers that day.

Q. Did you see the tickets as they were voted that day?—A. Yes, sir.

Q. I now hand you ticket headed "Republican Ticket," and marked Exhibit A to the deposition of Mr. Holliday, and I will ask you to state whether that is the ticket used by the Republicans on that day.—A. Yes, sir.

Q. I hand you ticket headed "Democratic Ticket," and marked Exhibit B to the deposition of Mr. Holliday, and I will ask you to state if that is the Democratic ticket used that day.—A. Yes, sir.

Q. State if when those tickets were folded in the hands of the voters, with the names on the inside, as tickets are ordinarily folded, whether you could, or not, tell the difference one from the other by sight.—A. I never took any notice of that. I was not right at the window. I never noticed that. I do not know whether I could testify about that. I was off to one side with the poll-book.

Q. You were seeing them voting there, were you?—A. Yes, sir.

Q. As they were folded as men came up with the tickets?—A. Yes, sir.

Q. State whether you were, as a matter of fact, at any time able to tell one ticket from the other by sight?—A. No, sir; not at a glance.

Q. You could tell by feeling?—A. Yes, sir; I could.

Cross-examination by Mr. WILSON:

Q. You are a Republican?—A. Yes, sir.

SILAS L. HARVEY.

W. F. BROWDER, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Question. State your name, age, and residence.—Answer. W. F. Browder; 33 years old; residence, 94 Hoyt avenue.

Q. What is your profession?—A. I am a lawyer by profession, but at present I am assistant reporter in the supreme court.

Q. How long have you been assistant reporter?—A. This is the eleventh year.

Q. Did you attend the Congressional election in this city in November, 1882?—A. Yes, sir.

Q. What precinct and ward?—A. First precinct, and twenty-first ward.

Q. What capacity did you act in?—A. I was on the outside; I was not inside. I was watcher at the count, but not inside during the election.

Q. Did you challenge any that day?—A. No, sir.

Q. Did you see the tickets as they were voted that day?—A. Yes, sir.

Q. I hand you ticket headed "Republican Ticket," and marked Exhibit A to the deposition of Mr. Holliday, and I will ask you to state if that is the Republican ticket voted there that day.—A. Yes, sir; that is the ticket.

Q. I now hand you ticket headed "Democratic Ticket," and marked Exhibit B to the deposition of Mr. Holliday, and I will ask you to state if that is the Democratic ticket voted there that day.—A. Yes, sir; that is the Democratic ticket used that day.

Q. I will ask you if when those tickets are folded separately with the names on the inside, as tickets are ordinarily folded when they are being voted, could you tell or distinguish one from the other by sight?—A. Sometimes we thought we could, but my judgment is we could not. We might pass judgment, but on investigation I found out several times when we thought men voted the Republican ticket that they did not. That was after investigation at the time.

Q. Did you or not as a matter of fact tell or distinguish one of those tickets from the other by sight, as they were folded with the names on the inside?—A. No, sir.

Q. Did you make any effort to do it?—A. The only effort I remember of making to do it—of course we looked closely at the tickets when they were voted, to see if we could discover what tickets they were voting, but in the count that evening, I was one of the watchers, and in taking out the ballots, several times we guessed out loud what

the character of the ticket was. I remember of guessing three times at it, saying "Here comes a good Republican ticket" or "Here comes a good Democratic ticket." Mr. Carlton was next to me, and he was guessing at the Democratic ticket and I was guessing at the Republican, but I missed it two out of three times, and Mr. Carlton missed it once or twice.

Q. That was as they were coming out of the ballot-box, being counted that night?—A. Yes, sir; when they were in Mr. Brundager's hands when he was taking them out of the box.

Q. How did the count correspond with the poll-book or register of names?—A. In our precinct?

Q. Yes, sir.—A. It was exact.

Q. Was there any complaint of any kind, and if so, state what, about the character of that Republican ticket that day?—A. I do not recollect of any complaint being made at all.

Q. Was there any objection made to the counting of that ticket to the board by anybody, and if so, by whom?—A. No, sir.

Cross-examination by Mr. WILSON:

Q. Could you tell the difference between those tickets by feeling them?—A. I can.

Q. Could you tell the difference between those tickets after knowing the difference, watching them by sight if you got a chance to see them?—A. Well, I do not know whether I could or not, but my subsequent experience as inspector down there has made me believe that it was an impossibility to tell the tickets as they were coming in. So many of them are discolored even where they are white and folded up closely you cannot tell even by holding them in your hand for a minute.

Q. By sight when you got a chance to look at the ticket carefully and to see plainly after knowing the difference, could you tell the difference by sight?—A. If I could hold the ticket up so that the light could shine through it I think I could tell any ticket.

Q. Could you tell this ticket by sight when it was folded up when you got a chance to look at it?—A. No, sir; I do not believe I could.

Q. You say you thought that day that you had but you found subsequently that you were mistaken. How did you subsequently find out that you made a mistake?—A. By asking the parties.

Q. And they said they had voted a different way?—A. Yes, sir.

Q. You took their statement as the basis of the statement that you made a mistake?—A. Yes, sir. I will explain how that happened. There would be a man peddling the Democratic tickets and he would hand him a Democratic ticket and there would be a man peddling the Republican ticket and he would hand him his ticket and the man would fold them both and frequently you could not tell which ticket he voted in passing up the chute and in that way we would think differently as to which it was and after it was all over we would endeavor to find out some one among us how the man voted.

Q. You made your guess as to the difference in the character of the tickets that night?—A. Yes, sir.

Q. Where were you—in what sort of a room?—A. Right behind the inspector.

Q. In what sort of a room?—A. In a room about 12 by 13 or 14.

Q. What was the room used for before that?—A. The room is a front room of a dwelling-house.

Q. Did you use gas?—A. No, sir; we had three lamps.

Q. How often did you make guesses?—A. Well, only three times, I believe. There was a good deal of fun passing between Carlton and myself.

Q. What Carlton is that?—A. The bailiff in the court, John Carlton; just in mischief he would say, "Here goes a Democratic ticket; I know by the looks of it," and I guessed once or twice just for fun—three times I believe altogether, and missed it twice and was right once.

Q. What are your politics?—A. I am a Republican, but sometimes I scratch—not often, though.

W. F. BROWDER.

By agreement of all parties the further taking of these depositions was postponed until Wednesday, November 14, 1883.

WEDNESDAY, *November* 14, 1883.

Parties met pursuant to adjournment.

CHRISTIAN E. ZIMMERMAN, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Question. State your name, age, and residence.—Answer. Christian E. Zimmerman; 53 years old; residence, 309 East Merrill street, Indianapolis, Ind.

Q. What is your business?—A. Cabinet-maker by trade.

Q. Did you attend the Congressional election in this city in 1882?—A. I did part of the day.

Q. What portion of the time were you there?—A. I was there in the after part of the day.

Q. Were you a looker-on at the polls?—A. Yes, sir.

Q. Were you there as worker in any way?—A. Not particularly; not specially.

Q. Did you notice the tickets as they were being voted?—A. Yes, sir; I saw the ticket.

Q. I now hand you ticket headed "Republican Ticket" and marked Exhibit A to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket used by the Republicans on that day.—A. To the best of my recollection that is the ticket.

Q. I now hand you ticket headed "Democratic Ticket," and marked Exhibit B to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket used by the Democrats on that day, or a similar ticket.—A. I think it is. I think I have the tickets filed away at home of both political parties. I usually do that.

Q. What precinct and ward did you attend?—A. Twenty-second ward, north precinct. I do not know whether it was the first or second.

Q. State if when those tickets are folded such as I have shown you, voted in November, 1882, at the Congressional election, as tickets are usually folded by voters, if you could distinguish one from the other.—A. I could not at the time.

Q. Could you when they were voted tell one from the other by the appearance of the ticket without any previous knowledge of the way men voted or who gave them the tickets?—A. I do not know as I could without studying the matter. Simply as a by-stander, I do not think I could.

Q. You say you made no special effort that day?—A. No, sir.

Q. Was your attention called to the ticket in any way that day?—A. No, sir.

Q. Was there any complaint made at the poll, to your knowledge, of the character of that ticket?—A. Not that I heard of. I did not hear of any complaint at all until some time after this contest was commenced.

Q. State if your attention was called to the ticket on the day of the election; that the Republican ticket was on heavier paper than the Democratic ticket.—A. No, sir; I did not hear anything of that.

Cross-examination by Mr. WILSON:

Q. You say that that is the ticket that was used by the Republicans on that day?—A. I think so; I am not positive.

Q. Was there any other tickets used by the Republicans there?—A. I could not say whether there was or not. I do not remember. To the best of my recollection that is the only ticket I saw.

Q. Can you tell the difference between those tickets by feeling them?—A. I do not know; I suppose I might.

Q. You are a Republican?—A. I am a Liberal; I am not a high Republican.

Q. What do you mean by being Liberal?—A. I vote as I please.

Q. How were you voting in November, 1882?—A. If it is a pertinent question I will answer it.

M. PEELLE. Just as you choose.

Mr. WILSON. You can do as you please about answering the question. I do not mean what men you voted for; I mean what party you voted with.—A. I generally voted the Republican ticket so far as the ticket is concerned.

Re-examination by Mr. PEELLE:

Q. But you have voted for Democrats frequently?—A. Yes, sir; I have sometimes.

Q. In other words, you vote for the men?—A. If I think it is policy to do it.

Q. Did you ever hold any office?—A. No, sir.

Q. Were you ever a candidate for any office?—A. No, sir; I never held any office—no civil office.

CHRISTIAN E. ZIMMERMAN.

HENRY C. BUDDENBAUM, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Question. State your name, age, and residence.—Answer. Henry C. Buddenbaum; age, 49; and residence, 396 East Ohio street, Indianapolis, Ind.

Q. What is your business?—A. I am now following street sprinkling.

Q. How long have you lived in this city?—A. I came to this city in 1850.

Q. You are a German, I believe?—A. Yes, sir.

Q. You are a Republican in politics?—A. Yes, sir.

Q. Did you attend the Congressional election in this city in 1882?—A. Yes, sir; I acted as inspector of the first precinct of the eighth ward that day.

Q. Did you see the tickets as they were voted there that day?—A. I handled most of them that were voted there.

Q. I hand you ticket marked Exhibit A, to the deposition of Mr. Holliday, and headed "Republican Ticket," and I will ask you if that is the ticket used by the Republicans on that day, or a similar ticket?—A. Yes, sir; a similar ticket.

Q. I hand you ticket headed "Democratic Ticket," and marked Exhibit B to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket used by the Democrats at that precinct that day.—A. Yes, sir.

Q. State if when those tickets are folded as tickets are ordinarily folded and handed in, if you can tell by sight one from the other?—A. No, sir; not until I get my hands on them.

Q. Could you tell the difference by feeling?—A. One was heavier than the other.

Q. Have you ever been inspector before?—A. I think I have acted as inspector or judge for at least five or six years at every election.

Q. Have you been able at elections prior to 1882 to tell the difference in the feeling of the tickets?—A. Sometimes I have paid attention and sometimes I have not.

Q. I will ask you to state while you were acting as inspector there if you gave any sign, nod, or wink, or in any way held the tickets by which the bystanders, and challengers especially, could tell what kind of a ticket had been handed to you?—A. No, sir.

Q. Was there any such arrangement by which you were to hold the tickets so as to let the challenger know what kind of a ticket was being voted?—A. No, sir; not to my knowledge.

Q. I mean when you were there was there any such arrangement?—A. No, sir.

Q. State if you did or did not give any sign, nods, or winks by which the people could tell what kind of a ticket it was that was being voted.—A. I did not.

Q. Was there any complaint made there that day about the character of the Republican ticket to the board in any way?—A. None about the tickets.

Q. Were they counted without objection, or not?—A. They were counted without objection.

Q. What was the difference between the count, if any, and the number of names reported on the poll-list?—A. As near as I can remember, we came out even.

Q. There was not two tickets folded together by either party?—A. I would not swear to that, for I do not know but on one or two occasions there would be one or more tickets, but I do not think there was on that.

Q. Your best recollection is they came out even?—A. Yes, sir; to the best of my recollection, although that could be found if it was necessary.

Q. Was Mr. Payne one of the clerks there?—A. At that time?

Q. Yes, sir; Democratic clerk I think?—A. I thought it was Mr. Hugo, if I remember right.

Cross-examination by Mr. WILSON:

Q. How old are you?—A. I am 49 now.

Q. Do you always wear glasses?—A. Yes, sir; except when I sleep.

Q. You cannot tell those tickets by sight you say, unless you get hold of them, and then you said you could tell the difference?—A. We thought we could. This is the way I want that understood: we think we are getting hold of it at nearly every election—you get hold of the ticket you can have an idea, but whether you are sure of it you do not know.

Q. When a voter would hand you a ticket to put in the box how would you usually hold it—hold it between your forefinger and thumb over the hole to drop it in?—A. Most generally. If there was any challenge I would wait for the challenge to be settled, and I would hold it right over the hole.

Q. Could they whilst they were recording the name of the voter and whilst thus held—could not the challengers see the tickets from where they were standing very plainly?—A. Generally both of them.

Mr. PEELLE. You could tell the Democratic ticket from the Republican ticket as well as you could the Republican ticket from the Democratic ticket by feeling, could you not?

The WITNESS. Just about; yes, sir; I think I could.

Q. Did you say there was no Democratic ticket voted there pasted over the Republican ticket?—A. I did not say on this occasion.

Q. Have you ever seen any such a thing?—A. I have either one way or the other; I do not recollect which it was now; I do not think it was on this election; I do not think that that had anything to do with this case.

Q. You do not recollect whether it was a Republican ticket pasted over a Democratic ticket or whether it was a Democratic ticket pasted over a Republican ticket?—A. I do not recollect that distinctly; I remember we had a good laugh over it.

HENRY C. BUDDENBAUM.

C. B. WING, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Question. State your name, age, and residence.—Answer. C. B. Wing; my age is 30 my residence is Cincinnati, Ohio.

Q. You are the same C. B. Wing who has testified in this case in behalf of the contestant some weeks since, are you not?—A. Yes, sir.

Q. What business are you engaged in?—A. The paper business.

Q. As a manufacturer or dealer?—A. Myself do you mean?

Q. Yes, sir.—A. I do not manufacture anything; I am just a salesman with Chatfield & Woods. That is all.

Q. You are a Democrat, I believe, in politics.—A. Yes, sir.

Q. State the kind of paper you sell for Chatfield & Woods.—A. Well, I would have to take a catalogue and go over them.

Q. Just generally.—A. I sell news paper, I sell book paper, plate paper, writing paper, Bristol board, cover paper, and I could name a hundred if you wanted me to.

Q. I hand you a book marked "Price-list of Chatfield & Woods," purporting to be a catalogue which has been marked Exhibit No. 3 to the deposition of W. O. Anderson. Take that and examine it and see if it is the catalogue published by Chatfield & Woods.—A. Yes, sir, it is.

Q. In your testimony on behalf of the contestant some weeks since, I believe you stated that it was your impression that Western plate papers were shown in the catalogue as being "Woodsdale plate."—A. I believe that is what I said; I did not say that exactly. I said to the best of my recollection that we catalogued it as "Woodsdale plate." You asked me if we do not say Woodsale plate paper, and I said I did not think we did, and I thought we said Woodward plate in the catalogue.

Q. I will ask you to examine the catalogue and see how it is catalogued.—A. It is Woodsdale plate papers.

Q. It is catalogued as Woodsdale plate paper?—A. Yes, sir.

Q. I hand you the ticket marked Exhibit Q to the deposition of William Wallace, and I will ask you to take that and examine the paper and see if it is the paper that you said upon your former examination was what was known and handled in your business as Western plate paper?—A. You mean to say that is the same ticket you handed me before?

Q. The same kind of a ticket, of course.—A. Yes, sir.

Q. What kind of paper is that?—A. It is what I would call Western plate paper.

Q. Are there any book papers manufactured similar to that plate paper you spoke of?—A. In my testimony the other day I gave that.

Q. [Question repeated.] Whether or not there are any book papers made that are similar to that Western plate paper?—A. My testimony was the other day that we made this paper, if I can recollect right, out of the same stock that we made plate paper of.

Q. Book paper, you mean?—A. Yes, sir, book paper; but we take more pains in making a Western plate sheet than book. It is all made out of the same class of goods, and with the printer it would not make so much difference if the sheet was thin. It don't vary very much; but where it was used by lithographers it would, and for that reason we took the pains with it that we did. That was my testimony the other day.

Q. State if there are book papers made by Chatfield & Woods as heavy as that, or heavier?—A. Yes, sir.

Q. If book papers are made as heavy as that, I will ask you to state what difference there would be, then, between that paper and the book paper?—A. Only just a difference of quality; there would be no difference in the weight or make, only that we should take more pains in making the plate.

Q. In what way would you take more pains?—A. As I said in my other testimony, we would beat the stock up more, and take more time for preparing the stock.

Q. Do you manufacture, in your mills, a heavier paper than that paper upon which that Republican ticket is printed?—A. Yes, sir.

Q. How much heavier?—A. 40 or 50 pounds to the ream.

Q. Book paper?—A. No, sir; not book paper.

Q. I mean, do you manufacture a quality of book paper that is heavier than that paper upon which that Republican ticket is printed?—A. Well, no; do you mean as a regular thing?

Q. No; I mean do you manufacture any book paper heavier than that paper upon

which that Republican ticket is printed?—A. We have made 22 by 28, 80 and 90 pound book per ream.

Q. How much would that be 25 by 38?—A. I would have to figure that up.

Q. About how much?—A. About 120 pounds.

Q. Would not it be more than that, too?—A. Not if it was 80-pound paper; if it was 90-pound paper it would be more. We seldom make any of that kind. We do not make anything of that kind regularly, but once a year or once in two years a man may want that kind of paper, but he generally buys plate paper.

Q. What would be the weight of that paper upon which that Republican ticket is printed, sized 22 by 28?—A. I said in my other testimony it was about 70 pounds.

Q. What would be the weight of it 19 by 24?—A. About 50.

Q. What would be the weight of it 25 by 38?—A. I think I said 108 pounds or 109 pounds. I figured it out for you in my last testimony.

Q. Will you modify that now?—A. No, sir.

Q. State if there is any indigo in that paper, or bluing.—A. There is not any indigo in it.

Q. What do you call it?—A. Ultra-marine blue.

Q. Is there not some of that in it?—A. Yes, sir.

Q. What is it put in there for?—A. If we did not put some bluing in we could not get any color. If it was not for that it would be a regular yellow paper.

Q. What do you put that in for—to make it white?—A. Yes, sir.

Q. Can you tell from looking at that paper whether there has been bluing put in or not?—A. Yes, sir.

Q. You can tell it?—A. It would not get that color if we did not put some coloring in.

Q. What do you mean by saying it would not be that color?—A. It would be a regular buff tint. It is just like you have a shirt washed. If you do not have some bluing in it it will become yellow in time, and that is the reason they put bluing in paper; because it becomes yellow if you do not do that; in time it will turn perfectly yellow like a man's shirt.

Q. State if paper whitened by the use of bluing has a tendency to become yellow by the lapse of time and contact with the air?—A. Yes, sir.

Q. Has that ticket the appearance of turning color some?—A. I could not notice it on this ticket. I saw a ticket that I noticed it on.

Q. I now hand you a ticket headed "Republican Ticket," and I will ask you to state what kind of paper that is?—A. That is what I would call a Western plate paper.

Q. I will ask you to examine that paper and compare it with the ticket in your hands and see if there is any difference in the stock?—A. I would call this the best paper; that is the one here. [Indicating.]

Q. That is the one I last handed you?—A. Yes, sir.

Q. Which is the heavier, if any?—A. This ticket. [Indicating.]

Q. What do you mean? What ticket do you mean? The last one I handed you?—A. Yes, sir.

Q. State if there is any discoloration on that ticket.—A. That has changed color. You can see by the edges. [Holding it to the light.] This one. [Indicating]. I could not say that it is.

Q. I will ask you to state if that discoloration is or is not in consequence of the use of bluing?—A. I would not say that it was just the use of ultra-marine blue; that is the use of different chemicals in the processes which we put our paper through.

Q. Is there such a thing as toned paper?—A. Yes, sir.

Q. What is toned paper?—A. Extra coloring.

Q. Is that toned paper [indicating]?—A. No, sir.

Q. Why?—A. Because it is what we call white plate paper.

Q. Made white by what means?—A. By using different chemicals into that lot bring it that color.

Q. And by the use of ultra-marine blue?—A. Yes, sir.

Q. State, if I should go to you for paper for fine book work, what paper would you exhibit or advise me now as a manufacturer or seller—what kind of paper would you advise me to use in doing a fine job of book work?

(Objected to as incompetent, irrelevant, and immaterial.)

A. That would be altogether owing to what kind of a job you were going to print on the paper.

Q. A fine job of bookwork.—A. Would it have lithographic cuts in it, or would it be print cuts?

Q. A printed job; a fine job of printed bookwork.—A. I would tell you to buy No. 1 supercalendered book.

Q. State whether or not Western plate paper, such as that Republican ticket is printed on, is not frequently used for fine bookwork?—A. Yes, sir.

Q. I hand you a piece of white paper marked Exhibit No. 7 to the deposition of W. O. Anderson, and I will ask you to take that and state what it is.—A. It is a piece of plate paper.

Q. What kind of plate paper?—A. A piece of Western plate.

Q. How much would that paper weigh sized 25 by 38?—A. In the neighborhood of 110 pounds, I should say. It might be 100; I could not tell you exactly.

Q. State if that is medium light or heavy grade of Eastern plate.—A. It is a medium grade.

Q. What is heaviest of Eastern plate paper?—A. [Referring to book.] What sized?

Q. 25 by 38.—A. About 120 pounds.

Q. Did you get that from the same catalogue that I handed you a while ago?—A. Did I get what I answered?

Q. Yes, sir.—A. No, sir.

Q. What was the catalogue that you took that from? State if the catalogue of Chatfield and Woods, which I hand you, shows that Eastern plate paper made sized 25 by 38—120 pounds.—A. No, sir; it don't show that, because we do not keep that size in stock. A catalogue is just for sizes that we keep regularly in stock.

Q. What are the sizes you keep regularly in stock—26 by 34?—A. Yes, sir.

Q. Here in this catalogue I hand you it shows sizes 26 by 34, 100 pounds?—A. Yes, sir.

Q. That paper, 25 by 38, would weigh about what?—A. It would be a little less than 100 pounds. There is more given 25 by 38 than in 26 by 34.

Q. For that reason it would weigh more?—A. Yes, sir; you are right.

Q. How much would it weigh?—A. I could not tell unless I figured it.

Q. You said 120 pounds a while ago.—A. Yes, sir.

Q. You think that would be about right?—A. No, sir; if 26 by 34 weighs 100, 25 by 38 would not weigh 120; I do not think I should say 110 pounds.

Q. I hand you a piece of paper upon which is printed "C. H. Wittig," being a business card. I will ask you to take that and examine and state what kind of material that card is printed on?—A. It is bristol-board.

Q. State what that bristol-board, size 25 by 38, would weigh.—A. I could not give you the weight of this, but I could give you what is called the regular size. The regular size is 22 by 28.

Q. What would it weigh then?—A. It would weigh 140 pounds.

Q. I will ask you to state if that card, size 25 by 38, would not run about 200 to the ream—480 sheets to the ream?—A. That is the ratio of 500 sheets to 140 pounds cardboard. I can tell you soon by figuring that.

Q. You gave the size 22 by 28, 140 pounds?—A. Yes, sir; 500 sheets to the ream.

Q. I now hand you another piece of paper, purporting to be the business card of McKee & Branham, business men in this city. Take that and examine it and state the kind of paper that business card is printed on.—A. It is bristol-card.

Q. What would be the weight of that bristol, size 22 by 28?—A. One hundred and twenty pounds.

Q. You think it is about 20 pounds lighter to the ream than the other?—A. Yes, sir.

Q. In that statement do you mean 500 sheets to the ream?—A. Yes, sir.

Q. I hand you now a piece of plain white paper, marked Exhibit No. 2 to the deposition of Mr. Anderson, and I will ask you to take that and examine it and tell what it is, if I have not stated it in my question.—A. It is a piece of cheap loft-dried writing paper.

Q. What will that weigh per ream, size 25 by 38? Is that the correct size?—A. I could not give you that at all. Writing paper runs in cap, folio, and double cap. I can give you what I am familiar with. I can tell you what the weight of cap is.

Q. Can you tell me 22 by 28?—A. No, sir; I can give you 17 by 28.

Q. Is that the regular size?—A. Yes, sir.

Q. What would it weigh 17 by 28?—A. It would weigh 40 pounds to the ream.

Q. I now hand you a piece of white paper marked Exhibit Nov. 5 to the deposition of Mr. Anderson, and I will ask you to take that and examine it and state what it is.—A. It is a piece of No. 2 sized and supercalendered book.

Q. What would that weigh per ream, size 25 by 38?—A. 75 or 80 pounds I should think.

Q. I will ask you to take the whole sheet from which it came?—A. I cannot tell much by a small piece of paper like that.

Q. Take the whole sheet from which that came, being size 25 by 38, and you may examine that and answer what that would weigh; 480 sheets, size 25 by 38.—A. 480 sheets would weigh in the neighborhood of 95 pounds, I should say.

Q. What would 500 sheets of that weigh, 25 by 38?—A. I should think about 85.

Q. You get it wrong exactly.—A. What sized sheet is this?

Q. 25 by 38.—A. I should think this would weigh 95 pounds, 25 by 38, 480 sheets to the ream, and it would weigh about 5 pounds more 500 sheets to the ream.

Q. Are you familiar with the writing of Mr. Chatfield?—A. Yes, sir; I used to know it.

Q. State if this is his writing [showing witness paper].—A. Yes, sir.

Q. What does he say it weighs?—A. 100 pounds.

Q. What size?—A. 25 by 38.

Q. State if that is correct.—A. If the weight of the paper is correct?

Q. Yes, sir; if he stated the weight of the paper correctly there in his own handwriting as you understand it.—A. I would not say that, because a sheet of paper—you take that sheet of paper, like any other sheet, out of a book, and the house weight is about 100 pounds where the mill weight would only be about 97 pounds.

Q. I am asking you about house weight.—A. That is what I would bill it out for house weight, unless it was weighed up against us.

Q. What would you bill that for sized 25 by 38 per ream?—A. 100 pounds.

Mr. PEELLE. I offer now in evidence these two cards, which the witness has testified to, one with the words C. H. Wittig on it, and the other with the words McKee and Branham. I will ask that they be marked by the stenographer as exhibits to the deposition of this witness. The cards were marked as exhibits 1 and 2, and will be found attached to this deposition as a part thereof.

Q. I now hand you a sheet of paper 22 by 28, a white sheet of paper, and I will ask you to state what that is.—A. That is what I would call a very poor plate paper.

Q. What kind of plate paper?—A. Western plate, and a very poor piece.

Q. What will that weigh per ream, sized 25 by 38?—A. I should say, about 22 by 28, 70.

Q. What would it weigh 25 by 38?—A. I believe I told you that once before.

Q. No, sir; not of that paper.—A. Well, it would weigh the same proportion as the other.

Q. Take this Republican ticket marked Exhibit A to the deposition of Mr. Holliday, and examine it, and compare it with that paper and see which is the heaviest paper.—A. There is not much difference there between these two——

Q. Which is the heaviest and thickest?—A. I would rather have a ticket that has not been handled so much. [Witness took ticket marked Exhibit Q to the deposition of William Wallace.] There is very little difference. I would not want to say which was the heaviest.

Q. What is your judgment now?—A. My judgment is that this sheet is a little heavier than this. [Indicating.]

Q. You mean that piece of cheap Western plate you spoke of is heavier than the Republican ticket?—A. I should think it was. I would not want to say so. There is very little difference.

Q. I hand you Exhibit 5 to the deposition of Mr. Anderson, which you said was book paper, and I will ask you to compare that with the paper you have there that you have said was Western plate paper and say which is the better paper of the two.—A. If you take that stock——

Q. Which stock?—A. This Exhibit 5, and make a plate paper out of it, it would be better than this. [Indicating.]

Q. It would be better?—A. Yes, sir.

Q. Has it a better finish now than that Western plate you have in your hand?—A. Yes, sir.

Q. Is it or not a better paper for lithographic plate purposes than the lithographic plate paper you have in your hands?—A. Yes, sir.

Q. Then that book paper weighing 100 pounds, sized 25 by 38, is in fact a better plate paper than the Western plate paper which you have in your hands and which you say is a cheap grade?—A. I did not say that. I said this stock there properly made——

Q. I am not speaking about what would be properly done. I asked you concerning the paper as it is. I am asking you simply as to the stock as it is there now, as you see it, whether or not the book paper that you hold in your hands that you say weighing, billed by your house, 100 pounds, 25 by 38, is not better paper for the use of plate purposes than the piece of plate paper you have in your hand.—A. Yes, sir; because this piece of paper is not a genuine piece. It is made light—I mean plate paper. It is very poor for lithographing, if a lithographer would buy this at all. If we had that we would sell it for a cheap lot of plate paper for printing to a printing house. Lithographers would not buy that.

Q. Wouldn't you sell it for book paper, too?—A. I would sell it for anything we could sell it for.

Q. State if you have not sold a better quality and a heavier grade of paper for book purposes than that western plate paper that you have in your hands.—A. Yes, sir; I have.

Mr. PEELLE. I now offer in evidence this piece of paper, which the witness has handled and examined, as a specimen of western plate paper of a poor grade, and ask that the stenographer identify it and mark it as an exhibit to his testimony. The specimen will be found attached to this deposition as a part thereof and marked Exhibit Number 3.

Q. Do you know Dr. Walling, of this city?—A. Yes, sir; I know him.

Q. He is a brother-in-law of Mr. English, the contestant in this case?—A. I know Dr. Walling. I did not know he was a brother-in-law to Mr. English until after my testimony the other day; I found that out then.

Q. He is in the wholesale drug business in this city?—A. Yes, sir.

Q. And you sell paper to him in your business?—A. Yes, sir.

Q. Does your house do business with the First National Bank in this city?—A. I do not know; I do not think we do, now. We used to up to the time they put up the curtains for a day or two. We do not do it now, I believe.

Q. It is regarded as one of the most solvent banks in the country, is it not, now?—A. I understand it so; yes, sir.

Cross-examination by Mr. WILSON:

Q. That inferior quality of plate that you referred to, you said was such that no lithographer would use it, and you would sell it for any purpose a man would buy it for?—A. Yes, sir.

Q. Did you ever know a book to be gotten up of 400 pages on lithographic plate paper; are there any books of that sort?—A. Very few.

Q. Ordinary book paper, is it as heavy as that western plate?—A. Ordinary book?

Q. Yes, sir; just as you use it for printing books.—A. No, sir.

Exhibit No. 1 to deposition of C. B. Wing.—Paul C. Hendricks, Notary Public.

(Omitted. See original, page 1515.)

Exhibit No. 2 to deposition of C. B. Wing.—Paul C. Hendricks, Notary Public.

(Omitted. See original, page 1516.)

Exhibit No. 3 to deposition of C. B. Wing.—Paul C. Hendricks, Notary Public.

(Omitted. See original, page 1517.)

JAMES A. ISGRIGG, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. James A. Isgrigg; age, 52; residence, 223 West N. Y. street, Indianapolis, Ind.

Q. What is your business?—A. Lumber business.

Q. How long have you been in that business?—A. Some 12 years.

Q. What is your politics?—A. Republican.

Q. Have you ever held any office of any kind?—A. No, sir.

Q. Have you ever been a candidate for any office?—A. No, sir; not for any elective office.

Q. Were you in this city at the time of the Congressional election in 1882?—A. Yes, sir.

Q. Did you attend the same?—A. Yes, sir.

Q. Did you act in any official capacity?—A. Yes, sir.

Q. What; inspector?—A. Yes, sir.

Q. What precinct and ward?—A. Precinct 2d of the 13th ward; I think it is 1 or 2.

Q. Which one, the north or south precinct?—A. The south.

Q. Did you see the tickets as they were being voted there that day, and received them, I mean?—A. Yes, sir; most of them.

Q. I will hand you a ticket headed "Republican ticket," and marked Exhibit A to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket or similar to the ticket voted by the Republicans at that precinct that day?—A. I do not know that I could tell; I know the names, but the heading, I could not fix it just exactly.

Q. What is your recollection?—A. I think that is the ticket.

Q. I now hand you ticket headed "Democratic ticket," and marked Exhibit B, to the deposition of Mr. Holliday, and I will ask you to take that ticket and examine it, and say whether that is the ticket used by the Democrats that day at your precinct?—A. Yes, sir; similar.

Q. I will ask you to state if, when those tickets were folded in the hands of the voters, you could tell or distinguish one by sight from the other?—A. No; not in the hands of the voters, I could not.

Q. By sight, and the external appearance of the ticket, could you, as inspector, when they were coming in, tell or distinguish one by sight from the other?—A. No, sir.

Q. Could you when you had them in your hand?—A. Well, I think I could, if I paid attention to them.

Q. State if at that time, on the day of that election, you gave any sign, wink, nod, or in any way held the ticket for the purpose of or understanding with the challengers on the outside, so they would know what kind of a ticket had been handed to you as inspector?—A. No, sir.

Q. Was there anything of that kind done there?—A. No, sir; nothing at all.

Q. Was there any difference in the manner in which you held the Republican and the Democratic ticket?—A. No, sir.

Q. Was there any particular rule by which you held the tickets?—A. No, sir.

Q. How would you generally hold the tickets as they were handed in to you?—A. When the ticket was handed to me I would hold it that way [indicating].

Mr. WILSON. Catch it between your forefinger and thumb by the end?

The WITNESS. Give me a ticket and I will fold it the way they are generally folded [witness took a ticket]; about in that shape [indicating].

Mr. WILSON. Between your forefinger and thumb by the end?

The WITNESS. Yes, sir.

Q. Did you hold the Republican and Democratic tickets both the same way?—A. Both the same way.

Q. Do you mean you would hold them that way now?—A. Yes, sir; I would hold them that way if they were challenged. I would hold them that way until it was decided.

Q. With the ticket in your hand?—A. Yes, sir.

Q. And if they were not challenged how would you hold them?—A. I would put them in the box. Of course, as soon as I could get it I would see. I frequently folded tickets. I have to fold a great many. A great many vote an open ticket, and come up with an open ticket, and I have to fold it in order to get it in the box.

Q. Sometimes both parties vote an open ticket?—A. Yes, sir.

Q. Have you ever been on election boards before?—A. Yes, sir.

Q. How often?—A. Quite a number of times—6 or 7 or 8 times.

Q. Have you ever been able at elections prior to 1882 to tell the difference between the tickets by the feeling of them?—A. No, sir; I believe not.

Q. Do you remember whether you were or not?—A. I think not. I do not think there was any difference.

Q. State if there was any difference?—A. Well, sometimes one was larger than the other—a little larger.

Q Do you mean at elections prior to 1882?—A. Yes, sir; whether they were trimmed so I do not know, but some were a little wider paper.

Q. How did the vote at your precinct correspond with the names recorded on the poll-book?—A. Well, they were about right.

Q. How did you count the tickets?—A. We would count one at a time until we got 5, generally.

Q. You mean for straight tickets or regular tickets?—A. Straight tickets, counting one at a time and tally five.

Q. What difference was there between the way in which you counted the tickets in 1882 and at the previous elections?—A. There was no difference.

Q. Then at previous elections you counted them one at a time until you would get 5 or 10 and then tally them?—A. Yes, sir. Our ward was large, twenty-two hundred at that time, and the law I suppose required us to count one at a time, but it would take some 8 or 10 days to do it.

Q. You would then take out all the straight tickets?—A. Yes; we would count "one, two, three, four, five, tally five."

Q. That was as to straight tickets, you say?—A. Yes, sir.

Q. That was when you voted at one precinct in your ward at that time?—A. Yes, sir.

Q. Have you been counting tickets that way since?—A. Yes, sir.

Q. Then, as a matter of fact, there was no difference between the manner in which you counted the tickets in 1882 and the previous elections?—A. No, sir.

Q. Were you on the board at the time of the city election in October?—A. Last October?

Q. Yes, sir.—A. Yes, sir.

Cross-examination by Mr. WILSON:

Q. Can you tell the difference between these tickets by feeling them?—A. I could at the time; yes, sir.

Q. Could you tell the difference by sight?—A. No.

Q. When a voter would come up to vote and handed you his ticket, you would take

it and wait until his name is checked off, or written down and checked off of the poll-book?—A. No; not if I knew he was a voter—I would deposit the ballot; but if I did not know the man, and if they were challenging generally, I would hold the ticket in order to settle it.

Q. A man would hand you his ticket, and if you would happen to know the man you would put it in the box before the clerk would get it down?—A. No, sir; I would call the name out.

Q. You would hold it until you called the name out?—A. Yes, sir.

Q. And you would hold it between your fingers?—A. Yes, sir.

Q. The challengers could see that ticket while you were holding it there?—A. I should think so. The box was in the window at the time.

Q. If a Republican had wanted to vote the Democratic ticket and did not want it to be known and handed his ticket to the inspector, could not the inspector tell from that what ticket he was voting?—A. No, sir.

Q. Holding it in your hand, you could not tell?—A. No, sir; I could not tell.

Q. You say the ballot-box was sitting right at the window?—A. Yes, sir; right in front of the window.

Q. So that people could see standing at the chute on the outside?—A. I judge so; some one or two back could.

Q. And could not those in front see?—A. I presume they could see me hold the ticket.

Q. You say you were inspector there?—A. Yes, sir.

Q. You are a Republican?—A. Yes, sir.

Q. How old are you?—A. 52.

Q. Do you wear glasses?—A. Yes, sir.

Q. How many years before was it that you acted as inspector?—A. Quite a number of times.

Q. Did you ever have any trouble growing out of officiating as clerk, inspector, or judge or anything on one of those boards at that precinct?—A. Not at that precinct.

Q. At any other precinct in that ward?

(Objected to as not cross-examination unless it is confined to the election of 1882.)

A. There was some city election here that we had some trouble in vouching for some parties.

Q. Swearing in votes?—A. Yes, sir.

Q. What was the trouble?—A. They claimed that they were not residents of the ward.

Q. Did it end there with that claim?—A. Yes, sir; that was all there was of it.

Q. No legal action taken?—A. No, sir

Re-examination by Mr. PEELLE:

Q. They were legal voters that you swore in?—A. Yes, sir.

Q. When you say if a Republican wanted to vote the Democratic ticket and handed the ticket to you, you could not tell what his politics were or what he was voting?—A. No; I said I could not tell what ticket he was voting.

Q. You say there was no legal action taken about that matter at all where there was some trouble growing out of your swearing in votes?—A. The grand jury indicted me, but it never came to trial.

Q. That was the end of it?—A. Yes, sir; I was indicted with many others.

Q. Who were the principal witnesses in the case against you?—A. Well, there was Eli Perkins, Coble, and Elliott, and quite a number. I do not recollect now. They got mad because they were beaten, I suppose.

Q. Do you remember when that was?—A. It was a Democratic grand jury.

Q. How long ago was that?—A. That was the time they gerrymandered the city the day before the election.

Q. In 1876, was it not?—A. I think it was.

Q. It was a Democratic grand jury at that time, you say?—A. Yes, sir.

Q. And a Democratic judge?—A. Yes, sir.

Q. Judge Buskirk on the bench?—A. Yes, sir.

Q. Do you remember whether Mr. Cropsey was prosecuting attorney?—A. Yes, I think so; I think it was Mr. Cropsey.

Q. Mr. Cropsey is quite active in politics in this city?—A. Mr. Claypool took the contract to fight that, I suppose.

Q. Claypool?—A. He was the attorney.

Q. Was the case dismissed by the prosecuting attorney?—A. That I could not tell. I think there was a number of indictments on the other side, and I think they made a swap.

Q. There was parties indicted on both sides at that election?—A. Yes, sir; some.

Q. And they were glad to play quits; is that about the size of it?—A. I judge that was it; Mr. Bernhamer, I believe, was one; and I believe there was 4 or 5 others. There was not quite so many of the Democrats indicted.

Q. Mr. Bernhamer was W. F. A. Bernhamer, an alderman in the city?—A. Yes, sir.
Q. When you spoke about holding that ticket up when it was challenged; did you hold it before or after the challenge was made?—A. As I stated, there was a great deal of challenging done in our ward and precinct; and I generally—if I do not know the man, he is very apt to be challenged, or nobody else knows him, or none of the challengers know him—I hold the ticket there until they are satisfied.
Q. That is, after the vote is challenged, you hold the ticket up?—A. Yes, sir; of course, I don't put it in the box.
Q. Do you, when the ticket is handed to you, unless it is challenged, hold it in the manner you indicated?—A. I put it in the box.
Q. It is only after a ticket is challenged that you hold it up so it could be seen by the bystanders?
(Objected to as leading.)
A. I do not know as I would hold it up so that anybody can see it.
Mr. WILSON. You stated you are in the lumber business; do you mean you are a partner?—A. No, sir; I am with C. C. Foster & Co.
Q. What position do you occupy?—A. As manager.

JAMES A. ISGRIGG.

TIMOTHY SPLAN, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Question. State your name, age, and residence.—Answer. Timothy Splan, age, 39; residence, No. 77 South West street, Indianapolis, Ind.
Q. How long have you resided in this city?—A. Since 1855.
Q. What business are you engaged in?—A. In the livery business.
Q. Were you formerly one of the captains of police in the city?—A. Yes, sir.
Q. Were you at the time of the Congressional election in 1882?—A. Yes, sir.
Q. Were you in the 17th ward on that day?—A. I was, awhile. In fact, I was in all the wards south of Washington st. on that day.
Q. What were your duties as captain of police—were you captain of police at that time?—A. Yes, sir; one of them.
Q. What was your district as captain of police down there?—A. My district was on the south side of Washington street; all the southern wards.
Q. How many of the different wards were you in on that day at the time of the Congressional election?—A. I think I was in all of them.
Q. How many of them are there?—A. 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 and 25.
Q. Eleven wards?—A. Yes, sir.
Q. Were you in all the precincts of the different wards?—A. I think I did not miss one of them that day.
Q. Were you in all the precincts of the 17th ward?—A. I was, sir.
Q. Were you at one of the precincts of the 17th ward in which Mr. Frenzil, of the Merchants' National Bank, was, and were you there when he came there?—A. Yes, sir; I was at the 17th ward, but I do not know the name of the precinct; it was on South street.
Q. State what occurred when Mr. Frenzil came down there? Do you know Mr. Frenzil, of the Merchants' National Bank?—A. Yes, sir.
Q. Does he live in that ward?—A. Not that I know of; no, sir.
Q. Do you know that he lives in the 9th ward?—A. I do not know where he lives. My understanding was that day he lived on the north side.
Q. When Mr. Frenzil came down there, state what he said and what he did?—A. I cannot hardly do that. I saw him hustling around there.
Q. Was there any disturbance in that ward on that day?—A. Not that I know of, during my time there.
Q. Were you there when Mr. Frenzil was there?—A. I was there part of the time. I left him there and went over to the 16th ward. I had occasion to go there, and I found Captain Campbell there, and I left and went to one of the precincts of the 16th ward.
Q. Did you challenge any votes there or elsewhere that day?—A. No, sir.
Q. Were any of the policemen on duty that day challenging any votes that day?—A. Not that I know of.
Q. Had they any instructions with reference to that while they were on duty?—A. Yes, sir.
Q. What were their instructions?—A. Their instructions were to keep the peace and avoid interfering with parties.
Q. To take no part in politics?—A. Yes, sir.
Q. While you were in that precinct of the 17th ward, where Mr. Frenzil was, was there other policemen there?—A. Yes, sir.
Q. Who were they?—A. Crane and Gerber was there.
Q. What Crane?—A. Leonard Crane.

Q. What is Gerber's name?—A. Samuel Gerber.
Q. They were patrolmen?—A. Yes, sir.
Q. Were they challenging any votes there?—A. I cannot say; they were not during my time.
Q. Were they on duty as policemen?—A. Yes, sir.
Q. Under instructions from you as captain?—A. Under instructions from the chief. I received my instructions from the chief.
Q. Did you communicate those instructions to the patrolmen?—A. They were given out by the chief.
Q. And it was made your duty to see that the instructions were carried out?—A. Yes, sir.
Q. What were the instructions with reference to members of the police force challenging votes, if any?—A. Their instructions were not to challenge while on duty.
Q. Do you know of any policeman that was on duty challenging votes that day?—A. No, sir, I don't.
Q. You say there was no disturbance at that precinct of the 17th ward when Mr. Frenzil came there?—A. There was some few words or a difficulty in regard as to who should challenge, and there was one man there, Robison, they complained about him challenging, and said he didn't live in the ward; and I asked him about it, and he said, "It is all right; why don't you stop that man?"—Frenzil. I told him he ought to complain about him, and we did not want any fuss about it, and he had to quit challenging; that it was not legal for him to challenge there unless he lived in the ward, and he said he did not, and he said, "Why don't you stop that man?" meaning Mr. Frenzil.
Q. Did you say anything to Mr. Frenzil?—A. No, sir; I merely told Mr. Robison in order to keep down any fuss.
Q. After that he did stop challenging?—A. Yes, sir; I think he did.
Q. Did Mr. Frenzil challenge any votes?—A. Mr. Robinson called my attention to him when I drove up.
Q. Did Mr. Frenzil say anything or complain there about anything that day?—A. Not to me.
Q. Did he make any charge about any bulldozing?—A. I did not hear him.
Q. Was anybody bulldozed there that day?—A. No, sir.
Q. Intimidated or threatened?—A. Not that I could see.
Q. Anybody driven away from the polls?—A. Not any man that had any right there that I know of. In fact, there was not anybody driven away.
Q. Did you threaten to make any arrest there that day?—A. No, sir.
Q. Who did they have swearing in votes there that day?—A. Indeed, I cannot tell you that.
Q. Do you know Mr. Schoettle?—A. Yes, sir.
Q. Was he there swearing in votes?—A. I saw him there. I do not know whether he was swearing in votes.
Q. Did you see any other man there swearing in votes?—A. I saw a lot there, but I cannot say I saw them swearing in votes.
Q. Did you see a German there swearing in votes?—A. I could not say in regard to that. Schoettle was a German.
Q. Did you say anything to Schoettle that day?—A. No, sir; I do not think I spoke to him at all. I am pretty positive I did not speak to him that day.
Q. Did any other member of the police force speak to him that you know of?—A. Not that I know of; no, sir.
Q. And there was no disturbance there except what you have mentioned?—A. Not to my knowledge.
Q. Was there any disturbance growing out of that, or was it simply words?—A. It was simply words.
Q. Were they angry words?—A. They were getting to be, but it stopped right there when he stopped challenging.
Q. That ended it?—A. Yes, sir; that ended it while I was there.
Q. Were you there more than once?—A. Oh, yes; I was there half a dozen times or more.
Q. Did you hear of any disturbance there by any members of the police force or anybody else?—A. No, sir; I met two fellows in the evening and they asked me why I did not stay there, and I said I had to go to the 16th ward; we had one man there and he was an extra on the police force, and our force was very light on that day.
Q. Who asked you why you did not stay there?—A. I do not know. I cannot say that.
Q. Did they give you any reason why you ought to have staid there?—A. It was in regard to Martin Powers and Conway.
Q. What was it?—A. Something in regard to going to arrest Conway for profanity or something.

Q. Anything growing out of the election in any way?—A. I cannot say. Mr. Powers was a merchant policeman at the time.

Q. Do you know of any one that was entitled to vote there that day that was deprived of it in any way?—A. I do not. No, sir.

Q. What was Mr. Frenzil's manner when he came there?—A. He was hustling around. He was dressed up. I did not suppose he would take any part, as I saw him first one place and then another around the chute.

Q. How did he talk: did he seem to be excited or calm?—A. I cannot say as to that. I do not know the man well enough to know whether that was his natural way or not.

Q. Did he say anything to you that day?—A. No, sir; he did not speak to me that day more than to pass the time of day, I do not think.

Q. Did he say anything to Crane and Gerber, the patrolmen?—A. Not while I was there. He may have done so in my absence, but not while I was there.

Cross-examination by Mr. WILSON:

Q. How many precincts do you say you visited that day down there?—A. I believe I visited every one of them on the south side, south of Washington st.

Q. How many wards?—A. I think there was eleven wards on the south side, and I visited all of them.

Q. How many precincts to the ward, if you recollect?—A. I do not know now.

Q. Not less than two?—A. No, sir.

Q. And as high as three or four?—A. I do not know of any as high as four.

Q. As high as three?—A. Yes, sir.

Q. From two to three precincts in each ward?—A. Yes, sir.

Q. About 25 precincts down there; how much of your time did you devote between those precincts?—A. That I cannot say, about to the precinct.

Q. Did you stay in any one ward more than another?—A. Yes, sir.

Q. Which did you stay at the most?—A. I staid mostly down at a precinct of the 16th ward. There was only one officer there and he was an extra.

Q. You say you knew of no policeman on duty that was challenging that day?—A. No, sir; I do not know of any on duty.

Q. Any policemen on duty working at the polls?—A. I do not remember of any.

Q. Was there not a policeman on duty at the 17th ward, working at that precinct where Mr. Frenzil was?—A. I think not, that was on duty.

Q. Was policeman Robison in the 25th ward challenging at one precinct?—A. Not that I know of. I do not know that he was. If he was, I do not remember it.

Q. You did not see him there?—A. I think I saw him there, but it appears to me he was on duty there.

Q. Do you not know as a matter of fact he was not on duty?—A. No, sir; I do not. I do not remember.

Q. Don't you know as a matter of fact there were several policemen who were policemen the day before, and who claimed to be off duty, that were working in the 17th ward?—A. No, sir; the two officers, Crane and Gerber, I think, you will find them on the pay-roll, and they were on duty that day.

Q. Were there other policemen there besides Crane and Gerber?—A. No, sir. I sent one or two from the 18th ward there; that is, in the evening. I did not send him, but I heard Captain Campbell say he would send him down on account of the crowd being so big; on account of the wrangle that Powers and Conway had.

Q. Was not Case there?—A. No, sir. Case was with me all the time in that precinct during that time. He staid with me all that day.

Q. Was not Roney?—A. Roney, I suppose, was there. I would not say positive but what he was the man that Captain Campbell said he would send over from the 18th ward.

Q. Any deputies there from the sheriff's office?—A. Not that I know of. If there was I did not notice.

Q. Any deputies from the jail there?

(Objected to as not cross-examination.)

A. I do not know that there was.

Q. I will ask you how much time during the day did you spend at the 17th ward, if you know?—A. That I do not know.

Q. How much at the 16th ward?—A. I would suppose about one hour or one hour and a half altogether at the 16th ward.

Q. How much would you say you spent at the other wards? Divide it up.—A. That I could not say. Whenever I thought there was officers enough there, or whenever I saw Captain Campbell—we were both on the south side.

Q. Were you there an hour and a half altogether?—A. Yes, sir; that is my judgment. I spent that at one precinct in the 16th ward, about one hour and a half.

Q. You staid there more than anywhere else?—A. Yes, sir.

Q. Then you were less time at the 17th ward than you were at the 16th ward?—A. Yes, sir.
Q. And the polls opened there at the 17th ward what time?—A. I do not know.
Q. The polls generally open at 8 o'clock and close at 6, don't they?—A. Yes, sir; I think it was about 9 o'clock when I started out.
Q. You said you went away from that precinct and left Mr. Frenzil there?—A. Yes, sir; he was there when I left.
Q. You do not remember but one German that was challenging there?—A. I did not state about any German challenging there, I do not think.
Q. You do not recollect who did the challenging there for the Democrats?—A. I think there was one merchant policeman, who was named Powers, done some challenging there, and George Robison at the same ward was challenging; and these men spoke to me and I spoke to him and he said, "Why don't you stop Mr. Frenzil?" and that is the time I noticed Mr. Frenzil.
Q. He was the merchant policeman?—A. Yes, sir; he was challenging for the Democrats.
Q. That man?—A. Yes, sir.
Q. You told him he had no business to challenge?—A. No, sir; I didn't; I didn't speak to him.
Q. Who did you speak to?—A. I spoke to one man they said had no right to challenge; they said he did not live in the ward.
Q. What was his name?—A. George Robison.
Q. Who was the merchant policeman?—A. Martin Powers.
Q. And the only man challenging there was a Democratic merchant policeman?—A. Yes, sir; that is the only man I know of on the Democratic side.
Q. A merchant policeman is a private policeman, employed by the merchants?—A. Yes, sir.
Q. As a watchman?—A. Yes, sir; he had no police powers at all, and has not got them yet, I believe.

TIMOTHY SPLAN.

BENJAMIN F. HETHERINGTON, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. Benjamin F. Hetherington; 43 years old; 45 Madison avenue.
Q. What is your business?—A. I carry on a machine-shop.
Q. What kind of a machine-shop?—A. Architectural iron works, boilers, engines, and shafting.
Q. A kind of a foundry?—A. A regular foundry.
Q. Are you alone?—A. No, sir; I have a partner, Mr. Bernard.
Q. What is the style of the firm?—A. Hetherington and Bernard.
Q. How long have you lived in the city?—A. I guess about 30 years.
Q. You are a Republican?—A. Yes, sir; I have always been.
Q. Did you ever hold any office?—A. No, sir.
Q. Were you ever a candidate for office?—A. Yes, sir; I ran against Mr. Tucker in the fourth district for the nomination, and I ran against Tom Madden in the whole ward.
Q. It was a Democratic ward?—A. Yes, sir; I got beaten on the temperance question.
Q. Were you in this city at the time of the Congressional election in 1882?—A. Yes, sir.
Q. You attended the same?—A. I was inspector.
Q. In what precinct?—A. Second precinct, seventeenth ward.
Q. You received the tickets that were handed in there, did you?—A. Yes, sir.
Q. I hand you the ticket headed "Republican ticket," and marked Exhibit A to the deposition of Mr. Holliday, and I will ask you to examine that ticket and see if that is the ticket used by the Republicans on that occasion.—A. That feels a little heavier; I may be mistaken, but it seems so.
Q. What would be your impression, that that was a similar ticket to the one that was used there?—A. Those are the names and the heading is the same.
Q. I now hand you a ticket marked Exhibit B to Mr. Holliday's deposition, headed "Democratic ticket." I will ask you to state if that is the ticket used by the Democrats at that precinct that day.—A. Yes, that is the Democratic ticket.
Q. When those tickets were folded separately, with the names on the inside, as tickets are ordinarily folded in being voted, as they come up to the box to deposit their ballot, could you by sight and from the external appearance of the ticket tell what ticket a man was voting?—A. Well, after a while I could. After the polls had been open a little while and I got a little experienced in handling them I could tell the difference.

Q. I mean by sight; could you tell the difference in the looks of the ticket?—A. No; only by the feeling.

Q. Have you ever been inspector on elections before?—A. Yes, sir; for several years.

Q. Did you notice any difference in the feeling of the tickets at elections prior to 1882?—A. No, I never noticed any difference until this election spoken of.

Q. You do not recollect the difference?—A. No, sir.

Q. How did the vote there correspond with the number of names recorded on the poll-book?—A. Well, that came out pretty well; better than we did at the last election.

Q. What election do you refer to?—A. The one we had here lately. We polled a very poor vote

Q. What was the number of votes as compared with the number of names on the poll-list as compared with the election of 1882, if you remember?—A. I cannot say exactly.

Q. Do you remember whether there were more or less votes than in 1880?—A. No, sir; they were about what is generally polled there.

Q. I will ask you—I am not asking you about the number of votes now voted, but I am asking you when you counted the tickets in the box—how the number of tickets counted by you corresponded with the number of names recorded on the poll-books by the clerks.—A. I think they came out even.

Q. Were there any tickets not counted?—A. No; I believe they were all counted.

Q. Was there a man named Maloney on that board?—A. Yes, sir; and he was a very strict watcher, too.

Q. Was there two tickets of any kind folded together in that box, that you remember of?—A. No, sir; not that I know of. There was a Republican ticket—of course the paper being a little stiff sprung open a little, and there was a Democratic ticket a little inside of it, but that was the only one, and he kicked about that a little until he found it was a Democratic ticket, and he said no more about it.

Q. Were the tickets folded all together or were they lapped together?—A. No, sir; they were just lapped in.

Q. Was there two Democratic tickets folded together in that box?—A. I do not recollect.

Q. You do not recollect that. Just think a little and see if there was.—A. No; I do not think there was.

Cross-examination by Mr. WILSON:

Q. How old did you say you were?—A. 53 in October.

Q. Do you use glasses?—A. Yes, sir; when I read.

Q. Is your vision as good as that of most anybody, as people of your age usually?—A. Well, I am unfortunate in having only one eye, but it is a very good one, and I can see as much as anybody with it, and it is very strong and powerful, but I read so much at night I find it is a benefit to wear glasses.

Q. When Mr. Peelle asked you about that Republican ticket you put your glasses on before looking at it a while ago?—A. Yes, sir; I recognized the names.

Q. But you could tell the difference between those tickets by feeling them?—A. I could.

Q. Was there anybody there challenged and sworn in that was not allowed to vote at your precinct—that was not allowed to vote after they were sworn in?—A. Yes, sir; several. I understood you to ask me if there was anybody sworn in?

(Question repeated.)

A. No.

Q. No trouble of that sort at all?—A. No; some voters—I frequently had trouble in getting parties to swear them in, and they made a business of getting Chris. Schoettle to do it, and I stopped it.

Q. How did you stop it?—A. Because he did not know the parties he was swearing in.

Q. How do you know that?—A. I asked him. I said, "Do you know that man, Chris.? Do you know his name? Do you know where he lives?" "No." Then I says, "Then don't you do that."

Q. Did not you refuse to take votes after they were sworn in?—A. No, sir; when parties were sworn in with a party that had authority to swear them in I never refused a vote.

Q. The question is about Mr. Schoettle.—A. I never refused a vote after they were sworn in.

Q. Did not you refuse votes that he swore were residents of the ward and had a right to vote there?—A. No; Mr. Schoettle swore in two votes, and I saw he was making a business of it, and I put the question to him, "Do you know that man, Chris.?" and he says, "I know he is a voter." "Do you know his name?" "No." "Do you know where he lives?" "No." Then I said "Don't you do that any more."

Q. You told him, then, he must not swear in any more votes?—A. I did; and he did not do it.

Q. Did you say something about another man that was swearing in votes?—A. No; he was the only person.

(This examination was objected to as not proper cross-examination.)

Re-examination by Mr. PEELLE:

Q. I will ask you if you, as inspector there, gave out any sign, by nod or wink, or holding your ticket in any way, so that the challenger might know what kind of ticket it was that was handed to you there?—A. No, sir.

Q. Did you ever do such a thing at any election?—A. No, sir.

Q. Did you hold all the tickets alike when they were handed to you?—A. Whenever a vote was challenged I retained possession of it in my fingers until the question was settled outside and all parties agreed, and then it was put inside the box.

Q. Did you hold the Democratic and Republican and national tickets all the same way?—A. Yes, sir.

Q. You made no distinction between the tickets in the manner in which you held them?—A. No, sir.

BENJ. F. HETHERINGTON.

JAMES P. BAKER, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. James P. Baker; age, 39; residence, Indianapolis, Ind.

Q. What is your business?—A. Attorney at law.

Q. How long have you been practicing law?—A. Ever since 1870.

Q. In this city?—A. Yes, sir.

Q. You are a Republican?—A. Yes, sir; I am.

Q. Have you ever held an office of any kind?—A. No, sir; except the office of notary public.

Q. Were you ever a candidate for any office?—A. No, sir.

Q. Did you attend the Congressional election in this city in November, 1882?—A. Yes, sir; I did.

Q. At what precinct and ward?—A. Second ward and first precinct. I believe it is the south precinct.

Q. Did you act in any official capacity?—A. No, sir.

Q. What were you doing there that day?—A. I was there as one of the challengers.

Q. I hand you ticket headed "Republican ticket," and marked Exhibit A to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket used by the Republicans there that day?—A. I think it is the ticket.

Q. I hand you ticket headed "Democratic ticket," and marked Exhibit B to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket used by the Democrats there that day?—A. Yes, sir; I think that is the one.

Q. I will ask you to state how far you were standing that day from the ballot-box as challenger?—A. Oh, good part of the time I was within three or four feet.

Q. Did you notice the tickets as they were being voted?—A. Yes, sir.

Q. State if, when the tickets were folded separately with the names on the inside, as tickets are usually or ordinarily folded in being voted, if, by sight, you could distinguish or tell one ticket from the other?—A. No, sir; I could not.

Q. Did you make any effort that day to do that?—A. Of course, we would watch the vote and the voters and those that were in charge of the matter outside; it was important for them to know about how the voters were going to vote.

Q. Did you or not, as a matter of fact, distinguish one ticket from another there that day by sight?—A. No, sir; I could not say I could; I do not think I did; that is my impression now.

Q. Was there any complaint made there about the character of the Republican ticket at that precinct that day by any one?—A. I did not hear of any.

Cross-examination by Mr. WILSON:

Q. Did not Senator McDonald drive up there in the morning not long after the polls were opened and take that ticket and show it to the people there, and make comments on its character and call it a spring-back ticket, and say that it was unfair?—A. I cannot say that he did or not; he may have done so; there were a great many people driving up there and calling. I did not hear him make that remark; I did not know that Senator McDonald had gone the rounds until recently, when I heard it.

Q. Could you tell the difference between those tickets by handling them?—A. I never tried it; I do not know whether I could or not.

Q. You never tried it?—A. I have had them both in my hands, but so far as testing that thing is concerned I could not say.

Q. Did you notice the difference between those tickets that day particularly?—A. I had very little to do with the Democratic ticket that day—very little to do with it. Indeed I did not handle the Republican ticket because I was a challenger, and I was not one of the parties that distributed the tickets.

Q. So you did not pay much attention to it?—A. I did not pay a great deal of attention to it.

Q. You are a Republican?—A. Yes, sir.

Q. You were not there after the polls closed that evening?—A. No, sir.

JAMES P. BAKER.

SAMUEL MERRILL, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. Samuel Merrill. I am 52 years old, and I reside in Indianapolis, Ind.

Q. What is your business?—A. Bookseller and paper dealer.

Q. How long have you been in that business?—A. More than 30 years.

Q. In this city?—A. Yes, sir.

Q. Do you wholesale or retail, or both?—A. Both.

Q. What is the name of the firm, if you have any partners?—A. Merrill, Meigs & Co. is the name of the firm.

Q. You deal in books as well as stationary?—A. Yes, sir.

Q. Law books?—A. Yes, sir; all kinds of books I suppose you might say.

Q. Were you in this city at the time of the Congressional election, in 1882?—A. Yes, sir.

Q. Did you attend the same?—A. Yes, sir.

Q. What precinct and ward?—A. In the 2d precinct of the 2d ward.

Q. I hand you a ticket headed "Republican ticket," and marked Exhibit A to the deposition of Mr. Holliday, and I will ask you to take that ticket and examine it and tell me if you have seen or examined the paper upon which that ticket is printed or similar one before?—A. Well, I have examined a similar ticket to this.

Q. I will ask you to state from your experience in business what kind of paper that ticket is printed on?—A. The ticket is a very dirty ticket; have you a clean one there?

Q. I will take that ticket back and I hand you now a ticket headed "Republican ticket," and ask you to examine that ticket, and I ask you to state what kind of paper that ticket is printed on?—A. I would say that came as near a No. 2 book paper as anything.

Q. What would you think that paper would weigh, size 22 by 28?—A. Our book paper comes in different sizes from that.

Q. What size do they come in?—A. We use more book paper 25 by 38 than anything else.

Q. Size 25 by 38, 480 sheets to the ream?—A. I should think that would be 70 to 75 pounds.

Mr. PEELLE. I now offer that ticket in evidence, and ask that it be made a part of the deposition of the witness, and marked by the stenographer.

(The ticket will be found attached to this deposition as part thereof, and marked Exhibit No. 1.)

Q. I now hand you ticket headed "Democratic ticket" which is marked as Exhibit S, shown to Mr. Gordon, and I will ask you to state what kind of paper that is?—A. I would call it a very good quality of news.

Q. I will ask you if you have books in stock in your establishment with paper as heavy or heavier than the paper upon which the Republican ticket that I have shown you was printed?—A. Yes, we have as heavy, and we have some heavier. Let me feel that again (witness taking ticket); yes, we havesome heavier.

Q. What class of books have you in which the paper is heavier than that?—A. The books that are heavier for the most part are juvenile. Now and then there is some book—some rare book that there is an edition of it, or there is an edition of a certain book which they wish to have different from other books, a little more tasteful, and we get a book on paper of that kind, and we have an edition of Emerson's works on paper; I think, as thick as that, and we have other books—books of miscellaneous character; but as a general thing all books that are on paper heavier, are juvenile books.

Cross-examination by Mr. WILSON:

Q. What edition of Emerson is that?—A. I do not know as I know the name of it. It is issued by Houghton, Mifflin & Co., of Cambridge, Mass., and the Riverside edition are now issuing it.

Q. You say that this ticket is on paper similar to the Emerson paper, except that the Emerson paper is heavier, and it is book paper?—A. Yes, sir; but the Emerson paper is better book paper than this. I said juveniles were heavier. The Emerson paper is about the weight of that, I think; at least it is as heavy as that.

Q. Have you got a book in your establishment on paper which is like this?—A. There are a good many law books on paper like that, but this is calendered a little harder than the Indiana reports are printed on and law books generally are.

Q. Do you mean to say that the Indiana reports are on a similar quality of paper? —A. Similar quality of stock.

Q. The only difference being that this is calendered harder?—A. And this is heavier. I would not say the only difference, but that would be the principal difference.

Q. Have you any book that is calendered as hard as this?—A. Yes.

Q. What book?—A. Well, I think that book I mentioned, but I think you would be more familiar, perhaps, with "Buskirk's table of cases." I think it is; that just comes to my mind now.

Q. You think that is nearer like this?—A. Yes, sir; not calendered, but a better paper than this; that is my memory. I have not thought of it before. It just comes to me now.

Q. You have children's books upon paper thicker than that?—A. Yes, sir.

Q. You mean elegant cloth books? Have you any children's books on cloth?—A. Yes, sir.

Q. Many of them?—A. Yes, sir.

Q. And they are thicker?—A. Some are thinner. I was not thinking of them.

Q. What children's books have you got on material like this that is thicker?—A. I do not know as I could recollect them. R. Worthington & Co., of N. Y. City, have published books on thicker paper than that.

Q. Do you deal much in plate paper?—A. No, sir.

Q. Do you have any of it?—A. Not for sale; no, sir. I had some.

Q. Are you familiar with the character of plate paper as you are with others?—A. It must be that my familiarity is with a different kind of paper from the paper that such men as these lithographers would call plate paper. The real plate paper, such as they use for steel plates, is not as solid a paper as this. It is more of a spongy character.

Q. Is it not true that plate paper on one side is pretty heavily calendered and finished?—A. In some cases they are, and sometimes on both sides.

Q. Is it not true that a distinguishing feature of plate paper is that one side is more highly finished than the other?—A. I would not call this plate paper. I think that quality, if you were to get right down to it, you would find this would not be plate paper, nor is it the kind of paper they call "Western plate." If it is, it is a term that has originated recently. It has been put through rollers. They have some new idea of plate paper. There is a paper highly finished, a writing-paper put between plates, and plated and finished in that way, but of late years they have been rolling paper between rollers, and calling it plated paper, I believe.

Q. Is it not rolled with a calender machine that gives——A. That finish. Yes, sir.

Q. That hardness and finish to plate paper?—A. You put almost too many words in there.

Q. That hardness and finish there?—That hardness and finish is partly caused by that.

Q. How long has that calender machine which is the most popular been in existence, do you know?—A. I do not know. I heard about it first in 1855.

Q. Do you know the name of the machine now, and who invented it?—A. Fortinier was the one that used to be the principal machine.

Q. For calendering?—A. As I understand it.

Q. What is your understanding of the old-fashioned way of making plate paper?—A. I do not want to enter into a discourse on it here. I would like to know what point you wish me to answer.

Q. I understood you to say a while ago that they have a way of running paper through rollers and call it plate paper, and that the old-fashioned way was some other way. I do not get the point exactly.—A. Putting it between two thin plates and press it in the bindery, or press it by the means of a screw. That was the old way of its being pressed.

Q. How did they get the finish and hardness of the other paper with the same machine?—A. I do not that I understand that question "of other paper." No not by plating at all. This was not a machine exactly; it was a press.

Q. Don't they subject book paper to the same pressure?—A. Not as they did for the purpose of plating the paper. They did when they were binding that paper, as binders often do in the binderies, subject books and sheets to that pressure and let them remain in the press over night in order to drive out the wrinkles, &c.

Q. Are you familiar with the process of manufacturing plate paper that they use to-day?—A. No, sir; I am not familiar. I go east every summer and go through the mills in Massachusetts, but I am merely a looker-on, and I am not familiar with it.

Q. Have you examined this paper that Mr. Peelle called your attention to before you came in here?—A. I did, sir. I do not know that it was that ticket, but it was a Republican ticket.

SAMUEL MERRILL.

The further taking of these depositions, by consent of both parties, was adjourned until Thursday, November 15th, 1883.

Exhibit No. 1 to deposition of Samuel Merrill.—Paul C. Hendricks, Notary Public.

REPUBLICAN TICKET.

STATE TICKET.

For Secretary of State,
EMANUEL R. HAWN.
For Auditor of State,
EDWARD H. WOLFE.
For Treasurer of State,
ROSWELL S. HILL.
For Attorney-General,
DANIEL P. BALDWIN.
For Clerk of the Supreme Court,
JONATHAN W. GORDON.
For Superintendent of Public Instruction,
JOHN M. BLOSS.
For Judges of the Supreme Court,
First District—WILLIAM P. EDSON.
Second District—JOHN G. BERKSHIRE.
Fourth District—JOHN F. KIBBEY.

CONGRESSIONAL TICKET.

For Member of Congress, 7th Congressional District,
STANTON J. PEELLE.

MARION COUNTY TICKET.

For Judges Superior Court—Term 1882,
JOHN L. McMASTER.
DANIEL W. HOWE.
For Judge Superior Court—Term 1884,
LEWIS C. WALKER.
For Judge Criminal Court,
JAMES E. HELLER.
For Judge Circuit Court, Nineteenth Judicial Circuit,
JOSHUA G. ADAMS.
For Prosecuting Attorney, Nineteenth Judicial Circuit,
WILLIAM T. BROWN.
For Clerk,
MOSES G. McLAIN.
For Sheriff,
JAMES W. HESS.
For Treasurer,
WILLIAM G. WASSON.
For Auditor,
JUSTUS C. ADAMS.
For Recorder,
WILLIAM F. KEAY.
For Coroner,
ALLISON MAXWELL.
For County Surveyor,
HERVEY B. FATOUT.
For County Commissioners,
First District—WHARTON R. CLINTON.
Second District—FRIEDERICH OSTERMEYER.
Third District—ARCHIBALD GLENN.
For State Senator,
JOHN B. ELAM.
For Joint Representative Marion, Shelby, and Bartholomew Counties,
WILLIAM GILGOUR.
For Representatives,
RALPH HILL.
WILLIAM D. TOBIN.
WILLIAM T. FLETCHER.
DAVID B. SHIDELER.
SAMUEL A. ELBERT.

THURSDAY, *November* 15, 1883.

The parties met, pursuant to agreement.

JOHN B. CONNER, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. John B. Conner; I am 53 years old; I reside at number 360 Park avenue, in this city.

Q. How long have you resided in this city?—A. Since 1874.

Q. Did you ever occupy any official position in this city or State?—A. Yes, sir; I have been in the legislature one session and in the department of statistics 2 years.

Q. Chief of the bureau of statistics in the State?—A. Yes, sir.

Q. What business are you engaged in now?—A. Newspaper business.

Q. What paper?—A. Indiana Farmer.

Q. An agricultural paper?—A. Yes, sir.

Q. How long have you been connected with that?—A. Ever since 1874, in July.

Q. In your business as chief of the bureau of statistics of this State, and in the publication of the Indiana Farmer, have you purchased much paper?—A. Yes, sir; considerable.

Q. Are you familiar with the different kinds of papers?—A. Tolerably.

Q. I hand you a ticket, headed "Republican ticket," and marked Exhibit A to the deposition of C. F. Holliday. Take that and examine the paper upon which it is printed and state what kind of paper it is, if you know.—A. Well, that is a heavy and extra-sized quality of number 2 book paper, I should say.

Q. Have you ever seen that paper before to day?—A. I expect I voted it.

Q. Did you attend the Congressional election in this city in 1882?—A. Yes, sir.

Q. Did you see that ticket there?—A. I think that is the ticket.

Q. Did you examine the ticket that day?—A. Yes, sir; a casual examination.

Q. What is your judgment, then, as to the quality of paper—the same as now or different?—A. I thought it was a heavy quality of book paper.

Q. I hand you now a book entitled "Memorial address on the life and character of James A. Garfield, President of the United States, by James G. Blaine, February 27, 1882." I will ask you to examine the plate in the front part of that, upon which is engraved the picture of General Garfield, and I will ask you to examine that paper and say what kind it is.—A. That quality of paper I never had much to do with or had occasion to use it much. It is about the thickness of plate paper, and it is not finished so much.

Q. Is not that paper used for lithographic plate purposes?—A. Usually, although that lithographic plate is not so highly calendered.

Q. Is it or not lithographic plate; and, if so, what kind?—A. Yes; lithographic plate. There is a character of paper that is used almost exclusively for that work, but I am not very familiar with that quality of paper.

Q. You are more familiar with the different qualities of book paper than anything else?—A. Yes, sir.

Q. What is the character of the paper in that book you have in your hand, upon which the printed matter appears?—A. It is what printers call book paper.

Q. Is it a better, inferior, or medium grade, compared with the ticket you have in your hand?—A. I think it is rather better finished than the ticket I have; or, perhaps, I might say higher calendered.

Cross-examination by Mr. WILSON:

Q. You say that is the thickness of plate paper?—A. Yes, sir; that seems to be about the thickness of plate paper, although there are different weights of plate paper, as I understand, although I never had much to do with it.

Q. There are different thicknesses of plate paper, too?—A. Yes, sir; different weights and thicknesses, but I never had much to do with either.

Q. And then you may be mistaken as to what the character of that Republican ticket would be?—A. Of course, only as to my judgment. Of course, a man might be mistaken in judgment as to most anything.

Q. Do you ever see plate paper of the thickness of that Republican ticket?—A. I think I have seen paper that light.

Q. Did you ever see plate paper finished as that is?—A. You could not see very much of the finish of that; it is so much soiled.

Q. Did you ever have any experience in the manufacturing of paper?—A. No, sir.

Q. Did you ever sell plate paper?—A. No, sir.

Q. Did you ever buy much plate paper?—A. No, sir; not much.

Q. Your dealings have been in book paper?—A. Book paper and newspaper, mostly.

Q. I will ask you what is the finish usually of plate paper?—A. Plate paper that printers use for heavy and fine work is pretty hard finished, usually calendered and sized.

Q. What is the difference between book paper number 2 and fine plate paper, in the finishing and calendering?—A. Well, the higher finish and sizing and calendering and the weight of the paper.

Q. Have you not seen book paper really with more sizing than plate paper has?—A. I have seen book paper that is highly sized.

Q. Is not the principal difference in plate paper that one side is highly finished and the other is not?—A. No, sir.

Q. That is not the difference?—A. No, sir; not the paper that printers use. It is finished equally on both sides.

Q. Are you not describing book paper?— A. I am describing what is called plate paper, that we have for printing a good many catalogues.

Q. What catalogues do you have printed on plate paper?—A. Stock catalogues.

Q. Can you furnish us one?—A. I do not know that I can, sir; it has been years ago.

Q. Could not you give us one of those?—A. We printed one for Mr. Louden—he is in Iowa now—six years ago.

Q. Was the paper as thick as the paper upon which the engraving of Garfield is?—A. I think it is not so heavy as that.

Q. Did you ever print a book on plate paper?—A. No, sir; simply catalogues.

Q. Did you ever see newspapers printed on plate paper?—A. I believe not; no, sir.

Q. And you recollect of printing certainly one, and you think there were other catalogues on plate paper?—A. Yes, sir; it was said to be plate paper; it was ordered for plate paper.

Q. What is the weight; what is 25 by 38 per ream?—A. I do not know—60 to 65 pounds; I am not positive as to that.

Q. 25 by 38?—A. Yes, sir. I may be mistaken as to that. I bought paper 25 by 38 called standard sheet.

Q. What is the usual size of book paper that you buy?—A. 25 by 38, I believe, is the standard sheet.

Q. For books?—A. Yes, sir; a book paper is made frequently odd sizes, because books are so.

Q. Can you give the sizes in which book paper comes?—A. No, sir; because there is a great variety in size; I think 25 by 38 is regular, or what they call a standard book sheet. I think that is it, but I have not had much to do with book printing.

Q. Have you noticed the standard sizes of news paper?—A. There are so many standard sizes for news paper or paper that I would not know. It is 30½ by 44½ and 22 by 32, and 24 by 36, a great variety of regular sizes of news paper.

Q. You are a Republican, I believe?—A. Yes, sir.

JOHN B. CONNER.

S. E. PERKINS, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. I am 35 years old, and I live in the city of Indianapolis.

Q. What is your business?—A. Well, I am dealing some in real estate, and trading principally.

Q. How long have you been in this city?—A. All but one year of my life.

Q. Are you a son of the old Chief Justice Perkins of this city?—A. Yes, sir.

Q. Did you attend the Congressional election in this city in 1882?—A. Yes.

Q. What pricinct and ward?—A. 13th ward. I do not know which precinct it is, but I think it is the lower one.

Q. Did you see the ticket that was voted there that day by the respective parties?—A. Yes, sir.

Q. I hand you a ticket headed "Republican ticket," and marked Exhibit A to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket or the kind of ticket used by the Republicans at that precinct that day?—A. I should think it was.

Q. I hand you a ticket headed "Democratic ticket," and marked Exhibit B to the deposition of Mr. Holliday, and I will ask you to state if that is the kind of tickets used by the Democrats there that day?—A. I should say so.

Q. You are a Democrat, I believe?—A. Yes, sir.

Q. State if you occupied any official position that day.—A. Nothing more than to get voters in. I do not know what you would call it.

Q. State if when these tickets were folded separate with the names on the inside as tickets are ordinarily and usually folded when being voted, if you could by sight tell one ticket from the other.—A. No, sir; you could not.

Q. Did you make any effort to do it that day?—A. Yes, sir; you can by handling them.

Q. Have you been able to tell the difference between the handling of tickets before in this city?—A. It was always claimed by the inspectors that there was a slight difference, and they could tell by the touch, but I never noticed it myself, but I never tried it myself, and I never could tell by sight what people were voting; I know that.

S. E. PERKINS.

M. G. McLAIN recalled.

Direct examination by Mr. PEELLE:

Q. State if you attended the Congressional election in this city in 1882, in November.—A. Yes, sir.

Q. What precinct and ward?—A. I live in the first precinct, eleventh ward; I attended several precincts in the city that day.

Q. Is that the first precinct of the eleventh ward at the engine house?—A. Yes, sir.

Q. Who was inspector?—A. Mr. Yohn.

Q. Who was challenger upon the Republican side?—A. Mr. Hasselman was there.

Q. Did you see Ross Clark there acting as challenger on the Democratic side?—A. Yes, sir.

Q. I will ask you to state what portion of the time you were there in that precinct that day?—A. I was there until some time in the afternoon.

Q. You were there all the forenoon?—A. Yes, sir; I worked pretty nearly all the forenoon.

Q. Did you hear any complaints made there that day by any one about the character of the Republican ticket?—A. I did not.

Q. Did you hear Ross Clark make any statements in any way about that ticket?—A. I did not.

Q. Did you notice that the inspector, Mr. Yohn, made any signs, nods, or winks in any way by which the challenger might know what kind of a ticket he had in his hands?—A. I noticed nothing of the kind.

Q. Did you hear any conversation between Ross Clark and Mr. Ott Hasselman about the Republican ticket in any way?—A. I did not.

Q. Did you hear Mr. Hasselman say anything to the effect that the printing of the Republican ticket was a scheme that would work the defeat of the Democratic ticket?—A. I did not.

Q. Do you know of any man there, colored or white, that day that voted with their tickets inclosed in an envelope?—A. I did not.

Q. Did you see or hear of anything of the kind?—A. I did not.

Cross-examination by Mr. WILSON:

Q. Do you undertake to say that no colored man came there with his ticket in an envelope?—A. I do not; that was not the question as I understood it.

Q. You mean that they did not vote the ticket in the envelope, and did not put the envelope in the box?—A. I did not see anybody offer to vote a ticket in an envelope.

Q. Did you see all the people that voted?—A. No, sir; I did not.

Q. Did you hear all the conversation that took place between Mr. Hasselman and Mr. Clark?—A. I did not.

MOSES G. McLAIN.

W. F. MARTIN, being first duly sworn, testifies as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. W. F. Martin; age, 39; residence, 356 Indiana avenue.

Q. What is your business?—A. Physician.

Q. How long have you been in the practice of medicine?—A. 12 long years.

Q. What are your politics?—A. Democratic.

Q. Are you a graduate of any medical school?—A. Yes, sir.

Q. What?—A. Indiana Medical School.

Q. Did you attend the Congressional election in this city in November last?—A. Yes, sir.

Q. What precinct and ward?—A. The first precinct, fourth ward.

Q. What portion of the day were you there?—A. I was there in the forenoon a while and in the afternoon.

Q. Did you see the tickets voted there that day?—A. Yes, sir.

Q. Who was the inspector at that precinct?—A. Mr. Hadley, I think.

Q. How much time did you say you were there?—A. I was there 2 or 3 hours, I believe.

Q. Was you there in any particular capacity?—A. No, sir.

Q. Did you work around the polls any?—A. No, sir.

Q. I hand you a ticket headed "Republican ticket," and marked Exhibit A to the

deposition of Mr. Holliday, and I will ask you to take that ticket and examine it and see if that is the kind of ticket used by the Republicans that day?—A. Well, I made no distinction between the general appearance of the tickets.

Q. Is that the Republican ticket used there that day, or a similar ticket?—A. Yes, sir; I believe it is.

Q. I hand you a ticket headed "Democratic ticket," and marked Exhibit B to the deposition of Mr. Holliday; I will ask you to state if that is the ticket used by the Democrats there on that day?—A. Yes, sir; to the best of my belief.

Q. Did you see those tickets when they were being voted, or similar tickets to those?—A. Yes, sir.

Q. State if, when those tickets are folded with the names on the inside, as tickets are ordinarily folded and voted, you could tell one from the other by sight as they were being voted?—A. No, sir; I did not see any particular difference in them that day; I noticed a difference afterwards.

Q. State whether you could at that time or not distinguish by sight one ticket from the other?—A. I did not distinguish any difference between the tickets.

Q. Was there any complaint made at that precinct that day about the character of the Republican ticket?—A. Not that I know of.

Q. You heard none?—A. No, sir.

Cross-examination by Mr. WILSON:

Q. You heard nothing about the difference between the tickets that day?—A. No, sir.

Q. You did not, in fact, even notice the difference between the tickets that day?—A. No, sir; I did not notice the difference.

Q. Your attention was called to that matter since you say?—A. My attention was called by the comments of the newspapers.

Q. Could you tell the difference between those tickets by handling them?—A. Yes, sir.

Q. You say you can tell the difference between those tickets by the feeling?—A. Yes, sir; by the feeling of the ticket, but not by sight.

Q. Did you vote the Democratic ticket that day?—A. Yes, sir.

Q. A straight ticket?—A. No, sir.

Q. You scratched it?—A. Yes, sir.

Mr. PEELLE. This is not cross-examination, and I object to it.

Question by Mr. PEELLE:

Q. On the day of the election was your attention called to the ticket, as one of those tickets was heavier than the other?—A. No, sir; there was no question I heard that day in regard to the difference of the tickets.

By Mr. WILSON:

Q. Did you vote for Mr. English for Congress?
(Objected to as not cross-examination.)
A. No, sir.

WILLIAM F. MARTIN.

W. B. BURFORD, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. William R. Burford; age, 37; residence, Indianapolis.

Q. What is your business?—A. Lithographer, printer, blank-book manufacturer, and stationer.

Q. How extensively are you engaged in that business?—A. I do not know just how to answer that.

Q. Are you doing a small jobbing trade, or a business that extends throughout the State?—A. I am running a manufacturing business and selling throughout the State.

Q. How many men do you employ in your business?—A. One hundred to one hundred and twenty-five.

Q. Did you attend the Congressional election in this city in 1882?—A. I did.

Q. What precinct and ward?—A. It is the first ward, and I do not know that I can state the precinct, but it is the one on the corner of First and Illinois streets; I don't know whether it is the first precinct or the second precinct in that ward.

Q. I hand you a ticket headed "Republican ticket," and marked Exhibit A to the deposition of Mr. Holliday, and I will ask you to take that ticket and examine the paper upon which it is printed, and state what kind of paper that is?—A. I should call that a plate paper.

Q. What kind of a plate paper?—A. Lithographic plate paper.

Q. Has it any other name?—A. I would not know it by any other name.

Q. Is it eastern plate paper?—A. No; it is what would be termed a western plate paper.

Q. Is it calendar on both sides alike?—A. It is intended to be.

Q. I will ask you to state what the difference is between that paper upon which that Republican ticket was printed and book paper of like weight?—A. I do not believe I could say there was any difference; not if they were of like weight.

Q. That is what I mean, like weight paper.—A. Identically the same weight?

Q. Would there be any difference between a book paper of the weight of the paper upon which that ticket is printed, in its finish?—A. It would depend a good deal upon the class of book paper you are comparing it with.

Q. Book paper of a weight equal to the paper upon which that Republican ticket was printed; what would be the difference, if any, in the finish?—A. There might be considerable difference and there might not be any. It might be a highly finished book paper, equal to that of plate paper; also, it might be an ordinary finish which would notbe equal to that of plate.

Q. State whether, as a matter of fact, book paper is finished as highly as the paper upon which that Republican ticket is printed.—A. It is sometimes.

Q. I will ask you to state if in fine book work the kind of paper upon which that Republican ticket is printed can be and is not frequently used?—A. I think not so heavy.

Q. You say book paper of that weight may be more highly finished sometimes?—A. It may be if it is made into a book. It can be finished that highly.

Q. Now, in point of fact, I will ask you if there is any difference between a book paper and the paper upon which that Republican ticket is printed, both being of the same weight?—A. I must first say that book paper is not made usually so heavy as this—what is ordinarily termed book paper in the general sense of the word.

Q. But some paper is used in fine book work heavier than the paper upon which that Republican ticket is printed, is there not?—A. I don't know that there is; I don't believe I ever used any of it.

Q. Have you not frequently seen it in the publication of books, especially subscription books and Christmas books and children's books—a heavier and finer finished paper?—A. I don't know that I ever observed; I could not say that I have.

Q. Is there any difference between book paper and the paper upon which that Republican ticket is printed, both being of the same weight; and if so, what is that difference?—A. If you say book paper in the general sense in which it is used, I would say there was a difference, from the fact that it is not made so heavy, also in the price of paper.

Q. Question repeated.—A. That is, if they were both of the same relative weight?

Q. Yes, sir; per ream. What would be the difference between book paper of that quality and the paper upon which that Republican ticket is printed?—A. If they were both the same weight and both finished alike, I would say that there would be no difference in the appearance of the paper, but there is in the price.

Q. I did not ask you about the finish; I asked you what difference there was between book paper and the paper upon which that Republican ticket is printed, both being the same weight per ream?—A. That is a question I could not answer in a direct manner.

Q. Would one paper be finished more than the other?—A. It might be and it might not, according to the grade of paper that was used.

Q. I now hand you a specimen of white paper, marked Exhibit No. 3, to the deposition of C. B. Wing, and I will ask you to examine that paper and state what it is.—A. It is a light grade of western plate paper.

Q. What would that paper weigh per ream, size 22x28?—A. It is commonly made for an 80 pound paper, but it might vary a few pounds less than that.

Q. You keep in stock western plate paper in your business?—A. Yes, sir.

Q. Did you ever do any lithographic work on book paper?—A. Yes, sir.

Q. Upon which do you do the most work, on western plate paper or book paper?—A. Western plate-paper.

Q. Do you keep book paper in stock, too?—A. Yes, sir.

Q. I now hand you a piece of white paper marked Exhibit 5 to the deposition of Mr. Anderson, and I will ask you to state what that is?—A. What is the size of these sheets?

Q. 25x38.—A. I should call them a piece of 70 pound, 25x38.

Mr. WILSON. What is that—book paper, did you say?

The WITNESS. I have not said yet. That might be termed a sheet 25x38 and 70 or 75 pound book paper; it might be called that.

Q. I will hand you this sheet, from which it came, and I will ask you to examine that.—A. It seems to be a sheet of supercalender book.

Q. How much will that weigh per ream, size 25x38?—A. I stated a while ago on the sheet I had in my hand, and what I meant to state when I stated the weight of that was on the basis of 22x28; I was not aware of the size of the sheets.

Q. What would be the weight of the paper 22x28 in that you answered a moment ago to Exhibit No. 5, that I now hand you?—A. That is the relative weight—22x28 sheet?

Q. Yes, sir; before you answer that question state if there is any difference be-

tween the paper of that Exhibit No. 5, that I hand you, and the paper you have got in your hand that I also handed you just now?—A. Between those two sheets?

Q. Yes, sir.—A. These look to be the same thing to me.

Q. Yes, sir; they are the same. I will ask you to state now what that paper would weigh per ream, size 22x28?—A. It is a very hard matter for a man to guess; I could only approximate it; I should say between 65 and 75 pounds.

Q. How much would it weigh, size 25x38?—A. I should think it would weigh in the neighborhood of 90 pounds.

Q. You think it would not go a little over that?—A. It might, but I would not want to state to the fraction. It is a pretty hard matter for a man to pick up a sheet of paper and tell the weight of it.

Q. Did you ever do any lithographing in your business on what is known as eastern plate paper?—A. Yes, sir.

Q. Do you keep that in stock?—A. We do; we usually have a little on hand.

Q. Which kind of paper do you keep in stock the most of?—A. We use more of the western.

Q. How much of that do you usually keep on hand?—A. Sometimes we might have 100 pounds, or we might have 1,000, or 5 or 6 tons.

Q. The principal stock you keep on hand for your business is what is known as western plate?—A. Yes, sir; but we have the eastern always.

Q. Is your business principally lithographing?—A. No, sir; I could not say it is. Our business is largely printing blank books, and manufacturing is the principal part of it.

Q. I hand you a piece of paper marked Exhibit No. 7 to the deposition of W. O. Anderson. Will you please examine that and tell what it is?—A. I should pronounce that a piece of western plate paper.

Q. What would that paper probably weigh, size 22x28?—A. I should think that would weigh 80 pounds.

Q. What would it weigh size 25x38?—A. It would run from 100 to 110 pounds, I should think.

Q. If it weighed 22x28 the weight 25x38 of course would be higher?—A. Yes, sir; relatively higher. You can figure that up and tell to a pound, but I only speak of it by feeling the paper.

Q. Is that a heavier paper or not than the paper upon which that Republican ticket is printed?—A. No, sir; I think not.

Q. What would you think the paper upon which that Republican ticket was printed would weigh, sheets 25x38—22x28?

(The contestant objected to counsel changing his question.)

A. I should say 100 pounds.

Q. I have changed the size to 22x28, and now you may state what it would weigh?—A. I would say 22x28 would run 55 to 60 pounds. It would be commonly known as 60 pound paper.

Q. 22x28?—A. Yes, sir.

Q. State if the size 25x38 would not be under 100 pounds per ream?—A. I think not by the proportion, without figuring.

Q. Which is the heaviest paper, the paper upon which that Republican ticket is printed or that specimen of western plate paper No. 5, that I handed you a while ago?—A. I cannot remember. You will have to show me the paper. [Paper shown witness.] I should think there was a very little difference between them, if any. There certainly cannot be very much difference between them.

Q. State if you did not weigh that specimen yesterday that you have in your hands now?—A. Yes, sir.

Q. What does it weigh (22x28) according to your weight?—A. 76 pounds.

Q. This specimen shown you would weigh more than the paper upon which the Republican ticket is printed, size the same?—A. It would if we are right as to the basis of that—60 pounds. That would weigh the most.

Q. I will ask you, as a matter of fact, if you did not weigh both the paper upon which that Republican ticket is printed and the material of this specimen that I show you, and if you did not discover that this specimen was heavier than the paper upon which the Republican ticket was printed?—A. I will state that I did weigh some Republican tickets you had, at your request, and figured it out, and found that 22x28 in a sheet of that paper which you furnished me tickets of——.

Q. Is that the same specimen of the tickets you handled?—A. I could not say that.

Q. What is your judgment about it?—A. I paid so little attention to it that I could not state.

Q. I will ask you to state if the tickets were not all like that?—A. They looked to be.

Q. State if by that the paper which you have identified as a poor quality of western plate paper was not a heavier grade of paper than the paper upon which that Republican ticket was printed?—A. I believe there was one pound difference, was there not I think I stated that to you.

Q. The identical sheet identified as a poor quality of western plate paper was one pound heavier per ream according to your weight and figuring than the paper upon which the Republican ticket was printed.—A. I also stated to you, at the same time, that you might have gotten another sheet out of the same ream which would have varied. It might have been one pound lighter or one pound heavier still.

Q. The same run of papers vary in thickness and weight?—A. A little bit; yes, sir.

Q. And paper that would weigh by actual weight 76 pounds per ream would be regarded as an 80 pound paper, would it not, in the trade?—A. It would be termed as that. If you take one sheet out of the 80 pound paper, it may not weigh over 76, or it may weigh 78 or 77, and you may get another sheet that will run a little over 80 pounds. It varies a little bit.

Q. You are the same William B. Burford who was examined some weeks since on behalf of the contestants, are you not?—A. I presume I am.

Q. In your examination I believe you stated that you had sold paper of the character upon which that Republican ticket was printed, to the Journal Company, some time about a year ago, or before the election of 1882?—A. Yes, sir.

Q. Do you know how much you sold?—A. I do not know that I could state to a sheet, but from memory, sitting here to-day, it was some 620 sheets, I believe.

Q. Was it this same kind of paper that this Republican ticket was printed on?—A. So far as my judgment goes, it was.

Q. State if it was not a heavier character of paper than the paper upon which that Republican ticket is printed?—A. Was it not a heavier paper?

Q. Yes, sir.—A. I think not.

Q. Have you ever kept in stock any paper of the kind upon which that Republican ticket is printed?—A. I think I have.

Q. When?—A. I have some of it there now.

Q. Did you have some of it in stock last November?—A. We have it in stock all the time.

Q. How much of it did you have in stock last November probably of that kind of paper—a year ago now before the election in November?—A. I did not have a great deal of it at that time.

Q. Did you have any of that kind?—A. I think I did.

Q. The same grade and same quality?—A. I think so.

Q. And the same finish?—A. As near as I can judge.

Q. Manufactured by the same mill?—A. That I could not say. I could not say that.

Q. Where did you buy your plate papers?—A. The majority of them, recently, I purchased of the Cleveland Paper Company, although I buy from New York sometimes, and I have bought a good deal from Chatfield & Woods, Cincinnati.

Q. Did you buy any paper from Chatfield & Woods prior to the November election, 1882?—A. Just before that.

Q. Any time prior to that?—A. How long prior?

Q. For 6 months prior to November, 1882, did you buy any Western plate paper of Chatfield & Woods?—A. Not that I am aware of, from memory.

Q. Different mills differ somewhat in the manufacture of Western plate paper?—A. Yes, sir.

Q. Is it not true that there is a difference in Western plate papers?—A. There is.

Q. Of what does that difference consist?—A. Frequently in the stock they put in, and in the finish they put on and the sizing they put in.

Q. Do you answer now that you keep in stock all the time paper similar in quality and finish to the paper upon which that Republican ticket is printed?—A. The majority of the time I have some of that kind, unless I just happen to be out. I do not intend to be out at all.

Q. I hand you a card marked Exhibit No. 1 to the deposition of C. B. Wing, being a business card of C. H. Wittig. Please take that card and tell me what kind of material that is lithographed on.—A. It is card board.

Q. When paper reaches the grade of bristol board or card board, do you call it card board in your trade, or do you call it paper?—A. We call it card board.

Q. Then, when paper gets to the grade of card board and bristol board, it ceases to be called paper, does it—in the trade I mean now?—A. Well, yes; in that sense of the word it ceases.

Q. It is manufactured, however, out of paper?—A. Certainly it is made out of the same material that paper is.

Q. I hand you a ticket headed "Democratic ticket" and marked Exhibit B to the deposition of Mr. Holliday, and I will ask you to take that ticket and examine it carefully and tell me what kind of paper it is?—A. It might be termed a low grade of book or an extra grade of print, whichever you want to call it. They are one and the same thing.

Q. Look at the words of that Democratic ticket. Are the type run together on that heading any?—A. I see one place where it is run together, but that may be from the ink spreading a little.

Q. Is not the word "Democratic" in one cut and the word "ticket" in another?—A. I would say no. I would say it was all on one piece. Just from the nature of things, a man would not go to work and engrave the words in that way.

Q. What I mean in the word "Democratic" are the letters engraved together and the word "ticket" on the same block engraved together, and if that don't make it a wood-cut?

(Objected to.)

Q. I ask the question if that is or is not an engraved head or wood-cut?—A. It is pretty hard to tell.

Q. What is your best judgment from your experience as an engraver, as to whether or not that is an engraving or a wood-cut?—A. It is either a wood-cut or a mighty poor job of type setting, one of the two, and I cannot tell which.

Q. What is your best judgment from your experience?—A. Have you got any more of them?

Q. Yes, sir.—A. Let me have another piece.

Q. I now hand you three other tickets headed "Democratic ticket," and I will ask you to examine the heading of those tickets and tell me whether or not the heading of that ticket, the word "Democratic," is engraved or is a wood-cut or is printed from type?—A. You must make some allowance that I am not a practical printer or a practical engraver either. I am only the boss.

Q. How long have you been in the business?—A. About 13 years.

Q. You own the business, do you not?—A. Yes, sir.

Q. What is your judgment?—A. The only thing in there that I could see that would make me think it was an engraved heading is that poor "D." The balance of it looks like type.

Q. Are the type of those tickets I handed you made together, or seem to be made together, on the same piece?—A. I think it is possible to set type of that font in that manner.

Q. I will ask you to state if the letters "cra," in the word "Democratic," and especially the letters "cr," are not made together?—A. That is just what I stated when I first picked up the ticket, that I say when those letters were joined together there, that it may be possible to do such a thing as that with type, and the ink make the difference if they are set so close.

Q. Is there not a good deal of regularity in the way the ink is spread on that ticket if it was type?—A. It would do the same way every time if there was ink enough on the press.

Q. What do you say as to whether that is an engraved head or a wood-cut or print from type? Your best judgment is all a man can get.—A. My first impression would be that it was a wood-cut.

Q. If that was your first impression, have you noticed anything new in the 5 or 10 minutes' time that you have been examining these tickets to disabuse your mind from that belief?—A. No, sir; I have not, but still I do not say that it is not possible to do that with type.

Q. Certainly. I ask your best impression. Don't it have the appearance of a wood cut?—A. It does.

Mr. PEELLE. I now offer in evidence the three tickets headed "Demoratic ticket" which were exhibited to the witness, and ask that they be marked as exhibits to his deposition.

(The tickets referred to will be found attached to the deposition of this witness, as a part thereof, and marked Exhibits Nos. 1, 2, and 3, respectively.)

Cross-examination by Mr. WILSON:

Q. Mr. Peelle says when paper gets to the grade of card-board you call it card-board in the trade, and your answer to that was "yes." What do you mean by the term "grade"? Do you mean when it gets to the thickness, or do you mean when it gets into the peculiar style in which card-board is gotten up that you call it card-board?—A. In the manner in which card-board is made and gotten up.

Q. Is it not true that there is a bristol that is thinner than some paper?—A. It is.

Q. And that is thinner than plate-paper—at any rate, than Western plate-paper?—A. Yes, sir.

Q. So when you refer to the word "grade" you refer to the peculiar make and structure. What is the structure and make of card-board?—A. Well, there is quite a number of kinds of card-board. The finest card-board we have is made out of two or more sheets of paper pasted together. That is what we call the best card-board, or bristol.

Q. That is two-ply?—A. Yes, sir; that is two-ply, and then there is what we call machine-made bristol, in which the pulp goes in between the rollers and comes out the thickness of card-board, only in a single sheet.

Q. Then it is true that card-board is made in a single sheet?—A. Yes, sir.

Q. And made finer than plate-paper?—A. It can be; yes, sir.

Q. Card-board can be made any number of flies by pasting one upon the other, can it not?—A. They don't usually make a card-board out of more than two sheets; but we use a heavier sheet to make a heavier board, and then term that one, two, or three ply.

Q. I am speaking of what could be done. You could place a good many sheets together and make a very stout, many-ply card-board?—A. I suppose a man could call it that.

Q. What are the sheets that are pasted together to make two-ply or three-ply card-board?—A. It is rag writing-paper.

Q. Then it is writing-paper pasted together, and you call that card-board?—A. That is pasted card-board.

Q. Then it is paper, is it not?—A. Yes, sir; it is paper.

Mr. PEELLE. You mean it is made out of paper?

The WITNESS. Yes, sir; it is made out of paper.

Q. And is paper, is it not?—A. It is called card-board.

Q. But it is paper, as a matter of fact?—A. I presume it is, if it has not been changed.

Q. You have taken paper and pasted the sheets together, and made what you call card-board?—A. Yes, sir.

Q. Or you can take a single sheet and run it through the mill and have just one sheet of paper, and you can cut it into cards and call it a card, and it can be sold for card-board—that is, one ply?—A. Yes; if it is made heavy enough.

Q. In the trade, is plate called plate-paper or plate, or is there any exclusive rule on that subject?—A. It is catalogued as plate-paper, I believe.

Q. In talking of it, how do you speak of it?—A. We speak of it as plate-paper.

Q. Is it not sometimes called plate and sometimes lithographic plate?—A. Yes, sir; a man may catalogue and not care to repeat the word "paper" every time, because he knows that the trade knows what it is, and it will read "No. 2 plate" or "No. 3 plate" or "No. 1 plate."

Q. Is it sometimes catalogued as plate paper?—A. Yes, sir; and indexed as plate paper. You will find it indexed as plate paper.

Q. Will you please tell us why it is termed plate paper, if you know, as distinguished from book paper?—A. The principal reason, I presume, is the weight and size, and the weights into which it is commonly manufactured, which are not made in the book.

Q. Is the finish different?—A. It may or may not be.

Q. You can finish book paper as you finish plate?—A. Yes, sir.

Q. How is book paper generally finished?—A. There is a variety in that.

Q. Ordinary book and ordinary plate; I will use it in that sense.—A. Ordinary book is not so well finished as what is commonly termed plate paper.

Q. What is the difference usually between ordinary book and ordinary plate paper in point of weight? We are not judging this by the extreme cases.—A. No; I understand. The average weight of ordinary book paper, and you speak of it in that sense of the word, is 40 to 45 pound paper; the sheets 25×38.

Q. The average ordinary plate-paper, sheets 25×38, what is the weight of that?—A. It would run from 80 to 100 pounds.

Q. That is the average now of which class—that is, the difference between the average, is it?—A. Yes, sir.

Q. Now then plate paper is usually used for what? What use is ordinary plate paper put to—the general use?—A. Show-cards, I believe; and they have it that portraits are lithographed on, and frontispieces for publication in the books, lithographic frontispieces, and heavy map paper, and for any class of colored work, and chromo work. A chromo is usually printed on what is called plate paper.

Q. Is it not generally used for pictures and lithographic engravings?—A. It is most always used for that; that is, most of the engravings and lithographs of this kind are worked on plate paper; but plate paper is used for other purposes.

Q. Why is it called plate paper; do you know?—A. I do not know that I can state exact. It is a distinct name that they have always given it for a peculiar class of paper commonly used by lithographers.

Q. What is the common use of book paper?—A. For the publication of books.

Q. Did you have any of Chatfield & Wood's Woodsdale plate in November, 1882, in stock?—A. No, sir.

Q. Whose make of plate paper was it that you sold to the Journal Company at the time you referred to in your examination-in-chief?—A. The Cleveland Paper Company.

Q. I understand you to say that plate paper is made and used principally for lithographic engravings?—A. Yes, sir.

Q. And is not that true of Western plate paper?—A. Yes, sir.

Q. The paper that you sold to the Journal Company, did you get it for any particular purpose?—A. Yes, sir.

Q. For what purpose?

(Objected to as immaterial and not proper cross-examination.)
A. I got it for plates in the Geological Report.

Re-examination by Mr. PEELLE:

Q. Do you carry that kind of paper in stock as plate paper in your establishment?—A. Yes, sir.

Q. You say you bought that paper for a geological work. Why did you not use it for that?—A. We did use all we wanted. We had that much left. We always buy a little more than we want for a special job.

Q. Did you buy that of the Cleveland Paper Company?—A. Yes, sir.

Q. Do they keep that kind of paper in stock all the time?—A. They keep it in stock. I do not suppose they generally keep much of any kind. They run mostly as they are ordered.

Q. What time did you buy that of the Cleveland Paper Company, if you remember?—A. It was along in the summer time.

Q. Of 1882?—A. Yes; I am not positive; I cannot tell; but it was along in June or July.

Q. Did you buy through the house of which Mr. W. O. De Vay is connected here?—A. No, sir; not through the Indiana Paper Company—yes, it did come through him. He was agent in the city, and I think I gave him the order; but sometimes I would send my orders directly to Cleveland and sometimes I would give them to him.

Q. Do they keep stock on hand here in the Indiana Paper Co. of all kinds of plate paper and everything they deal in?—A. Yes, sir; they aim to. They aim to keep all the kinds we want.

Q. I hand you a catalogue of Chatfield & Woods for 1882, marked as Exhibit No. 3 to the deposition of W. O. Anderson. Is that a standard catalogue?—A. I presume it would be termed so.

Q. Please turn to the index, under the head of plate papers, and see how it is indexed.—A. It is indexed as plate papers.

Q. What page does that refer to?—A. Page 39.

Q. Please turn to page 39 and see how it is carried there.—A. It is classified as western and eastern plate papers.

Q. Then it is catalogued as plate papers?—A. Yes, sir.

Q. And indexed as plate papers?—A. Yes, sir.

Q. In the catalogue of Chatfield & Woods?—A. Yes, sir.

Q. Did you ever know it indexed in any other way; and, if so, in what catalogue?—A. I never knew it to be indexed other than plate or plate papers.

Q. Did you ever know it catalogued in any other way than plate papers, and, if so, what catalogue?—A. I do not know that I can say that I have, but I have seen catalogues, but I could not give you the name of where it would be, where it was just No. 1 plate, No. 2 plate, just simply to distinguish them. At the head of the page would be plate papers.

Q. What do you understand by the terms "No. 1" and "No. 2 plate"?—A. That is the grade. No. 1 eastern, and 2 western.

Q. You say at the head of the page often there are the words "plate papers"?—A. It is usually marked in that way.

Recross-examination by Mr. WILSON:

Q. This catalogue reads on the outside, "Price list. Chatfield & Woods, manufacturers of paper, Cincinnati, 1882," does it not?—A. Yes, sir.

Q. And on the 4th page I find it is noted: "To the trade: We take pleasure in presenting to the trade a revised catalogue. Prices are somewhat lower, but firm. The demand for all grades of papers is active, and, as a general thing, stocks on hand are not large. We look for a steady trade at present quoted prices. Any changes that may occur our customers shall have the benefit of. We shall aim to keep our stock very complete in papers enumerated in this catalogue. We have large facilities for making all grades of paper of odd sizes and weights, on short notice, and such orders, together with orders for staple goods, are respectfully solicited, and shall have our prompt and best attention. Chatfield & Woods. April 1, 1882."

(Objected to as not cross-examination, and that the catalogue will show for itself.)

Q. I will ask you to look over that catalogue and see if you do not find in that catalogue bags, banker's parchment, envelopes, bill-heads, blank card-sheets, plate paper, bonnet boards, book paper, Bristol card-sheets, Buckeye Mills plate papers, card-sheets, and cloth paper, wrapping paper, and, in fact, all species of things pretty near out of which papers are made.

(Objected to as not cross-examination, and for the further reason that the catalogue and index therein will show for themselves.)

Q. Is not that true as viewed in the index of the catalogue, and are they not in the catalogue?

(Objected to for the same reason.)

A. Yes, sir; it is true.

WM. B. BURFORD.

Exhibit No. 3 to deposition of W. B. Burford.—Paul C. Hendricks, Notavy Public.

DEMOCRATIC TICKET.

Secretary of State,
WILLIAM R. MYERS.
Auditor of State,
JAMES H. RICE.
Treasurer of State,
JOHN J. COOPER.
Attorney-General,
FRANCIS T. HORD.
Clerk of the Supreme Court,
SIMON P. SHEERIN.
Superintendent of Public Instruction,
JOHN W. HOLCOMBE.
Judge of the Supreme Court,
1st Dist.—WILLIAM E. NIBLACK.
Judge of the Supreme Court,
2d Dist.—GEORGE V. HOWK.
Judge of the Supreme Court,
4th Dist.—ALLEN ZOLLARS.

Member of Congress—Seventh District,
WILLIAM E. ENGLISH.

Judge, Nineteenth Judicial Circuit,
ALEXANDER C. AYERS.
Judges Superior Court, vacancies occurring in 1882,
JOHN A. HOLMAN,
NAPOLEON B. TAYLOR.
Judge Superior Court, vacancy to occur in 1884,
FREDERICK HEINER.
Judge Criminal Court,
PIERCE NORTON.
Prosecuting Attorney, Nineteenth Judicial Circuit,
FRANCIS M. WRIGHT.
State Senator,
WILLIAM B. FLETCHER.
Representatives,
JESSE S. WHITSIT,
WILLIAM D. BYNUM,
JOHN C. FERRITER,
JOHN R. WILSON,
ELISHA J. HOWLAND.
Joint Representative, Marion, Shelby, and Bartholomew Counties,
BELLAMY S. SUTTON.
Clerk,
ROBERT L. McOUAT.
Sheriff,
DANIEL A. LEMON.
Auditor,
THOMAS H. LITZENBERG.
Treasurer,
ELI HEINEY.
Recorder,
CORNELIUS KELLY.
Coroner,
CHARLES N. METCALF.
Surveyor,
DANIEL B. HOSBROOK.
Commissioners,
First District—RICHARD SENOUR,
Second District—HENRY GIMBER,
Third District—JOSEPH LOFTIN.

Exhibit No. 1 to deposition of W. B. Burford.—Paul C. Hendricks, Notary Public.

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DANIEL B. HOSBROOK.
Commissioners,
First District—RICHARD SENOUR,
Second District—HENRY GIMBER,
Third District—JOSEPH LOFTIN.

Exhibit No. 2 to deposition of W. B. Burford.—Paul C. Hendricks, Notary Public.

DEMOCRATIC TICKET.

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Treasurer of State,
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Commissioners,
First District, RICHARD SENOUR.
Second District, HENRY GIMBER.
Third District, JOSEPH LOFTIN.

JOHN H. VAJEN, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. John H. Vajen; age, 55; residence, Indianapolis, Ind.

Q. What is your business?—A. Well, I am a hardware merchant.

Q. Are you engaged in any other business in the city?—A. No, sir.

Q. Are you not in the banking business?—A. I have an interest in the bank, and am a director there, but that is about all.

Q. How long have you resided in this city?—A. Since 1851.

Q. Did you attend the Congressional election in this city in 1882?—A. Yes, sir.

Q. What precinct and ward?—A. The 11th ward and 3d precinct.

Q. Did you act in any official capacity?—A. Yes, sir.

Q. What was that?—A. Inspector.

Q. You received the tickets that were voted that day at that precinct?—A. Yes, sir.

Q. I hand you a ticket headed "Republican ticket," and marked as Exhibit A to the deposition of Mr. Holliday, and I will ask you to state if that is the Republican ticket voted there on that day.—A. Yes, sir; as near as I can recollect.

Q. I hand you a ticket headed "Democratic ticket," and marked Exhibit B to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket used by the the Democrats on that occasion.—A. Yes, sir; it looks very much like it.

Q. State if, when those tickets are folded with the names on the inside, as tickets are usually folded when being voted, if you could tell by sight one ticket from the other.—A. No; it is very difficult. I know we talked there that day at the polls about that, and I know the challengers outside tried to tell, and they looked pretty close, and they missed it as often as they hit it.

Q. Could you, as inspector, when receiving those tickets, tell by sight one of those tickets from the other?—A. Not very well. I know we guessed at it two or three times, talking about it inside there, and we missed it as often as we could tell it. When it came to us folded, we could tell that one was a little thicker than the other.

Q. Could you, by sight, from the external appearance of the tickets, tell one from the other?—A. No, sir; not generally.

Q. Did you, as a matter of fact, that day tell one from the other by its external appearance?—A. It was thought that one was a little whiter than the other, but we missed it on that several times. I know the challengers looked very closely frequently before they let me receive a vote, to see if they could make out whether it was a Republican ticket or a Democratic ticket, and they missed it.

Q. Did the challengers on both sides try to do that?—A. Yes, sir.

Q. And they could not tell one from the other by sight?—A. They missed it several times.

Cross-examination by Mr. WILSON:

Q. You are a Republican?—A. Yes, sir.

Q. You put your glasses on when you went to look at those tickets, to see which was which, did you not?—A. I put my glasses on to read those names there.

Q. Did you try very hard, acting as inspector, to try to find out what men's politics were?—A. No.

Q. You did not try, and really did not want to know, as inspector, what the politics of the men were?—A. No, sir; I did not care anything about that.

Q. You didn't desire to know the difference between the tickets, if there was one?—A. No; but I knew in my own mind. There was a little sport over it, and sometimes the wrong party would challenge a man, and when he would actually vote their ticket; and so would the other side do the same thing.

Q. They were challenging those men because they had no right to vote?—A. No, sir; the contest was pretty hot, and they would be pressed if they thought they were not voting that ticket on that side; that is all. Both sides did that.

JOHN H. VAJEN.

ALFRED D. CLARKE, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. Alfred D. Clarke; 45 years old; residence, 121 N. Miss. St., Indianapolis.

Q. How long have you lived in Indianapolis?—A. I came here the last time in 1871.

Q. How long have you lived in Indianapolis, altogether?—A. I came here in 1857, and left in 1867, and came back in 1871.

Q. What business are you engaged in?—A. I am engaged in the book and stationery business—Bowen, Stewart & Co.

Q. What position do you occupy there?—A. I am head of the retail department.

Q. How long have you been in that business?—A. Twenty odd years, altogether.
Q. Has Mr. Bowen been one of the proprietors of that establishment all the time?—A. Yes, sir.
Q. That is S. T. Bowen?—A. Silas T. Bowen.
Q. You are a Republican, I believe?—A. I am, sir.
Q. Do you handle paper down there in your establishment?—A. We handle papers, but my department is such that I do not have anything to do with paper; at one time I did handle paper very largely, and knew more about it than I do now.
Q. Could you tell a piece of white paper if you saw it, as to what kind of paper it was?—A. I could not as an expert.
Q. I hand you a ticket headed "Republican ticket," and marked Exhibit A to the deposition of Mr. Holliday; and I will ask you to take that ticket and examine the paper upon which it is printed, and tell me from your knowledge and experience in the business, what kind of paper that is, if you can?—A. I should consider that paper a book paper.
Q. What grade of book?—A. An inferior grade of heavy book paper.
Q. Have you books in stock in your establishment containing paper as heavy or heavier than that?—A. Yes, sir; we have.
Q. What class of books?—A. Two classes of books. We have a class of books made by Houghton, Mifflin & Co.—the Riverside Press—that contains some paper as heavy as this, although a better grade, and we have some books made by subscription men of a similar grade to this, lighter and heavier.
Q. Have you books in stock containing paper as heavy as that, that is as fine or better finished?—A. We have a better finish.
Q. What class of books is that?—A. First-class books.
Q. Are they extraordinary books, or books that are kept in stock?—A. No, sir; they are usually kept in stock. They are made by the Riverside Press, by Houghton, Mifflin & Co., and a new edition—the subscription edition of Longfellow—is made on paper like this, but heavier and finer.
Q. Can you tell what the weight of that paper would be?—A. No; I do not think I could, but I should think it would weigh in the neighborhood of 60 pounds to the ream—or 50 pounds.
Q. What size?—A. 25 × 36, if that is the regular size.
Q. Can you tell anything about the weight of it by that size?—A. No, sir; I should think it was about a 50-pound paper, or 100 pounds to the ream. All papers are put up in two reams to the bundle, and this paper, I should think, would run about 50 pounds to the ream. I mean a ream of 480 sheets, 100 pounds to the bundle, 960 sheets.

Cross-examination by Mr. WILSON:

Q. What books have you got in your establishment? How many volumes do you carry in stock?—A. If my name was Tyler, of the library, I could tell you exactly; but I cannot.
Q. What do you guess?—A. Ten years ago, just for the name of the thing, I went over and estimated the volumes at that time, and we had about 20,000 volumes—I should say we had—bound books?
Q. Yes, sir.—A. 20,000 volumes.
Q. How many of all kinds have you got—bound and unbound?—A. That is a pretty hard question to answer. As near as I can judge, I suppose it would run in the neighborhood—of course you mean in the establishment?
Q. Yes, sir.—A. We have got probably 40,000 volumes. We now carry a large line of bound books up stairs.
Q. I will ask you what books you have that are printed on material like this Republican ticket that Mr. Peelle showed you?—A. The Longfellow subscription. For a fine book, the subscription edition of the Longfellow poems—the new edition of two volumes quarto; that is a very fine book, and a very much finer grade of paper—that is one; and almost any book made by the American Publishing Co., of Hartford, Conn., or the U. S. Publishing Co., are on that grade of paper. These books we have carried, but I do not think we have many of them now. It is principally subscription books. They are made heavy to make a big volume and a big book.
Q. If this material upon which the Republican ticket is printed weighs 100 pounds to the ream——A. To the bundle.
Q. To the ream, I say. If it does weigh 100 pounds to the ream, would you still insist on the proposition you made that those two houses you named had a number of books printed on that stuff?—A. I certainly should, taking that for a sample.
Q. I say, if this weighs 100 pounds to the ream, you think you have books printed on paper 100 pounds to the ream?—A. Yes, sir; to the best of my judgment.
Q. Give me the names of these.—A. George Elliott, made by John W. Lovell & Co.
Q. I ask you have you got any book in your house from these houses you have named on paper 100 pounds to the ream?—A. I do not know, sir; I cannot answer

that. It is impossible for me to answer that, and I cannot tell you; but as near as I can judge the paper, I would call that 50 pounds.

Q. I suppose it is 100.—A. It may be, but that sample of paper you have in your hand I can show you books in the store that are just as heavy, but a finer grade. The works of George Elliott, 8 or 9 volumes, and printed by John W. Lovell & Co., and I think "The Ladies of the White House," a book made some place in Connecticut; the paper may not be quite so heavy, but the same grade, and I do not remember. I cannot give you the name of special books, although we have them.

Q. If I come to your place of business you will let me inspect some of them?—A. I will; yes, sir.

Q. How many volumes would you say you had in your establishment out of that 40,000 that were printed on material that was as heavy as this Republican ticket?—A. I will answer that question by saying this: that the books that have been made by such houses as John W. Lovell & Co., of New York, and we carried those books, and have carried them, but we don't carry them now. I cannot tell you; it is impossible for a man to sit here and tell you anything about a thing of that kind. I cannot do it.

Q. What is your impression?—A. We carry a line of 12 books made by Porter & Coats, of Philadelphia, that I will show you, if you wish to come there and look at them. They are put up in thin and thick volumes, and you can examine them yourself.

A. D. CLARKE.

JOHN COBURN, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. John Coburn; 58 years old; residence, Indianapolis, Ind.

Q. What is your occupation?—A. I am an attorney.

Q. How long have you been engaged in the practice of the law?—A. Well, I began to practice law about the year of 1853; I have not practiced all the time since, but I have practiced most of the time.

Q. Did you ever occupy any official positions?—A. Yes, sir; I was in the legislature once, and I was judge of the common pleas court and of the circuit court, and a member of the house awhile.

Q. How many years were you a member of Congress?—A. Eight years.

Q. Were you one of the Hot Springs commissioners?—A. Yes, sir.

Q. Were you in this city at the time of the Congressional election in the year 1882?—A. Yes, sir.

Q. Did you attend the same?—A. I did.

Q. You are a Republican?—A. Yes, sir.

Q. I hand you a ticket headed "Republican ticket," and marked as Exhibit A to the deposition of Mr. Holliday; please examine that and state if that is the ticket used by the Republicans?—A. Yes, sir.

Q. I hand you a ticket headed "Democratic ticket," and marked as Exhibit B to the deposition of Mr. Holliday, and I will ask you to state if that is the Democratic ticket used or not, to the best of your knowledge?—A. I think both of them are the tickets used at that election.

Q. State what material difference, if any, there is between the length and width of those tickets?

(Objected to as incompetent, for the reason that the tickets speak for themselves.)

A. I see no very material difference; I see hardly any difference.

Q. When these tickets are folded in the hands of the voter as tickets are ordinarily folded, with the names inside, could you tell, from the external appearance of the tickets, one from the other, standing and looking on at the polls?—A. I see a little difference in the paper; one is a little more glossy than the other, but they are about the same color.

Q. Could you when they were folded in the hands of a voter tell or distinguish one from the other by sight?—A. I could, I suppose, if I would take them from the hands of the voter and make a close inspection; and I say that the paper of one is a little more glossy than the other.

Q. As tickets are ordinarily folded in the hands of a voter, could you tell from the external appearance of the ticket what a man was voting?—A. I think it very doubtful whether I could.

Q. Did you or not?—A. I did not; I can say I saw men voting there, and did not distinguish between the two tickets by the appearance of the tickets; I saw nothing in the appearance of the tickets that attracted my attention—no difference in the tickets that attracted my attention; I afterwards heard that there was a difference

Q. Did you hear of any objection or complaint being made to that ticket on that

day in any way?—A. I did not. I did not hear of any difference as to the texture or size or color of the tickets printed that day.

Q. State if that ticket contains any distinguishing mark or other embellishment, except the names of the candidates and the office to which they were voted for?—A. It does. It has "Republican ticket" at the top of it.

Q. Is that a distinguishing mark as known in the statute?

(Objected to as a conclusion of law.)

A. Each ticket has the name of the party—one has "Republican ticket" and the other "Democratic ticket" at the head of it. That is the only thing I could see to distinguish either of them. They have the same distinguishing mark, so far as that is concerned, in the samples at the head of the ticket.

Cross-examination by Mr. WILSON:

Q. Was your attention called that day to the fact that those tickets differed?—A. It was not.

Q. And you, therefore, did not pay any attention to the difference?—A. I did not. I do not think I heard a word said about it.

JOHN COBURN.

CONRAD BAKER, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. Conrad Baker; age, 66; residence, Indianapolis, Ind.

Q. What is your business?—A. I am a lawyer.

Q. A member of the firm of Baker, Hord & Hendricks?—A. Yes, sir.

Q. What official positions have you occupied in this State?—A. Well, sir, I have been——

Q. So many that you cannot remember?—A. No, sir; hardly that. I have been governor of the State for a time, and have been a member of the legislature, and judge of the court.

Q. Were you in this city at the time of the Congressional election in 1882?—A. Yes, sir.

Q. Did you attend the same?—A. Yes, sir.

Q. What precinct and ward?—A. I voted in the second ward and first precinct.

Q. I hand you a ticket headed "Republican ticket," and marked as Exhibit A to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket used by the Republicans that day.—A. I can only say it looks like it; I should think it was.

Q. I hand you a ticket headed "Democratic ticket," and marked as Exhibit B to the deposition of Mr. Holliday; and I will ask you to state if that is the ticket used by the Democrats on that day.—A. I really know nothing about that, because I do not know that my attention was called to it at all.

Q. Your attention was not called to that?—A. No, sir.

Q. I will ask you if, when the tickets are folded in the hands of a voter as he comes up to the ballot-box with his ticket in his hand, by sight could you or did you distinguish one ticket from the other?—A. No, sir; I could not.

Q. Did you that day?—A. No, sir; I did not know that there was any peculiarity about the Republican ticket until the day after, I think it was, that Mr. McDonald called my attention to it.

Q. You voted the ticket?—A. Yes, sir; it is distinguishable from the other in that it is printed upon thicker paper.

Q. Although you voted it that day?—A. I did not know it until afterwards.

Q. Did you hear any complaint that day about the character of the ticket?—A. I did not; no, sir.

Cross-examination by Mr. WILSON:

Q. How long were you at the precinct at which you voted?—A. A short time; not long.

Q. You were not around the polls that day?—A. No, sir.

Q. You simply went there and voted the Republican ticket, and went off to attend to your business?—A. Yes, sir; I might have been there a little while, but not long.

Q. You refer to Senator McDonald when you speak of that?—A. Yes, sir; his objection to the ticket was that if it was folded together it might fly apart and be the means of voting tissue ballots.

Mr. PEELLE. You heard of no such complaint as that anywhere, did you?

The WITNESS. No, sir.

CONRAD BAKER.

By agreement of all the parties the further taking of these depositions was postponed until Friday, November 16, 1883.

FRIDAY, *November* 16, 1883.

The parties met pursuant to adjournment.

BRUCE CARR, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name and residence.—A. Bruce Carr; 28 Bates block, Indianapolis, Indiana.

Q. What is your business?—A. I am agent for the book publishing house of Cincinnati.

Q. Agent for this State?—A. Yes, sir.

Q. How long have you been engaged in that business?—A. Nine years.

Q. Did you attend the Congressional election in this city in 1882?—A. Yes, sir.

Q. What precinct and ward?—A. Sixteenth ward, second precinct; the one right opposite the Grand Hotel, on Maryland street.

Q. Did you act in any official capacity?—A. I was challenger.

Q. What portion of the day were you there?—A. From 8 o'clock in the morning until 6 o'clock in the evening. I do not think I was away more than five minutes.

Q. How far away were you from the ballot-box when the tickets were being voted?—A. As close as I could get to the window.

Q. Did you observe the tickets that were voted there?—A. Yes, sir.

Q. I hand you a ticket headed "Republican ticket," and marked Exhibit A, to the deposition of Mr. Holliday, and I will ask you to state if that was the ticket used on that occasion, or a similar ticket.—A. Yes, sir.

Q. I hand you a ticket headed "Democratic ticket," and marked as Exhibit B to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket used on that occasion by the Democrats.—A. Yes, sir; so far as I can judge now; those are the same or similar tickets used.

Q. State if when those tickets are folded as tickets are ordinarily folded by the voters, if you could distinguish one ticket from the other as they were being voted, from their external appearance.—A. I could say that it was a matter of speculation among the challengers on both sides as to what kinds of tickets men voted, and I believe they never could tell from the appearance of the ticket what tickets were voted. I could not tell; I am sure of that.

Q. State what effect that ticket had on the secrecy of the ballot at that precinct.—A. None, I think; none that I know of. It did not, so far as I could see, at all.

Q. I want to ask you what kind of books you handle in your business?—A. School books, McGuffy's Reader, &c.

Q. Are you familiar with the different qualities of the school-book paper?—A. I am; so far as they put them in our books.

Q. State as to the quality of paper upon which that Republican ticket is printed, compared with the paper used in the books you are selling.—A. In many of our books we have a heavier paper than that that the votes were on; a considerably heavier and different paper.

Q. What class of book?—A. We do not publish anything but school books and books for teachers. We have no miscellaneous books at all.

Q. Have you any knowledge of the technical names of paper?—A. I have not; no, sir.

Cross-examination by Mr. WILSON:

Q. By handling these tickets, can you tell one from the other by the touch?—A. I suppose, yes; by close manipulation I could.

Q. Did you try?—A. No, sir.

Q. Didn't you see and tell the difference that day between those tickets?—A. As men were voting them?

Q. No, sir; when you were handling them?—A. No, sir; such a thing never occurred to me.

Q. You did not really notice the difference between them?—A. It is my recollection that I noticed that the Republican tickets, individually, were printed on a little heavier paper, but I did not charge myself with it and I do not know. I did not charge myself with the fact, and when they were voted and in the hands of the voter I could not tell the difference.

Q. You did not try to tell or learn the difference between those tickets that day after handling them?—A. I do not think I could have learned in the handling as men were voting.

Q. I did not ask you about that.—A. No, sir, I did not; particularly with reference to telling the difference.

Q. Could an expert, in your opinion, tell the difference?—A. I could not say.

Q. Then you could not say what the effect was on the secrecy of the ballot, if the inspector could tell?—A. Very likely the inspector might know more about it; I did

not notice. I paid attention to the tickets that were being voted; that was my business.

Q. If the inspector could tell the difference in those tickets, would not that destroy the secrecy of it, in a measure?

(Objected to as immaterial.)

A. I do not know anything about what the inspector did; I was not an inspector.

Q. You are not able to say what the effect of the use of that ticket was upon the secrecy of the ballot?—A. So far as I say, from my own standpoint, I could not say that it had any effect at all.

Q. If the inspector could tell, to that extent it would impair the secrecy?—A. I do not know whether the inspector did or not.

Q. That is not the question. I assume that he did know the difference.—A. I did not say that it would have any other difference. I could not say that it would. When a man came up to present his ballot to the inspector he would take it and put it in the box, and I could not say that that would have any effect at all.

Q. So it is in that sense you use the words, "impair the secrecy of the ballot," from the standpoint of your last remark?—A. Yes, sir; I do not see what effect it could have on any ultimate result, or the result of the ballot, or any end for which the was done, or I could not say that it would have any effect, because the inspector had to receive the ballot and deposit it just as the voter gave it to him.

(Objected to as incompetent and irrelevant, and as being a small stump speech.)

Q. Were you at any other precinct that day than that?—A. No, sir.

Q. That is the only one you were at?—A. Yes, sir; that was the only precinct I was at during the day.

Q. What is the weight of a ream, size 25x38 inches, of the paper that you say is the heaviest that you use in your books?—A. I could not tell you. I could bring you samples of the books.

Q. What book have you that is gotten up in that style?—A. We have a book on elocution, by James E. Murdock.

Q. Do you know the number of pages of that volume?—A. I suppose there is about three hundred or three hundred and fifty.

Q. That is the heaviest that you have?—A. I do not remember that that is the heaviest; we have the works on kindergartens, by Pestalozzi, possibly on heavier paper.

Q. And juvenile books are published on cloth?—A. Yes, sir; nursery books.

Q. You are a Republican?—A. Yes, sir.

Q. And pretty active?—A. I have never been very active; I have never had any authority and I have never had any position.

Q. You are enthusiastic, too?—A. No, sir; I do not get worked up more than one day in the year or two, and that is election day.

BRUCE CARR.

W. R. HOLLOWAY, being first duly sworn, testified as follows:

Redirect examination by Mr. PEELLE:

A. State your age, name, and residence.—A. W. R. Holloway; 46 years old; residence, Indianapolis.

Q. How long have you lived in Indianapolis?—A. Since 1861.

Q. What business are you engaged in?—A. I am president of the Indianapolis Times Company.

Q. Is that a daily paper?—A. Yes.

Q. How long have you been engaged in the newspaper business?—A. Ever since I was 16 years old.

Q. As a printer and as a publisher of a paper?—A. Yes.

Q. Were you ever State printer in this State?—A. Yes.

Q. And had the buying and handling of paper?—A. Yes.

Q. What grades of paper?—A. I have bought all kinds of paper; particularly book and newspaper.

Q. Were you at the Congressional election in November, in this city, in 1882?—A. Yes.

Q. Did you attend the same?—A. Yes.

Q. What precinct and ward?—A. Ninth ward, Western precinct.

Q. Did you stay at the polls any considerable part of the time?—A. I was there most all the time.

Q. Who was the inspector at the precinct where you voted?—A. I think George Anderson was, but I am not sure.

Q. Did you act in any offical capacity there?—A. No.

Q. Did you see the tickets voted?—A. Yes, sir.

Q. I hand you a ticket headed "Republican ticket," and marked Exhibit A to

the deposition of Mr. Holliday, and I will ask you to state if that is the Republican ticket voted at that precinct that day?—A. Yes. I guess that is.

Q. I hand you a ticket headed "Democratic ticket," and marked Exhibit B to the deposion of Mr. Holliday, and I will ask you to state if that is the ticket voted by the Democrats there that day?—A. Yes; I guess it was.

Q. I will ask you to state if you could tell the difference or distinguish one of those tickets from the other by sight, as they were being voted?—A. Not unless I was up close to them I could not.

Q. As they were usually folded and voted?—A. No; I think not.

Q. State what kind of paper that Republican ticket is printed on, if you know?—A. That is number two, book.

Q. Do you handle such as that in your business?—A. Yes.

Q. What kind of paper is that Democratic ticket printed on?—A. Number one, book.

Q. The Democratic ticket?—A. Yes; I think it is.

Q. Do you mean number one or three?—A. Maybe they do number them that way. I expect it is number three.

Q. Is that Republican ticket on a calendered paper or supercalendered paper?—A. When you come to ask me that, I do not know. It is calendered, of course. I do not know what the difference is. It is calendered paper. Anybody can tell about that.

Q. Is that such paper that is known in this city and State as a book paper?

(Objected to as leading.)

A. Yes.

Q. What is the color of that paper upon which the Republican ticket is printed?—A. They are both white paper.

Q. What kind of white paper; plain white?—A. Certainly, it is plain white. There are no water marks on it, or anything of that kind on it.

Cross-examination by Mr. WILSON:

Q. At what stage is book paper sized?—A. What do you mean by stage, in it?

Q. In the process of the manufacture.—A. I do not know anything about the manufacture of paper at all.

Q. Did you ever handle plate papers?—A. Not much.

Q. Do you know much about them?—A. Not very much. I know them when I see them. I know it from the sizing of it. I never had anything to do with it.

Q. Do you know it from the sizing or heft and thickness; is it heavier than book paper?—A. Yes, sir; a good deal heavier. There is no book paper as heavy as plate paper.

Q. Can you tell the difference between those tickets by handling them?—A. Yes, sir.

Q. Now, could you not, if you got a fair chance, tell them by sight?—A. If I was close up; I could tell any kind of paper if I was close to it; but unless I was close to it I could not tell it.

Q. You are a Republican.—A. Yes.

Q. And edit a Republican organ?—A. Yes. I am not much of an organ, but I am on a Republican paper.

Questions by Mr. PEELLE:

Q. State if, at elections prior to 1882, you have been able to distinguish tickets by the feeling of them, in this city.—A. I never saw a ticket that I could not tell when I was near the ballot-box.

Q. Could you, prior to the election of 1882, distinguish them by sight?—A. Yes, sir; I always could.

Q. State what effect that ticket had on the secrecy of the ballot.—A. I do not think it had any.

Q. State if, in consequence of the tickets being about the same length and about the same width and about the same color, if there would not be a less marked difference between those two tickets than there has been at elections in this city prior to 1882.

(Objected to.)

A. I would not like to testify about tickets heretofore. I do not recollect anything about them. I recollect I could always distinguish them, and I always knew on my going about the polls, and told what ticket a man was voting, if I could see his ticket.

Q. I hand you a ticket headed "Republican ticket," and marked Exhibit F to the deposition of William Wallace, with the words "For President, James A. Garfield," and I will ask you to state if that is the ticket used at the Presidential election in 1880.—A. Yes, sir; I should think so.

Q. I hand you a ticket headed "Democratic ticket," and marked Exhibit E to the deposition of William Wallace, and I will ask you to state if that is the Presidential ticket used in 1880.—A. Yes.

Q. I will ask you to fold those two tickets.—A. I could distinguish those very easily.

There is no trouble about it in the world; anybody that knows anything about paper could do that.

Q. Could you more readily distinguish those two tickets by sight than the other?—A. Yes, sir.

Q. Why?—A. Because they are not the same size and a different colored paper entirely.

Q. Allowing for the elapse of time for coloring the paper?—A. It is a different paper entirely when it was new.

Q. What kind of paper is that?—A. Book paper.

Q. What difference is there between that kind and the paper upon which the Republican ticket voted in 1882 was printed?—A. None whatever; they are the same kind of paper.

W. R. HOLLOWAY.

BRAINARD RORISON, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. Brainard Rorison; age, 36; Indianapolis.

Q. What is your business?—A. The insurance business.

Q. How long have you been engaged in that business?—A. Since 1866.

Q. Do you occupy any official position in this city?—A. Yes, sir.

Q. What is it?—A. A member of the board of aldermen.

Q. Did you attend the Congressional election in this city in 1882?—A. Yes, sir.

Q. What precinct and ward?—A. Eleventh ward and third precinct.

Q. Did you act in any official capacity there?—A. No, sir.

Q. What were you doing at the polls?—A. I was at the polls in the interest of the election.

Q. Very much of the day or a short time?—A. I was there nearly all day.

Q. Did you see the tickets as they were voted there that day?—A. Yes, sir.

Q. I hand you a ticket headed "Republican ticket," and marked Exhibit A to the deposition of Mr. Holliday, and I will ask you if that is the ticket that was used on that occasion by the Republicans?—A. I judge it was; yes, sir.

Q. I hand you a ticket headed "Democratic ticket," and marked Exhibit B to the deposition of Mr. Holliday, and I will ask you to state if that is the ticket used by the Democrats on that day?—A. I judge so; yes, sir.

Q. State if when those tickets are folded, as tickets are ordinarily folded when being voted, if you could tell or distinguish one from the other by sight?—A. Well, on that day I thought I could tell, but I was contradicted so many times by parties that voted, that I never felt certain about it.

Q. State whether you did or not distinguish one from the other that day by sight?—A. I am not able to say that I could distinguish one from the other with any certainty.

Q. Did you observe very closely?—A. I tried; yes, sir; and I stood right at the chute.

Cross-examination by Mr. WILSON:

Q. You could tell the difference between those tickets by handling them?—A. Yes, sir.

Q. Your are a Republican?—A. Yes, sir.

Question by Mr. PEELLE:

Q. You have been able to do that with tickets at elections prior to 1882?—A. Yes, sir; by handling them I could tell the difference.

BRAINARD RORISON.

J. G. SEXTON, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. J. G. Sexton; 85 West Michigan st., Indianapolis, Ind.; age, 30.

Q. What is your business?—A. Practical printer, and do a job printing business on the corner of Pennsylvania and Market streets.

Q. Are you engaged with any one?—A. John B. Jacques.

Q. How long have you been in the business?—A. Between 4 and 5 years.

Q. Are you familiar with the different grades of paper?—A. Yes, sir; with the different grades of paper used in the job printing business.

Q. I hand you ticket headed "Republican ticket," and I will ask you to take that and examine it, and state what kind of paper that ticket is printed on?—A. I would

take that to be a heavy grade of No. 2 book paper; a very good quality of No. 2 book paper. That is, I mean very heavy weight; a very good grade of No. 2 book paper.

Q. Is it sized and supercalendered paper?—A. Well, I think not; I should take that to be a sized and calendered paper.

Q. Are you familiar with plate numbers?—A. Well, not as familiar as I am with so-called book papers.

Q. And from your knowledge of paper you would pronounce that a No. 2 book?—A. No. 2 book paper, sized and calendered as distinguished from a sized and supercalendered.

Q. What would you think the weight of that paper would be, size 25 by 38?—A. Well, it is a hard matter to get at but I should say not less than 100 pounds, and probably not more than 110 pounds to the ream, 480 sheets.

Q. I hand you a piece of white paper; will you please examine it and tell me what it is?—A. That is what they sell for number one book paper; that is one specimen of what they sell for No. 1 book paper, but there are a great many different grades and kinds of No. 1 book paper.

Q. Does the weight or thickness of paper determine the number?—A. No; those papers come in all weights—No. 1 comes in all weights.

Q. State if that paper is sized and super-calendered or merely calendered.—A. They sell that for sized and supercalendered; I guess it is supercalendered paper.

Q. Is that a finer finish or less finish than that upon which the Republican ticket is printed?—A. This is a more highly finished paper than that.

Mr. PEELLE. I offer this ticket in evidence as part of the deposition of the witness, and ask that it be marked as an exhibit.

(The ticket will be found attached to the deposition of this witness as part thereof, and marked Exhibit No. 1.)

Q. Is that paper which you say is one grade of No. 1 book paper, a better finish or an inferior finish to the paper upon which that Republican ticket is printed on?—A. It is probably a better finish and better surface, but probably not any better stock. I doubt if it is as good; this is not a first-class quality of paper, by any means.

Q. That specimen I hand you?—A. Yes, sir. This is not a first-class quality of paper, although they sell it as No. 1 book and call it sized and super-calendered paper, but there is not good stock in it.

Q. Do you keep that kind of paper in stock?—A. Yes, sir; you can distinguish it by the glossy surface from smooth hard surface, and ink shows clearer, but still that is rotten and don't wear.

Q. What is the color of the paper upon which that Republican ticket is printed?—A. I should call that white paper. That is what we call tinted paper.

Q. The specimen I hand you?—A. It is one of a slight tone, but it is hard to tell whether a thing is white. There are tints and tones, and a man may be more or less color blind. I am not prepared to say that is white or that it is not white, although that seems to be whiter than those [indicating].

Q. Which seems to be whiter?—A. The paper on which the ticket is printed seems to be whiter than the other.

Q. Would you, in your business, generally, call tha t paper upon which that ticket is printed plain white paper?

(Objected to as leading.)

A. Yes, sir; I would not take that paper to be a tinted paper; I would buy it for white paper. I would not object to it on account of the color.

Q. Are there different shades of plain white paper?—A. Yes, sir. It is very hard for me to tell sometimes whether paper is white or tinted.

Mr. PEELLE. I offer in evidence the specimen of paper just handed to the witness and ask that it be marked as an exhibit to his deposition.

(The paper will be found attached to the deposition of the witness as a part thereof and marked as Exhibit No. 2.)

Cross-examination by Mr. WILLON:

Q. What is the difference between No. 1, 2, and 3 book paper?—A. Well, I hardly know how to answer that question. The No. 1 book paper is sized and super calendered, that is, it has a finer finish and is generally supposed to have a better grade of stock and more suitable for cut work; where you want to use a fine grade of ink you have to have a surface that the ink will not tear. No. 2 book paper is, of course, on paper not so good, but to determine between the two it is necessary to have some little experience; a great many people would not be able to tell the difference between No. 1 and 2 unless they had some experience, and No. 3 book paper is simply a good grade of news paper; at least I have never been able to find any difference.

Q. What is the difference in the price of manufacturing these papers, if you know?—A. I am not very familiar with the process of manufacturing paper; I have never been about paper mills and do not know much about it; my knowledge of the paper is just what I have gained from my experience in the business of job printing.

Q. You do not know anything about the manufacture of paper?—A. Very little.

Q. Do you know the difference between book paper and plate paper?—A. Well, there are a great many of those book papers that very much resemble plate paper, and unless the distinction was rather marked I do not know whether I would be able to tell one from the other or not.

Q. Is that material upon which that Republican ticket is printed a plate paper?—A. I should never take that for plate paper.

Q. What is the difference between book and plate paper?—A. There is not a great deal of difference between what I generally bought for common plate paper; there is very little difference between that and No. 1 eastern book paper; probably one side is a little more finely finished than the other.

Q. In the case of the plate?—A. Yes, sir; it takes a good while and quick sense of touch to discover the difference very often. Now, if that was a finer grade of paper it would be still more difficult for me to determine; there are some plate papers in this book that are very fine plate papers, and some, also, in this book [indicating]—there you see the distinction is very marked and most anybody could tell.

Q. What is that?—A. A plate paper; that is where the idea is to print on one side and they want a fine surface to hold the ink.

Q. You say that is plate paper that you looked at in the catalogue that is called Robinson Brothers' Printing Ink Works at the second page, with a large red square in it "Robinson Brothers," you say that is plate?—A. Yes, sir; that is what I have bought and handled as fine plate paper, and my testimony on that point would not be as valuable as a paper manufacturer's; that is understood, of course; I do not intend to be a judge or expert on that.

Q. How many of those pages in there are plate?—A. The first four leaves I would call plate paper.

Mr. PEELLE. Why in that connection?

The WITNESS. Because one side is finely finished, after the manner of plate paper.

Q. I call your attention to this catalogue, "Gray's Ferry Printing Ink Works," that has some pictures in it. What is the quality of the material upon which those pictures are found?—A. That is a No. 1 Eastern book paper.

Q. Is that or not an engraving?—A. Yes; that is an engraving; that is a wood cut; you can see quite a difference in the texture and finish in those papers.

Q. That is No. 1 book paper?—A. Yes, sir.

Q. That is the best paper that is made?—A. Yes, sir; there is no better paper.

Q. You say that the pictures in this now which has been put in as an exhibit are on No. 1 book paper?—A. Yes, sir; that is, according to my judgment, Eastern book.

Mr. WILSON. I offer that book as Exhibit No. 3 to the deposition of the witness.

The book will be found attached to this deposition as a part thereof, and marked Exhibit No. 3.

Q. You say those four pictures are wood cust?—A. I would pronounce them wood cuts.

Q. You think it would be hard to tell the difference in many instances between a plate and book paper. What class of book paper do you refer to?—A. I refer to No. 1 book paper, of course.

Q. Which is the heaviest, book or plate paper?—A. Generally speaking, plate papers are heavier than book papers, as they are generally kept in stock and the general run of stock in the paper house; of course the papers are not much heavier.

Q. I call your attention to the ticket marked Exhibit 2, to the deposition of W. O. Anderson, headed "National ticket"; what is the material upon which that ticket is printed?—A. I think that is what they call chemical newspaper; that is what I have bought for chemical newspaper, I think.

Q. What is this paper to which I call your attention, marked Exhibit No. 6, to the deposition of W. O. Anderson?—A. I do not want to appear to be very expert in this matter; I would call that a No. 1 book paper; No. 1 western book.

Q. I call your attention to the specimen there, and ask you what you call that material?—A. That is just the hardest matter in the world to tell what that is, but I would call it two-ply bristol board.

Q. There is one-ply bristol board, is there not? If there is two ply, is there not one-ply?—A. We never had any one-ply bristol board in our office, and I do not remember of having seen it in the paper house; I am not prepared to say that they don't make it; I am not swearing that that was two-ply bristol, but that is my judgment.

Mr. WILSON .I offer that specimen in evidence to the deposition of Mr. Sexton, and ask that it be marked as an exhibit.

(The specimen will be found attached to the deposition of this witness as part thereof, and marked Exhibit No. 4.)

Q. I call your attention to the specimen now, and I will ask you what it is?—A. I would call that a piece of ledger paper.

Q. Please tell me how ledger paper is made.—A. As I said before, I never made any paper, and I do not know much about it.

Q. You think that is ledger?—A. Yes, sir.

Mr. WILSON. I offer that specimen as an exhibit to the deposition of this witness on cross-examination, and ask that it be marked as an exhibit.

(The paper will be found attached to this deposition as part thereof and marked as Exhibit No. 5.)

The WITNESS. I would think it was a piece of ledger about 28 pounds demi.

Q. Explain what you mean by that.—A. I mean that a ream demi size would weigh 28 pounds; demi is 16 by 21. Blank books come so much demi.

Q. What is your politics?—A. I generally vote the Republican ticket.

J. G. SEXTON.

Exhibit No. 1 to J. G. Sexton's deposition.—P. C. Hendricks, N. P.

REPUBLICAN TICKET.

STATE TICKET.

For Secretary of State,
EMANUEL R. HAWN.
For Auditor of State,
EDWARD H. WOLFE.
For Treasurer of State,
ROSWELL S. HILL.
For Attorney-General,
DANIEL P. BALDWIN.
For Clerk of the Supreme Court,
JONATHAN W. GORDON.
For Superintendent of Public Instruction,
JOHN M. BLOSS.
For Judges of the Supreme Court,
First District—WILLIAM P. EDSON.
Second District—JOHN G. BERKSHIRE.
Fourth District—JOHN F. KIBBEY.

CONGRESSIONAL TICKET.

For Member of Congress, Seventh Congressional District,
STANTON J. PEELLE.

MARION COUNTY TICKET.

For Judges Superior Court—Term, 1882,
JOHN L. McMASTER.
DANIEL W. HOWE.
For Judge Superior Court—Term, 1884.
LEWIS C. WALKER.
For Judge Criminal Court,
JAMES E. HELLER.
For Judge Circuit Court, Nineteenth Judicial Circuit,
JOSHUA G. ADAMS.
For Prosecuting Attorney, Nineteenth Judicial Circuit,
WILLIAM T. BROWN.
For Clerk,
MOSES G. McLAIN.
For Sheriff,
JAMES W. HESS.
For Treasurer,
WILLIAM G. WASSON.
For Auditor,
JUSTUS C. ADAMS.
For Recorder,
WILLIAM F. KEAY.
For Coroner,
ALLISON MAXWELL.
For County Surveyor,
HERVEY B. FATOUT.
For County Commissioners,
First District—WHARTON R. CLINTON.
Second District—FRIEDERICH OSTERMEYER.
Third District—ARCHIBALD GLENN.
For State Senator,
JOHN B. ELAM.
For Joint Representative Marion, Shelby, and Bartholomew Counties,
WILLIAM GILGOUR.
For Representatives,
RALPH HILL,
WILLIAM D. TOBIN,
WILLIAM T. FLETCHER,
DAVID B. SHIDELER,
SAMUEL A. ELBERT.

Exhibit No. 2 to J. G. Sexton's deposition.—P. C. Hendricks, N. P.

(Omitted. See original, page 1694.)

(Indorsed:) Exhibit No. 2 to deposition of J. G. Sexton.

Exhibit No. 3 to J. G. Sexton's deposition.—P. C. Hendricks, N. P.

(Omitted. See original, page 1695.)

Exhibit No. 4 to J. G. Sexton's deposition.—P. C. Hendricks, N. P.

(Omitted. See original, page 1696.)

(Indorsed:) Exhibit No. 4 to cross-examination of Mr. J. G. Sexton.

Exhibit No. 5 to deposition of J. G. Sexton.—P. C. H dricks, N. P.

(Omitted. See original, page 1697.)

(Indorsed:) Exhibit No. 5 to cross-examination of J. G. Sexton.

JOHN B. JAQUES, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. John B. Jaques; age, 33; residence, 743 North Tennessee st., Indianapolis, Ind.

Q. What are your politics?—A. Well, until the township election of 1882 I was a Democrat. At the township election I voted the Republican ticket, with the exception of Luke Walpool; I voted for him last fall. I voted the Republican ticket, and this spring I voted for all except one candidate.

Q. You were a Democrat?—A. Yes, sir; up to the last national election; including the last national election, I was a Democrat.

Q. You voted the Republican ticket in 1882?—A. Yes, sir.

Q. What is your business?—A. Printer.

Q. Are you in partnership with Mr. Seaton?—A. Yes, sir.

Q. How long have you been in the business?—A. I have been in the printing business for 18 years.

Q. What kind of business?—A. Book and job printing. I have not been in it for myself that long, but I mean as journeyman, foreman, and proprietor.

Q. Are you familiar with the different grades of paper?—A. Well, mostly with the general run of paper.

Q. I hand you ticket marked Exhibit No. 1 to the deposition of J. G. Sexton, and I will ask you if you will please take that and examine it and tell me what kind of paper it is?—A. It is calendered paper of some kind. The stock seems to be that which is generally used in book paper, and it is a sized and calendered paper, or what would be called a number 2 book.

Q. You would pronounce it a No. 2 book, from your experience in business?—A. Yes, sir.

Q. Are you familiar with what is known as Western or Eastern plate paper?—A. No; I do not believe I could tell the difference, hardly, between the two, unless it was in the finish. I always regard it in the better finish of the paper. Of course, in plate paper they seem to put better stock, but in book papers the stock varies considerable, while in the plate paper they are more particular in the stock.

Q. Does the weight of the paper have anything to do with its grade when numbered?—A. No, sir.

Q. Is it not true that there may be a heavier grade of No. 1?—A. Yes, sir.

Q. And a heavy grade and light grade of No. 2?—A. Yes, sir.

Q. And the same of No. 3?—A. Yes, sir.

Q. You would pronounce that a light or heavy grade of No. 2?—A. I should pronounce that a very heavy grade—that is, in comparison with that in general use. It would be heavy for a book, although I have seen almost as heavy.

Q. Did you ever use news as heavy as that or quite?—A. Yes; I have used news that is almost as heavy. Of course newspaper not being calendered, or, if calendered at all, not so highly, the same weight of paper would seem much thicker. The more highly the paper is calendered the thinner it is; that is, 40 pounds No. 1 would seem lighter than 40 pounds No. 2 by holding it in your hand on account of the high finish of it.

Q. Do you know anything about the manufacture of paper?—A. No, sir; not any more than I have passed through the mill.

Q. Do you use plate paper in your business?—A. We have used some.

Q. Have you examined Western plate paper?—A. That depends upon the man you

are dealing with. Some men will sell you paper for Western plate. I cannot tell the difference between that and No. 1 book myself.

Q. If a man were to sell that paper for Western plate paper or a heavy book paper, what would you in your experience in business pronounce it?—A. If he would come along and offer that as plate paper, I would not want to buy that or anything more of him. If it was No. 2 book I would think I had got a bargain, of course at a fair price. It is good stock and everything.

Q. Is Western plate paper finished on both sides alike?—A. That which we have bought called Western plate, as I say, I can see no difference between that and No. 1 book; that is, I know that No. 1 Eastern book is full as good as Western plate. The Western plate, of course, is better than a Western No. 1, but when a person is speaking of strictly No. 1 they generally mean Eastern.

Q. I hand you piece of paper marked Exhibit No. 7 to the deposition of W. O. Anderson. Please examine that and state what kind of paper it is.—A. There seems to be a slight difference. I do not know whether it is on account of the handling or not. I should say that there was a difference in the two sides of the paper—a slight difference. The paper has been handled a good deal, and it is different from what a new sheet would be. Of course it gets rough.

Q. What would you say that paper was?—A. Well, it is hard to swear to. Of course I could only give my idea.

Q. Judging from the specimen you have?—A. That, I think, has been made for a plate paper, but it does not look as highly finished.

Q. Would you say it was known as Eastern or Western plate?—A. I would not call it Eastern plate. I would not call it first-class plate paper.

Q. It has been handled considerable, you say?—A. Yes, sir; it has been handled considerable.

Cross-examination by Mr. WILSON:

Q. You say that the Republican ticket is made of stock which is used in making book paper?—A. I say, comparing it and tearing it as I tear book paper when I buy it, it seems to have about the same stock in it.

Q. What sort of stock is plate paper made out of?—A. That is about the same grade of paper, only, as I said before, it is about the same kind of stock as strictly No. 1.

Q. Plate paper is strictly No. 1 book?—A. The stock, I am speaking about; what is called No. 1. There can be paper called No. 1--there are half a dozen grades of stock they put in paper, and there can be No. 1 paper that would be——

Q. You have not answered my question. What is the difference between the stock that goes to make plate paper and the stock that goes to make No. 1 book paper?—A. It is according to what grade of No. 1 you are talking about. I say there are half a dozen different grades.

Q. You say that Republican ticket was made out of the same stock as plate paper?—A No, sir; I did not. I said as book paper. I said as a good book paper.

Q. I would ask you if the stock out of which plate paper is made differs from the stock out of which that is made?—A. The only thing I can answer to that is this, that it is more carefully selected stock for the plate paper.

Q. What is the difference in the finish?—A. Eastern book is better finished on one side for the purpose of a cut.

Q. You mean the Eastern plate?—A. Yes, sir. The Western, as I said before—there is no strictly first-class plate paper made in the West that I know of.

Q. What is the difference between the finish of plate paper and book paper?—A. I do not know how the finish is put on, but the paper is finished better on one side for the purpose of making and printing a wood-cut.

Q. That is true of plate paper?—A. Yes, sir.

Q. You say the Eastern No. 1 book is different from Western No. 1 book?—A. That is in the stock. It is clearer stock You hold it up and it runs more evenly and it has got a less muddy appearance. What it is made of I do not know.

Q. What effect does calendering have on material?—A. On poor material it would tend to rot it somewhat.

Q. On good material?—A. I do not know as it would be much effect there, because I do not know enough about the make of paper.

Q. What effect does it have upon the elasticity of paper?—A. The higher calendered paper is for printing purposes, of course it is better; but put them side by side, I do not know how long they would wear and which would wear the longest.

Q. I ask you for the elasticity and springy qualities; have you felt, for example, a sheet or piece?—A. If it is good paper, the more highly calendered it is, the more springy. I do not see any difference in tearing it; it is only in the surface.

Q. It is in the surface that the elasticity and springy character would be different? You have been speaking of No. 1 paper, &c.; do you refer to extreme cases?—A. The No. 1—to explain, there is a difference of about one and one-half cents in the cost of

No. 1 book, and that is in the stock; and No. 1 is understood to be supercalendered paper—sized and supercalendered. That is what is understood in the printing business as No. 1 paper, and the other grade you have just to judge for yourself. Of course every man that has paper to sell has No. 1 book.

Q. You say you voted the Republican ticket last fall?—A. Yes, sir.

Q. And at the spring election?—A. Yes, sir.

Q. You had formerly voted the Democratic ticket?—A. Yes, sir.

Q. Might I ask you why that change was?

(Objected to as immaterial.)

A. I have no objection to answering, if you have not. It was the liquor question.

Q. That was the motive?—A. Yes, sir; that was the motive.

Q. Were there many changes on that question?

(Objected to as immaterial, and not proper cross-examination.)

A. Well, I knew throughout the district and throughout the State, in fact—I know more persons outside of this district than inside—of changes both ways.

Q. Changes both ways?—A. Yes, sir.

JOHN B. JAQUES.

JAMES C. YOHN recalled.

Direct examination by Mr. PEELLE:

Q. You have testified before in this case?—A. Yes, sir.

Q. I now recall you for the purpose of asking you another question or two. You stated you were inspector at the first precinct in the eleventh ward?—A. Yes, sir; first precinct, eleventh ward.

Q. Ross Clark was there as challenger on one side—Democratic challenger—and Ott Hasselman, Republican challenger, on the other?—A. Ott was there part of the time, and Don McLain was there, and others.

Q. I now ask you to state if there was any tickets voted up at that precinct and handed in inclosed in envelopes?—A. No, sir.

Q. Was there any colored men voted up there with the tickets inclosed in envelopes?—A. If any man had his vote in an envelope, I never saw it.

Q. Did you see any tickets inclosed in an envelope?—A. No, sir.

Cross-examination by Mr. ENGLISH:

Q. When you say that people did not vote there, or come there with their tickets in envelopes, do you mean that they did not come to the chute with their tickets in envelopes, or that they were not voted?—A. What I mean by that is that I did not take a ticket in an envelope.

Mr. PEELLE. And you never saw one in an envelope?

The WITNESS. No, sir.

Q. Could they not have come up in the chute with tickets in an envelope without your having seen them?—A. They could not have come in my hands.

Q. But they could come up in the chute?—A. Certainly; the only thing I know is what they handed to me.

J. C. YOHN.

The further taking of these depositions was adjourned until Monday, Nov. 19, 1883, by consent of all parties.

MONDAY, *November* 19, 1883.

Parties met pursuant to adjournment.

E. B. MARTINDALE, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. E. B. Martindale; age, 55; residence, ndianapolis, Ind.

Q. What is your business?—A. I am connected with the insurance and real estate business, and trade a little for myself. Real estate is about the only established business I have.

Q. Did you ever occupy any official position in this State?—A. Yes, sir; 25 years ago I was judge of the court for a time, and 12 or 13 years ago I was senator of Marion County, and those are the only two, except notary public.

Q. Were you proprietor of the Indianapolis Daily Journal a few years ago?—A. Yes, sir.

Q. For a number of years?—A. Yes, sir; for 5 years.

Q. Did you attend the Congressional election in this city in 1882?—A. I did; yes.

Q. What precinct and ward?—A. I voted at the corner of 1st and Illinois streets—the 1st precinct, I think it is, of the 5th ward at that time.

Q. I now hand you a ticket headed "Republican ticket," and marked Exhibit No. 1 to the deposition of James C. Yohn. Please examine that, and state if that is the ticket used by theRepublicans at that election.—A. I should say yes.

Q. I now hand you ticket headed "Democratic ticket," and marked Exhibit No. 1 to the deposition of W. B. Burford, and I will ask you to state if that is the Democratic ticket used that day.—A. I think it is.

Q. State if when those tickets are folded, as tickets are ordinarily folded when voted, if you could tell or distinguish one from the other by sight.—A. At a distance of 5 feet or upwards it would be very difficult to do so. It would be an accident if you did. I experimented with the tickets in that way, and I found I was mistaken about half of the time.

Q. What is the difference in the length and width of those tickets, if any material difference?—A. There is no material difference. There is no difference in the width.

Q. What is the color of the tickets?—A. The Democratic ticket is a little purer, clearer white. Of course, I do not know the grading of white paper. There is scarcely ever a perfect uniform in the color of white paper, but I should say the tickets are both white and as near uniformity in color as is ordinarily the case with white paper. Understanding how paper is made and the color is put in, it is very seldom you get good color. They are both white paper.

Q. State how those tickets compare with election tickets used heretofore in point of color.—A. In point of size and color they are about the same as have been used all the time for a number of years. The Republican ticket is a thicker paper, of course. I would say it was a thicker paper than has been used in elections at any time.

Q. Do you remember the ticket for Garfield in 1880?—A. I would remember it if I saw it. I have not seen it or had one in my hands for some time.

Q. I now hand you a ticket headed "Republican ticket," with the words "For President, James A. Garfield," and marked Exhibit F to the deposition of William Wallace, and I will ask you to state if that is the ticket voted at the national election in 1880.—A. Yes, sir; that is the ticket.

Q. What difference would you say there was, allowing for the handling of the ticket, between the weight and thickness of the paper upon which the two tickets are printed?—A. I would say that the weight of the Garfield ticket stands about half between the Democratic and Republican ticket. It is much heavier than the Democratic ticket of 1882, and it is much lighter than the Republican ticket of 1882.

Q. I will ask you as to that ticket when folded, when a person standing looking on at the polls, with the ticket folded as tickets are ordinarily folded, whether one could be distinguished from the other by its color and external appearance.—A. No, sir; not as tickets are ordinarily folded and parties standing the ordinary distance from the polls. They would not be distinguishable. Of course, if a man was close enough to see the difference in bulk and thickness, where it was not folded closely, he would be able to see it, from the edge of it, but he would not be able at a distance to discover any material difference in them 5 feet away.

Cross-examination by Mr. WILSON:

Q. Can you tell the difference between them in handling?—A. Yes, sir; by handling them in my hands, and holding them both.

Q. On the day of the election, was your attention called to the difference in the tickets; and did you make any experiment—you referred a while ago to having made experiment?—A. That was in the last few days. I made that with two new tickets.

Q. Where did you make that experiment?—A. It was in the office of a neighboring attorney, where they had the tickets, and they were discussing them, and I handled the tickets at that time and made that experiment. They held them off about six or eight feet from me and asked me to name them after I had handled them.

Q. Did you have your glasses on?—A. Yes, sir; I think I had. I always wear a pair of glasses, either for far-seeing or near-seeing; and I once made the right guess as to the ticket, and once made a mistake; and I would say one-half the time a man would be liable to make a mistake in trying to distinguish them at that distance.

Q. You are a Republican, of course?—A. I am so regarded.

Mr. PEELLE. What effect would the use of that ticket have upon the secrecy of the ballot?—A. I do not think there was any distinguishing mark upon the ticket that would affect the ballot.

Q. When you say there is no distinguishing mark on the ticket, do you mean that there is no print, engraving, sign, or figure on the ticket by which it could be distinguished?—A. On the outside?

Q. Yes, sir.—A. That is what I say.

E. B. MARTINDALE.

GEORGE WEAVER, being first duly sworn, testifies as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. George Weaver; 42 years old; residence, 559 East 7th street, Indianapolis, Ind.

Q. Do you occupy any official position?—A. I am a member of the city council.

Q. Did you ever occupy any other official position?—A. No.
Q. Did you attend the Congressional election in this city in 1882?—A. Yes, sir.
Q. What precinct and ward?—A. Second precinct. I was at most of the precincts, but that is where I paid most attention, in the 1st ward.
Q. Did you occupy any official position on the election board that day?—A. Only as a watchman at night.
Q. Were you challenger any part of the day?—A. Occasionally I took charge of the books during the day and scratched names.
Q. Did you see the Republican ticket that day?—A. Yes, sir.
Q. I hand you ticket headed "Republican ticket" and marked Exhibit 1 to the deposition of James C. Yohn. I will ask you to state if that is the ticket used by the Republicans that day.—A. Yes, sir.
Q. I hand you ticket headed "Democratic ticket" and marked as Exhibit 1 to the deposition of W. B. Burford, and I will ask you to state if that is the ticket used that day.—A. Those are the Democratic and Republican tickets to the best of my knowledge.
Q. State if when those two tickets are folded, as they are ordinarily folded when voted, you could tell or distinguish one ticket from the other by sight.—A. No, sir; I never could. I could not tell one from the other when folded.

Cross-examination by Mr. WILSON:

Q. You are a Republican?—A. Yes, sir.
Q. You say you held the poll-book part of the time?—A. No; stop a little.
Q. The challenge book?—A. Yes; I took it occasionally; not all the time. There was a man took charge there and had charge of it, and I relieved him occasionally.
Q. Was your attention called particularly that day to the difference between the tickets?—A. No; I do not think it was. I do not know.
Q. Can you tell the difference between those tickets by handling them?—A. If I was to handle them as inspector I could, but I could not tell the differenc without knowing just what they were.
Q. After learning the difference you could by handling tell the difference?—A. Yes; if I was to make a point, I can tell the difference by taking hold of them and putting them together. I could tell the difference if I took hold of them and felt them. I could do that with most of the tickets, and after a little handling as inspector I could tell the difference in feeling.
Q. Are not those tickets very different in point of weight and bulk?—A. Of course, they are a little different.
Q. Would you not say the Republican ticket is twice as heavy as the Democratic ticket?—A. I could not say. I cannot tell the difference in the strength of that paper.
Q. I am talking about the weight; how would you guess on that?—A. I would not want to testify upon the weight. It is too fine a point. I cannot discern enough difference to judge.

GEORGE WEAVER.

CYRUS T. NIXON, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. Cyrus T. Nixon; age, 51; residence, 141 Park avenue, Indianapolis, Ind.
Q. What is your business?—A. Publishing a newspaper.
Q. What is the name of the paper?—A. The Agricultural Press.
Q. Did you ever occupy any official position in this city?—A. Yes, sir.
Q. State what it was.—A. I have been clerk of the house of representatives a few times.
Q. How many times have you been clerk of the house?—A. Only ten.
Q. Have you ever been a member of the legislature?—A. No, sir. I was secretary of the senate once.
Q. Did you attend the Congressional election in this city November, 1882?—A. Yes, sir.
Q. What ward?—A. The 7th ward and 1st precinct.
Q. What portion of the day were you there?—A. I think I was there all day.
Q. Did you have any official position there?—A. No, sir.
Q. Just a looker-on at the polls?—A. Yes, sir.
Q. You are a Republican, I believe?—A. Yes, sir; I believe I am.
Q. I hand you ticket headed "Republican ticket," marked Exhibit No. 1 to the deposition of James C. Yohn, and I will ask you to state if that is the ticket used by the Republicans at that precinct that day?—A. I believe it is.
Q. I hand you ticket headed "Democratic ticket," and marked Exhibit No. 1 to the deposition of W. B. Burford, and I will ask you to state if that is the ticket used by the Democrats there that day?—A. I could not say.

Q. You could not say whether that is the Democratic ticket or not?—A. No, sir.
Q. State if you noticed men as they were voting with their tickets folded there that day.—A. Yes, sir.
Q. State whether you did distinguish or tell the difference in the tickets from their external appearance as they were folded and voted as they were being voted that day.—A. I have no recollection of being able to distinguish one from another except by the face of them.
Q. When open?—A. When open; yes, sir.
Q. Was there any complaint made there that day at that precinct about the character of the Republican ticket?—A. Not within my hearing.
Q. Did you hear any comments on the ticket that day?—A. No, sir; I did not.
Q. Would have been likely to have heard any comments if there had been any made there that day, or any criticisms?—A. I do not know as to that. If there had been any loud or boisterous talk there about any subject I should have heard it.

Cross-examination by Mr. WILSON:

Q. Can you not tell the difference between those tickets by feeling them?—A. Those two I can, certainly.
Q. Was your attention called particularly to the tickets on the day of election?—A. No, sir; I do not think I had the Democratic ticket in my hand that whole day.
Q. Who was inspector at that precinct?—A. My recollection it was Thomas G. Amos.

CYRUS T. NIXON.

By agreement of both parties, the further taking of these depositions was adjourned until Tuesday, November 20th, 1883.

TUESDAY, *November 20th*, 1883.

Parties met pursuant to adjournment.

D. M. RANSDELL, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. Daniel M. Ransdell; 41 years old; residence, Indianapolis, Ind.
Q. State your business.—A. Well, I am devoting most of my time just now to the ice business, more than anything else; I am receiver of the Northwestern Lake Ice Co., receiver of Charles H. Talbott's estate and the Unthank Plow Co., and I am commissioner to sell the Tousey estate.
Q. Have you occupied any official position in this city or county?—A. I was clerk of the city once and clerk of the county.
Q. Were you chairman of the Republican County Committee in the election in 1882?—A. Yes, sir: I was.
Q. Did you attend the Congressional election that year?—A. I did.
Q. I hand you ticket headed "Republican ticket," and marked Exhibit No. 1 to the deposition of Samuel Merrill, and I will ask you to state if that is the ticket used by the Republicans on that occasion?—A. Yes, sir.
Q. I hand you a ticket headed "Democratic ticket," and marked as Exhibit No. 1 to the deposition of W. B. Burford, and I will ask you to state if that is the ticket used by the Democrats on that occasion?—A. To the best of my knowledge and belief.
Q. Were you in this city at the time of the Congressional election, in 1880?—A. Yes, sir.
Q. Did you see the tickets voted that year?—A. Yes, sir.
Q. Have you any of those national tickets of 1880?—A. Yes, sir; I have in my hand a copy of the Democratic electoral ticket of 1880, and of the Republican electoral ticket of 1880.
Q. Where did you get those?—A. I got those tickets from Mr. John Reed, one of the deputy sheriffs.
Q. What is your recollection as to whether those are or are not the two tickets voted in 1880?—A. Those are the two tickets; I remember them.
Q. State if you were in the city at the time of the election in 1878.—A. I was.
Q. The Congressional election in 1878?—A. I was.
Q. Have you any of the tickets voted at that election?—A. Yes, sir.
Q. Have you them with you?
Mr. WILSON. I objected to all of this.
The WITNESS. I have in my hand the Democratic ticket voted in 1878; that was the time I was a candidate.
Q. Who was candidate for Secretary of State then?—A. John G. Shanklin, Democratic, and the Republican candidate was Isaac S. Moore.
Q. Is that the Republican ticket voted then?—A. Yes, sir.
(Objected to.)

Mr. PEELLE. I now offer in evidence the Presidential tickets which the witness has presented, being the tickets voted for Presidential electors on the Republican ticket and Democratic ticket in 1880, and ask that they be marked as exhibits to the deposition of the witness, and marked Nos. 1 and 2.

(The contestant objected to the admission of the ticket as incompetent, irrelevant, and immaterial.)

(The tickets will be found attached to this deposition as a part thereof, and marked as Exhibits Nos. 1 and 2 respectively.)

Q. State where you got those tickets voted in 1878, Republican and Democratic.—A. At the county clerk's office.

Q. What is your recollection as to those being the two tickets voted?—A. They are the tickets voted.

Q. Did you find them in the box?—A. They were strung over there, and were the tickets that were deposited with the clerk.

Q. Had they been returned to the clerk?—A. Yes, sir.

Mr. PEELLE. I offered those tickets voted in 1878 as exhibits to the deposition of the witness, and ask that they be marked as Exhibits Nos. 3 and 4.

(The tickets will be found attached to this deposition as a part thereof, and marked Exhibits Nos. 3 and 4, respectively.)

Q. Were you in this city at the time of the election for township trustee in April, 1881?—A. Yes, sir.

Q. I hand you ticket headed "Republican ticket," and ask you if that is the ticket used by the Republicans in this city at the township election in 1881?

(Objected to as incompetent, irrelevant, and immaterial.)

A. Yes, sir; I think it is.

Mr. PEELLE. I ask that the ticket be marked as an exhibit to the deposition of the witness.

(The ticket will be found attached to this deposition as a part thereof, and marked Exhibit No. 5.)

Q. I now hand you a ticket headed "Democratic ticket," with the words "for township trustee, Peter Spitzfodden," and I will ask you if that is the ticket used by the Democrats for township trustee in 1881?—A. Yes, sir.

Q. Where did those tickets come from?—A. From the county clerk's office.

Q. Tickets that had been returned there and strung?—A. Yes, sir.

Mr. PEELLE. I now offer the ticket in evidence as part of the deposition of the witness, and ask that it be marked as an exhibit by the stenographer.

(The contestant objected to the admission of the ticket as incompetent, irrelevant, and immaterial.)

(The ticket will be found attached to this deposition as a part thereof, and marked Exhibit No. 6.)

Q. State, with reference to those Republican tickets voted at the Congressional election in 1882, whether, when that ticket is folded and in the hands of the voter, as tickets are ordinarily and usually folded when being voted, if it could be told or distinguished from the Democratic ticket similarly folded?—A. No. You mean looking at it?

Q. Yes, sir; by the external appearance?—A. No, sir.

Q. State what reports, if any, you directed or authorized, as chairman of the Republican county committee at the Congressional election in 1882, to be made to you from the different precincts?—A. Well, I authorized my couriers to report to me how matters were going on and how the vote was being gotten out just as often as possible during the day.

Q. What instructions, if any, did you give to your couriers or others to report to you during the day?—A. I gave instructions to report to me as often as possible the number of votes that were being polled and that had been polled up to a certain time.

Q. Was there any instructions about reports being made to you in any way, and if so, state it?—A. I do not remember of any other instructions. I was keeping myself in communication with all parts of the city that day, so I would know pretty well how large a vote was being polled, because I knew our success depended upon getting our vote out, and I was pretty anxious to get out our full vote, and took such steps as I thought would secure that; beyond that I have no recollection.

Q. Beyond that was any other instructions or directions given by you in any way, and if so, state as to what kind of tickets were being voted?—A. None whatever.

Q. Was there any instructions given by you to the effect that the men were to keep tally of the Republican votes because of the Republican ticket, it being on heavier paper, and report the result to you every 15 or 20 minutes?—A. There was no such instructions.

Q. Was or not such reports made to you as a matter of fact?—A. No, sir; no such reports made to me and no such instructions given to anybody.

Cross-examination by Mr. WILSON:

Q. This Republican ticket, marked Exhibit No. 1 to the deposition of Samuel Merrill, was that the only ticket that was circulated at the polls on that day by the Republicans?—A. That was the only ticket that was circulated to my knowledge; it was the only ticket I had printed for the city. I will explain here: This is a lithographed head, and I had just such tickets as this printed for the whole county, except in the edition that I sent to the country with just such paper and just such printing, with the exception that the heading was not lithographed that was sent to the country; whether or not those were circulated in the city I do not know. That was not the intention, and if they were I do not know it. That was the only edition I had printed on that same paper and that same type.

Q. You are a Republican, I believe?—A. Yes, sir; I believe so.

Q. I call your attention to a ticket marked Exhibit A to the deposition of C. F. Holliday, and headed "Republican ticket," and I will ask you if that is the same ticket as shown to you just preceding in your deposition?—A. The same ticket as this one?

Q. Yes, sir; Samuel Merrill's ticket, which has been made an exhibit.—A. Yes, sir; it is the same ticket.

Q. On the same material?—A. Yes, sir; so far as I am able to judge.

Q. Were those the only kinds of tickets circulated by the Republicans?—A. The only tickets circulated in this city, so far as I know. If you will let me go a little further I will say I went to the press and saw every ticket from the time they went into the printer's hands until they came out tickets, and I put them in the vault and locked them up, and there was not another ticket printed in this city; if there was it was done outside of my authority.

Q. And they were on the same material?—A. Yes, sir; the same material from beginning to end. If there was any difference in the paper it was rung in on me by the printers, and I do not know it. I never had but one lot of tickets printed, and they were all printed on the same paper.

Q. Can you tell the difference between that Republican ticket used November, 1882, and the Democratic ticket used?—A. I can tell the difference by the feeling, but I cannot tell the difference by looking; I mean folded up as the ordinary voter brings them up.

Q. You spoke just now of the reports received from the precincts; did or did you not instruct your couriers to give you all the information they could get as to how the voters were turning out and how the people were voting, and gather everything that might be of value?—A. There were particular instructions given by me to bring me a report of the number of votes, and there was particular instructions as to the number of votes being polled.

Q. Both sides or one side?—A. The number of votes polled at the several precincts and the total vote. I could not tell anything about the vote being Republican or Democratic; I knew how many votes there were in each precinct, and I knew we must get out a full vote in order to succeed.

Q. And you wanted the aggregate vote only?—A. Aggregate vote only; yes, sir.

Q. You referred a while ago to seeing these tickets printed?—A. Yes, sir.

Q. Who printed them?—A. They were printed at the Indianapolis Journal Co.

Q. Did you order them printed?—A. Yes, sir.

Q. Did you order the Journal Co. to print them?—A. Yes, sir.

Q. Was it to Mr. Hasselman that the order was given?—A. The order was given to Mr. Ruckle, the foreman.

Q. You saw the paper before the tickets were printed, and you saw this material, did you, before the tickets were printed on it?—A. Yes, sir.

Q. Who selected it?—A. I selected it.

Q. And you saw them printed, and then you took them and locked them up in the vault after they were printed?—A. Yes, sir.

Q. When was that; the night before the election?—A. They were printed on Sunday, and the election was on Tuesday; I remember I went there on Sunday and stayed there all day.

Q. Do you know where this material came from?—A. I do not.

Q. You mean that originally, or do you mean that you do not know where it came from when you got it?—A. I got it from the Journal Co.; I said I went there and had them printed, and, further than that, I do not know where they got the paper.

Q. Who did you make the arrangement with?—A. More particularly with Col. Ruckle; I talked some with Mr. Hasselman, but I did the business particularly with Colonel Ruckle; he was the foreman there and the practical paper-man.

Q. Do you know who owns the Journal Co.?—A. I understand Mr. Hasselman.

Q. Mr. Ott Hasselman?—A. Yes, sir.

Q. Was he a member of the Republican executive committee?—A. Yes, sir.

Q. You negotiated the purchase partly with Mr. Hasselman and partly with Colonel Ruckle?—A. Partly with Colonel Ruckle; the talk I had was with him, partly.

Q. Colonel Ruckle's position in that establishment is foreman?—A. Yes, sir.

Q. You say that you think Mr. Hasselman is the owner of the company. Is it a stock company or merely the name of the firm?—A. I do not know much about it; I understood that Mr. Hasselman owned that himself; I am not sure about it.

Mr. PEELLE. Was this paper in stock there when you ordered the tickets printed?

The WITNESS. Yes, sir.

Q. You say it was not specially ordered; how do you know that?—A. I know it was there when I went there.

Q. That may be true; but it may have been ordered, especially ordered, for this purpose?—A. I say I did not specially order it, and they did not especially order it for me unless they anticipated my wants, because it was there when I went there.

Q. Who got those tickets out of the vault, if you know?—A. I did.

Q. Who was with you?—A. No one; I had the tickets in the vault, and I had that locked, and I had the key, and I unlocked the vault myself, or one of the employés did that for me.

Q. Who furnished you with a key?—A. The fact is, I would take a part of that back. I did not have the key myself, but I went to Mr. Cox—Granville Cox, when I went in, and he let me in, and I was the only man in the vault, and I handed those tickets out to the several committeemen when they came after them, and to the country I handed them out the day before, and to the city I handed them out on the morning of the day of the election.

Q. Who furnished you the key?—A. Mr. Cox; Mr. Cox opened the vault; it was a combination lock.

Q. Who was present when those tickets were put in the vault, if you recollect?—A. I do not recollect.

Q. Was Mr. Hasselman present?—A. No, sir; he was not present. I do not think there was anybody but some of the employés about the building, but I could not say about that just who it was.

Questions by Mr. PEELLE:

Q. You say these tickets have an engraved head?—A. Yes, sir.

Q. Why did you get an engraved head for the tickets used in the city?—A. In the first place, it has for a number of years been customary for our folks to get an engraved head; and in the next place, it was to make it more difficult for the Democrats if they were disposed to counterfeit it.

Q. Have the heading of tickets been engraved on both sides, by both parties?—A. I know they have by the Republicans, and my impression they have been by the Democrats.

Q. Do you remember the ticket voted in 1880 for Frank Landers?—A. Yes, sir.

Q. I hand you this ticket marked Exhibit G to the deposition of Mr. Swain, and I will ask you to state if that has an engraved head.—A. Yes, sir.

Q. The flag around the words "Democratic ticket"?—A. Yes, sir.

Q. Why did you keep those tickets in the vault?—A. I did not want to let them out too soon.

Q. Had you heard of any intimation or any effort concerning them?—A. Yes, sir; I had heard various intimations that quite a sum of money was offered for a copy of the ticket, to try and counterfeit it, and that was the reason I was so careful.

Q. Has it or not been a rule of both parties in the city to keep their tickets close until the election day?—A. Oh, yes; they make it quite a point always, as I understand it, to keep those tickets secure, and not let them out until the last thing.

Q. So that neither party shall have the opportunity of counterfeiting the other ticket?—A. Yes, sir; and by having an engraved head you make it impossible, because they cannot get up an engraved head in a few hours and have it printed: but a man can counterfeit a plain head after the polls open in the morning, and have the tickets circulated.

Questions by Mr. WILSON:

Q. Did the Republicans ever try to counterfeit the Democratic ticket?—A. I do not know; I did not.

Q. That was not tried by the Republicans at this campaign?—A. If it was tried by anybody I do not know it.

Q. Did you want to get a copy of the Democratic ticket, and did you make any effort of that sort?—A. I do not know that I made any effort. I will say I was quite anxious to see it.

Q. Why?—A. I wanted to see what kind of tickets they had; I made no effort and offered no money or anything of that kind for a ticket.

Q. Was there any effort on the part of the Republicans in any way to duplicate the Democratic ticket?—A. No, sir.

Q. Give us the names of the parties from whom you heard about this matter of trying to counterfeit the Republican ticket; while hearsay evidence is not admissible,

we have powers in that respect. Who were those parties you spoke of?—A. I cannot give you the names of the parties. It is like a great many other things that come up.

Q. Who was it that informed you of the fact?—A. I cannot give you their names. I cannot possibly give you the names, but it came to my ear in the committee-room, like thousands of other things do, and I have a memorandum in my pocket—a memorandum I made in regard to that election. I cannot tell you who it was, but it was given to me by a Republican, and I made a memorandum, and there is an impression upon my mind concerning it, and I know I got the opinion, and I have a memorandum of it now, but I cannot tell you who gave it to me.

Q. You did not want the Democrats to have a ticket like the Republican ticket?—A. I have answered that question squarely. We do not want them to counterfeit our ticket.

Q. You did not want them to duplicate it?—A. No, sir.

Q. You did not want them to get up one in the same style?—A. That is one of the objects of keeping our ticket quiet, that they cannot duplicate it. They are as close with their ticket as we are with ours.

Q. That is the reason you locked them up in the safe?—A. Yes, sir; certainly.

Q. That is the reason you watched over them so carefully?—A. Yes, sir.

Q. That is the only reason why you selected that paper of the Journal Co.?—A. In using it I used my judgment and discretion, as I thought I ought to do in my position, and as my predecessors had always done in theirs, and I selected a good quality of paper, for the further reason that there was liable to be rain and wet weather in November, in which case tickets printed on inferior paper would be liable to stick together and two or more go into the box at once and be thrown out.

Q. That is the reason you did select that paper and had it printed on that material and locked them up and kept them in that manner?—A. Yes, sir. I have stated fully that my reason was to keep the ticket from being counterfeited. I think that is entirely legitimate.

Q. What do you mean by being counterfeited?—A. Why, get the ticket and lock it up and keep them from getting a ticket like it, or near like it as possible, so as to deceive and defraud voters.

Q. You spoke of this heading being engraved on the Republican ticket. Is that a wood-cut or lithograph?—A. I do not know; I do not know anything about it.

Q. Is it electrotyped?—A. I expect that is electrotyped. I do not know whether it is or not. I am not a printer and I do not know, but my understanding is that they are engravings.

Q. Do you not understand that printing from wood is engraving as much so as from stone or steel or copper?—A. No; I did not.

Q. You would not know the difference, then?—A. I could look at a ticket and could tell whether it is an engraving or not; but beyond that I do not believe I could tell anything about it.

Q. You have heard of wood-engravings?—A. Yes, sir.

Questions by Mr. PEELLE:

Q. State if that Democratic ticket in 1882 at the Congressional election is not a wood-cut.—A. I should think that was a wood-cut.

Q. And if this Democratic ticket voted for Franklin Landers in 1880 is not also an engraving on wood.—A. I would say that they were engraved tickets; probably wood-cuts.

Mr. WILSON. Do you know whether they had at the Journal Co., the night you were there before the election, any of these old Democratic tickets?—A. Not that I know of.

D. M. RANSDELL.

Exhibit No. 1 to deposition of D. M. Ransdell.—Paul C. Hendricks, Notary Public.

REPUBLICAN TICKET.

National Candidates.

JAMES A. GARFIELD, for President.
CHESTER A. ARTHUR, for Vice President.

Presidential Electors for the State at Large.

WILLIAM W. CURRY.
JAMES M. SHACKELFORD.

District Electors.

1st Dist.—FRANCIS B. POSEY.
2d Dist.—ADEN G. CAVINS.
3d Dist.—NICHOLAS R. PECKINPAUGH.
4th Dist.—JOHN W. LINCK.
5th Dist.—WILLIAM B. McNARY,
6th Dist.—BENJAMIN S. PARKER.
7th Dist.—WILLIAM WALLACE.
8th Dist.—ARED F. WHITE.
9th Dist.—JAMES TULLIS.
10th Dist.—WILLIAM D. OWEN.
11th Dist.—JAMES O'BRIEN.
12th Dist.—LINDLEY M. NINDE.
13th Dist.—HENRY G. THAYER.

(Indorsed:) Exhibit No. 1 to deposition of D. M. Ransdell.

Exhibit No. 2 to deposition of D. M. Ransdell.—Paul C. Hendricks, Notary Public.

DEMOCRATIC TICKET.

FOR PRESIDENT,
WINFIELD SCOTT HANCOCK.

FOR VICE PRESIDENT,
WILLIAM H. ENGLISH.

ELECTORS FOR THE STATE AT LARGE,
DAVID S. GOODING.
JOHN R. COFFROTH.

DISTRICT ELECTORS.

First District—
HENRY C. PITCHER.
Second District—
JOHN C. BRIGGS.
Third District—
BARTHOLOMEW H. BURRELL.
Fourth District—
GREENE DURBIN.
Fifth District—
FRANCIS T. HORD.
Sixth District—
DAVID W. CHAMBERS.
Seventh District—
OLIVER J. GLESSNER,
Eighth District—
JOHN E. LAMB.
Ninth District—
FRANCIS JOHNSON.
Tenth District—
DAVID D. DYKEMAN.
Eleventh District—
JAMES F. M'DOWELL.
Twelfth District—
ANDREW ELLISON.
Thirteenth District—
WOODSON S. MARSHALL.

(Indorsed:) Exhibit No. 2 to deposition of D. M. Ransdell.

Exhibit No. 3 to deposition of D. M. Ransdell.—Paul C. Hendricks, Notary Public.

REPUBLICAN TICKET.

For Secretary of State,
ISAAC S. MOORE.
For Auditor of State,
ABRAM O. MILLER.
For Treasurer of State,
GEORGE F. HERRIOTT.
For Attorney-General,
DANIEL P. BALDWIN.
For Superintendent of Public Instruction,
JACOB T. MERRILL.
For Representative in Congress, 7th District,
JOHN HANNA.
For Judge of Circuit Court, 19th Circuit,
JOSHUA G. ADAMS.
For Prosecuting Attorney Circuit Court, 19th Circuit,
RICHARD B. BLAKE.
For Judges of Superior Court for four years,
HORATIO C. NEWCOMB.
DANIEL W. HOWE.
For Judge of Superior Court for two years,
DAVID V. BURNS.
For Prosecuting Attorney Criminal Court, 16th Indiana Circuit,
JOHN B. ELAM.
For Judge of Criminal Court, 16th Indiana Circuit,
JAMES E. HELLER.
For Joint Senator from Marion and Morgan Counties,
GEORGE W. GRUBBS.
For Representatives,
WILLIAM W. HEROD,
JONATHAN W. GORDON,
CHARLES B. ROBINSON,
JOHN B. CONNER.
For Joint Representative from Marion and Shelby Counties,
SMITH H. MAPES.
For Clerk of Marion Circuit Court,
DANIEL M. RANSDELL.
For Sheriff,
JOHN T. PRESSLEY,
For Auditor,
WILLIAM A. PFAFF.
For Treasurer,
THOMAS SCHOOLEY.
For Commissioner, Second District,
GEORGE F. McGINNIS.
For Commissioner, Third District,
MOSES ALLEN,
For Coroner,
WILLIAM H. WISHARD.
For Surveyor,
HERVEY B. FATOUT.
For Supervisor.....District,
.....
For Supervisor.....District,
.....
.....

(Indorsed:) Exhibit No. 3 to deposition of D. M. Ransdell.

Exhibit No. 4 to deposition of D. M. Ransdell.—Paul C. Hendricks, Notary Public.

DEMOCRATIC TICKET.

For Secretary of State,
JOHN G. SHANKLIN.
For Auditor of State,
MAHLON D. MANSON.
For Treasurer of State,
WILLIAM FLEMING.
For Attorney-General,
THOMAS W. WOOLLEN.
For Superintendent of Public Instruction,
JAMES H. SMART.
For Representative in Congress, Seventh District,
GILBERT DE LA MATYR.
For Judge of Circuit Court, Nineteenth Judicial Circuit,
JACOB B. JULIAN.
For Prosecuting Attorney, Nineteenth Judicial Circuit,
JONATHAN H. JOHNSON.
For Judge of Superior Court, Four Years,
JOHN A. HOLMAN.
For Judge of Superior Court, Four Years,
JAMES H. LAIRD.
For Judge of Superior Court, Two Years,
CASABIANCA BYFIELD.
For Prosecuting Attorney Marion Criminal Circuit Court,
ALBERT S. CALDWELL.
For Judge of Criminal Court, Sixteenth Judicial Circuit,
EDWARD C. BUSKIRK,
For Joint Senator, Marion and Morgan Counties,
JAMES HOPKINS.
For Representatives,
RALPH C. J. PENDLETON,
GEORGE REYER,
JOHN A. FINCH,
GEORGE SPEES.
For Joint Representative, Marion and Shelby Counties,
WILLIAM E. ENGLISH.
For Clerk Circuit Court,
THOMAS F. RYAN.
For Sheriff,
RICHARD J. BRIGHT.
For Auditor,
BENJAMIN F. JONES.
For Treasurer,
SAMPLE LOFTIN.
For County Commissioner, Second District,
DANIEL B. HOSBROOK.
For County Commissioner, Third District,
JEREMIAH COBLE.
For Coroner,
CHARLES N. METCALF.
For County Surveyor,
WILLIAM D. MAXWELL.

(Indorsed:) Exhibit No. 4 to deposition D. M. Ransdell.

Exhibit No. 5 to deposition of D. M. Ransdell.—Paul C. Hendricks, Notary Public.

REPUBLICAN TICKET.

For Township Trustee,
ALONZO D. HARVEY.
For Township Asssessor,
BERNHARD RAU.
For Justice of the Peace,
JOHN C. WOODARD,
For Constable,
CONRAD BURLEY,
HIRAM PLUMMER,
GEORGE W. SEIBERT,
HUGH GOUDY,
GEORGE E. LOWRY,
For Road Supervisor,

(Indorsed:) Exhibit No. 5 to deposition of D. M. Ransdell.

Exhibit No. 6 to deposition of D. M. Ransdell.—Paul C. Hendricks, Notary Public.

DEMOCRATIC TICKET.

FOR TOWNSHIP TRUSTEE,
PETER SPITZFADEN.
FOR TOWNSHIP ASSESSOR,
JACOB P. DUNN.
FOR JUSTICE OF THE PEACE,
LUKE WALPOLE.
FOR CONSTABLES,
EBENEZER W. WALES.
ISAM HUGHES.
WILLIAM BURNS.
EDWARD DAVIS,
JOHN T. BOYLE.

(Indorsed:) Exhibit No. 6 to deposition of D. M. Ransdell.

FRANK H. SMITH, being duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. Frank H. Smith; 30 years old residence, Indianapolis, Ind.

Q. What is your business?—A. Printer.

Q. Are you carrying on business for yourself?—A. Yes, sir.

Q. What is it?—A. Jobbing establishment.

Q. How long have you been in that business?—A. About five years for myself.

Q. Are you familiar with the different grades and qualities of paper?—A. Yes, sir; in general use.

Q. I hand you a ticket headed "Republican ticket" and marked Exhibit A to, the deposition C. F. Holliday, and I will ask you to take that ticket and examine it and state what kind of paper that ticket is printed on.—A. It looks to me like it was a heavy book-paper more than anything else; I thought it might possibly be a light card-board, and that is the reason I lit it.

Q. What kind of paper is it?—A. It is rather peculiar book paper; different from any we use.

Q. What grade of book paper would you call it?—A. I would call it No. 2 book-paper. It is very heavy paper, of course; sometimes paper is used a little heavier than that in books, but very seldom that heavy. It resembles plate paper a little, but it has not got the body to it and has not got high enough finish for that. That is about the only thing I can make out of it. It does not tear like card-board or anything like that and it does not burn like it.

Q. Does it tear like plate paper?—A. No, sir; it is not strong enough for that; it might be made for that; it may be an inferior quality of that, but it looks more to me like book paper than anything else.

Cross-examination by Mr. WILSON:

Q. Do you know the difference between eastern and western plate?—A. Yes, sir; in fact almost all the papers we use are eastern plate. There is a paper used that is called western plate.

Q. Is not that western plate?—A. I do not know. The paper we use is eastern plate; it may be they call that western plate, and it might be sold for that.

Q. I hand you specimen of paper and ask you what that is?—A. That is more like plate paper or light card-board. There is not much difference between very thin bristol-board and plate paper—a very slight difference except card-board generally comes by the ply and generally two or three sheets together.

Q. What do you say that is?—A. That is likely a very thin bristol-board or plate paper. It looks that way to me.

Q. You would say that is the same article, wouldn't you [handing witness piece of paper]?—A. That is about the same.

Q. If you want to make any experiments with that you may do so and tell us what it is.—A. That has got more the appearance of a plate paper, but what I use is a little more highly finished than that.

Q. You think that is plate paper?—A. Yes, sir; we would not use that for the purpose of plate perhaps; it is principally used for plates, steel or copper, and it has to be firm paper and well finished.

Mr. WILSON. I offer that paper as an exhibit to the deposition of the witness on cross-examination, and ask that it be marked.

(The paper will be found attached to the deposition as a part thereof and marked as Exhibit No. 1.)

Q. I call your attention to a specimen marked Exhibit B to the cross-examination of Mr. Salsbury; what is that?—A. That is blotting paper, I think.

Q. What sort of blotting paper?—A. I do not know exactly what term it has. We do not use that to print on, on account of the rough surface, and it is injurious to type, but we sell it for office use.

Q. That is plain white blotting?—A. Yes, sir.

Q. What is this marked Exhibit N to the deposition of Mr. Salsbury?—A. I think that is plate paper; it is a little too soft for bristol-board; I use about like that and it appears to be more like thin bristol-board—100 pounds bristol or something like that.

Q. I call your attention to this specimen marked as follows, shown to witness C. E. Devine on cross-examination Nov. 3, 1883, and at the same time marked by me as stenographer as follows: "Philadelphia, Paul C. Hendricks, stenographer."—A. That is blotting paper.

Q. What is the color of it?—A. I should think it was white.

Q. Is it plain white?—A. Yes, sir; that is plain white.

Q. I show you Exhibit No. 4 to the cross-examination of Mr. J. G. Sexton, and I will ask you what that is?—A. I think that is a cheap quality of bristol. I have used one about like that in a light-weight bristol. This plate paper and bristol is not very different, and they resemble each other a great deal. They are about the same thickness, and very light bristol and plate resemble each other a great deal, but generally plate paper has a higher finish and sometimes it is heavier; sometimes it is finished heavier for portraits.

Q. I will show you this Exhibit No. 5 to the cross-examination of J. G. Sexton, and I will ask you what that is?—A. That seems to me to be a piece of rough writing paper, or ledger paper of some kind.

Q. I will ask you to take that ticket headed "Democratic ticket," and marked Exhibit 3 to the deposition of W. B. Burford, being the ticket voted at the Congressional election in 1882 by the Democrats in this city, and I will ask you what that is?—A. That is a No. 2 book paper, or else that is a cheap grade of book paper.

Mr. WILSON. What are your politics?—A. I am a Republican. My father was a Democrat and my brothers and all the rest of the family but me.

FRANK H. SMITH.

Exhibit No. 1 to cross-examination of Frank H. Smith.—Paul C. Hendricks, Notary Public

(Omitted. See original, page 1765.)

(In pencil:) Shown to C. L. Divine, on cross-examination, and at the same time marked by me as stenographer, as follows: Indianapolis, Nov. 7, '83, Paul C. Hendricks, stenographer.

WILL H. MARTZ, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. Will H. Martz, age 29, and residence Indianapolis, Ind.

Q. What is your occupation?—A. Practicing law.

Q. Did you ever occupy any official position?—A. No, sir.

Q. Did you attend the Congressional election in this city in 1882?—A. Yes, sir.

Q. What precinct and ward?—A. In the 8 ward, and I think in the 1st precinct.

Q. I hand you a ticket headed "Republican ticket," and marked Exhibit No. 1 to the deposition of James C. Yohn, and I will ask you to state if that is the Republican ticket voted at your precinct on that day?—A. Yes, sir; I think it was.

Q. I hand you ticket headed "Democratic ticket," and marked Exhibit No. 3 to the depositton of W. B Burford, and I will ask you to state if that is the Democratic ticket voted at that precinct on that day?—A. It looks like the same ticket.

Q. Did you occupy any official position at the polls?—A. I was about the polls all

day there and was acting as challenger part of the time, and was about the polls until the polls closed.

Q. Did you notice these tickets as they were open and being folded in the hands of the voters?—A. Yes, sir.

Q. Could you distinguish one ticket from the other when they were folded in the hands of the voters?—A. No, sir; just looking at the ticket without getting right down to look at the ticket I do not think there was a distinction.

Q. Could you tell the tickets folded as they were ordinarily folded in the hands of the voters as they were going to deposit them?—A. No; I do not think it could be distinguished.

Q. Did you, as a matter of fact, that day, distinguish one ticket from the other by the external appearance?—A. No, sir; not that I remember of.

Q. Did you hear any complaint in that precinct that day about the character of the Republican ticket?—A. I do not know as to that—by what parties?

Q. Did anybody make any complaint there that day about the character of the Republican ticket as to the character of the material upon which it was?—A. I could not say whether there was or not.

Cross-examination by Mr. WILSON:

Q. You could tell the difference between those tickets by handling them?—A. Yes, sir; of course a man could tell that one is thicker than the other to handle them.

Q. When folding them in your hands or taking them in your hands and feeling them can you tell the difference?—A. There is a perceptible difference of course.

Q. Could you, when you got a fair opportunity to see these tickets, after having your attention called to the difference between the tickets, if folded and at the same time in view, could you tell one from the other by sight?—A. That would depend upon how near you were to the ticket.

Q. Say a foot and a half or two feet from you?—A. I do not think, sir, that a person being as far away from the ticket as one would be when it is voted, that a perceptible difference would appear if the ticket was folded.

Q. Did you pay much attention to the difference between the two that day or did you try to tell one from the other by appearance?—A. No, sir; I did not. As I said before, I was acting as challenger part of the time, and I say now a very little of the time, but most of the day I was about the polls and all around.

Q. You are a Republican, I believe?—A. Yes, sir.

W. H. MARTIZ.

By agreement of all the parties, the further taking of these depositions was adjourned until Wednesday, November 21, 1883.

WEDNESDAY, *November* 21, 1883.

Parties met pursuant to adjournment.

W. O. DE VAY, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. You are the same W. O. De Vay who was examined some weeks ago on behalf of the contestant in this case?—A. I am.

Q. State your business?—A. Paper business.

Q. How long have you been in the paper business?—A. About 10 years.

Q. What house are you connected with, or have you a house of your own?—A. For the last two years I have had an interest in a house of my own, and before that for the Cleveland Paper Company.

A. Are you acquainted with the manufacture as well as the selling of paper?—A. Yes, sir.

Q. What line of paper do you manufacture and sell?—A. When I say manufacture, I mean that Mr. Taylor and Mr. Mill are connected with the Cleveland Paper Company, who manufacture, and, of course, are connected with our house, and they are practical manufacturers. Personally I am not a manufacturer, but I am connected with men that do manufacture.

Q. What line do you manufacture and sell?—A. Straw papers, rag papers, manilla, bogus manilla, printing papers, and book paper, and a low grade of writing.

Q. Do you handle plate paper of any kind?—A. Yes, sir.

Q. What kind of plate do you handle?—A. We call it Western plate.

Q. Do you handle any other kind of plate paper?—A. Yes, sir.

Q. What other kind?—A. Eastern plate.

Q. I hand you a ticket headed "Republican ticket" and marked Exhibit No. 1 to the deposition of James C. Yohn, and I will ask you take that ticket and examine it and state if that is a same kind of paper that you pronounced plate paper in your examination in behalf of the contestant?—A. It is.

Q. I will ask you to state what difference there is between the paper upon which

that Republican ticket is printed and a book paper of the same weight?—A. Well, there is no difference, the book paper being made the same weight as this. A book paper can be made this way, but it would be an extreme weight of book paper and it has got to be a very hard finish. They could make what they call a No. 2 book that had the finish of that and they could make it the same weight—that is, a No. 2 book paper. The fact of it being No. 2 book would make it not like this paper. It would lack the finish of this paper, although it would have the weight.

Q. My question was as to the difference between that paper upon which the Republican ticket was printed and a book paper of like weight in the finish.—A. There would not be any, or if any, but very little. They aim to make this paper, which they call Western plate, they aim to make it finished harder on one side than it is on the other.

Q. Is it or not finished harder upon one side than the other?—A. Very often it is and very often it is not.

Q. The paper upon which that Republican ticket is printed?—A. That paper does not show but very little difference.

Q. Would not that fact be one evidence of it being book paper?—A. The only way you could get at that would be to find out the size that paper was made. The size would have a good deal to do with whether it was book or plate of the same kind and finish.

Q. Suppose it were size 25 by 38?—A. If it was a size 25 by 38, and weighed sufficient, it might be called book paper, because that is a book paper size.

Q. Then I understand you to say that the size of the paper determines whether it is book or plate paper oftentimes?—A. Very often the size and weight.

Q. State whether or not a book paper may be of the same weight of the paper upon which that Republican ticket is printed is or is not finished on both sides alike?—A. Book paper?

Q. Yes, sir.—A. Yes, sir; a book paper, of what we call supercalendered book paper, has the same finish on one side as it has on the other; both sides are finished alike.

Q. State, now, what difference, if any, there is between the finish on the two sides of the paper upon which that Republican ticket is printed.—A. Very little, if any.

Q. Can you discern any difference in the finish?

Mr. WILSON. You mean that is just what he has in his hand.

Mr. PEELLE. Yes, sir; that is just like all the rest of them.

A. The difference is so little, if any, I would not want to go on record as saying what it is.

Q. You would not say there was any difference?—A. No, sir.

Q. Can you state what the weight of that paper would be 25 by 38 per ream?—A. It would be about 100 pounds, as near as I could judge.

Q. I now hand you a ticket headed "Republican ticket," and I will ask you to take that ticket and examine it, and tell me what difference there is, if any, between the paper upon which that ticket is printed, compared with that Republican ticket which I first handed you and that was made an exhibit to the deposition of Mr. Yohn?—A. So far as I am able to judge, it is the same.

Q. Is there not a difference in the weight of the tickets and stiffness?—A. None; only I believe that one has been handled and probably not so brittle; I do not think it is.

Q. Is there any difference in the color of the tickets?—A. No, sir.

Q. Any difference in the width of the tickets?—A. Yes, there is; there may be a slight difference.

Q. Which is the widest ticket; the one I last handed you?—A. Yes, sir; there is very little difference, but it is the widest.

Mr. PEELLE. I now offer in evidence, as a part of the deposition of this witness, the ticket which he has just identified.

(The ticket will be found in evidence attached to this deposition as a part thereof, and marked Exhibit No. 1.)

Q. Do you deal in western plate paper in your establishment?—A. Yes, sir.

Q. How extensively do you deal in that?—A. We buy and sell a good deal of it. We sell principally our own make in Cleveland.

Q. Do you manufacture and sell a western plate paper like this?—A. Yes, sir; we manufacture a western plate.

Q. Do you or not sell this kind of paper sometimes for book purposes?—A. Very seldom.

Q. Do you sometimes or not?—A. No, sir; I have no recollection of ever selling this extreme weight of paper for book.

Q. There is book paper heavier than that?—A. I presume a book paper could be made heavier than that if the order was given for it, but so far as our folks in Cleveland are concerned they would not make it. It is beyond their weight.

Q. Have you had any of that western plate paper, as you call it, in your establishment for selling here?—A. Yes, sir.

Q. To whom have you sold it?—A. Mr. Burford.
Q. Any one else?—A. No, sir; not to my knowledge.
Q. You keep it in stock all the time or only occasionally?—A. We keep it all the time.

Cross-examination by Mr. WILSON:

Q. Mr. Peelle asked you the difference between book paper of the same weight as this Republican ticket or the material upon which it is printed and the Republican ticket. In case they are the same weight may there not be a difference in the thickness, and the finish, and the elasticity of the two?—A. Well, there might be; that would be getting it down to a critical point. The fact is that paper, if I was testifying to what it was, I would call it just as I have always called it—plate paper; although, if the question was whether there was book paper of that size and weight, it might be made book paper.
Q. It could be sold for book paper?—A. Yes, sir.
Q. That is, they could print a book on it if they were to try to?—A. Yes, sir.
Q. I will ask you what is the average weight per ream of the ordinary book paper, 25 by 38?—A. You mean the average weight in demand on the market for making books?
Q. Yes, sir; if there is any?—A. The only standard I know that would be a good one to go by would be the State of Indiana.
Q. What is the standard of the State of Indiana?—A. 45 pounds.
Q. That is ordinary book?—A. Yes, sir.
Q. What is the average or ordinary weight per ream of print paper, 25 by 38?—A. 30 pounds.
Q. Size of ordinary print, is it?—A. Yes, sir.
Q. What is newspaper printed on?—A. On print paper.
Q. How much paper for book purposes do you suppose you sell on the average a year?—A. I should judge one hundred thousand dollars a year.
Q. How much of that material upon which the Republican ticket is printed do you suppose you sell for book purposes in a year on an average?—A. I would testify I do not think I ever sold a sheet as heavy as that for a book, although it can be made and called book; but I do not believe I have ever furnished that extreme weight.
Q. You say you call it western plate or lithographic plate?—A. We call it plate paper; a man orders it and designates what he wants, eastern or western.
Q. Do you sell much of that?—A. Not a great deal; no, sir; we sell Mr. Burford, I presume, from one-half to two-thirds of what he uses, but he does not use a very great quantity.
Q. For what purpose is it used?—A. Principally lithographing.
Mr. PEELLE. I call your attention to two tickets headed "Republican tickets," one of which you said was a little wider than the other, but you thought both of them were substantially the same kind of material?—A. Yes, sir.
Q. And of the same thickness?—A. Yes, sir.
Q. If one is a little wider than the other, and they are equal in other respects, there will be a slight difference in the weight, will there not?—A. Not in the feeling; but you put it to the test and there will be, of course.
Q. I. am talking about the actual weight; one ticket would differ from the other?—A. Only in scale weight. You could not tell whether the weight was the same in thickness or not; but in actual weight you could.

Re-examination by Mr. PEELLE:

Q. State whether or not Mr. Burford does not frequently lithograph on book paper.—A. I cannot answer that question, because I would have to see him do it. When he orders paper of me I do not know what he does with it.
Q. State if he has not frequently bought book paper of you for the purpose of lithographing?—A. I presume he has, but to what use or what kind of lithographing I could not state, and I would not be able to state.
Q. State whether or not you can lithograph on book paper of the same weight and thickness that the paper upon which that Republican ticket is printed just the same as you can upon plate paper?—A. You mean with the same finish, size, and weight?
Q. Yes, sir; just as you described a while ago, whether or not you can lithograph on that paper as readily as you can on what is known as western plate paper.—A. I presume you could.
Q. I will ask you this question, whether or not about the only difference there is between a western plate paper and a book paper of the same weight and finish is simply that one is sold as western plate, and you realized a little more profit when it is sold as book paper?—A. We got more money for it from the fact that the mill that runs it runs it at a disadvantage, and it is always expected to bring more.
Q. If it was sold as book paper you would get less for it than if it were sold for plate paper?—A. No, sir; if we were running 25 by 38, and not running the extreme weight that paper is on, we would not ask any more for it.

Q. Than book paper?—A. No, sir; but we could not run it to an advantage over 80 pounds. I do not suppose the other mills in the West are any better situated than we are, and we refused to run this paper in the extreme weight; and what I mean by extreme weight is anything over 80 pounds.

Q. Do not paper men frequently bill that as western plate, because when they do that they can realize a little more from it than if it was billed as book paper?—A. I can only answer that for myself. I never have billed that as plate when it was book, and I never had a sheet of that paper billed to me as book and sent it out as book, because we have never had it in that size and weight that we could call it book. There is a size of plate 19 by 24 and 22 by 28; one is 50 and the other 80 pounds, and if a man sends to us for plate we send him what we buy as plate paper.

WM. O. DE VAY.

Exhibit No. 1 to depoeition of W. O. DeVay.—Paul C. Hendricks, Notary Public.

REPUBLICAN TICKET.

STATE TICKET.

For Secretary of State,
EMANUEL R. HAWN.
For Auditor of State,
EDWARD H. WOLFE.
For Treasurer of State,
ROSWELL S. HILL.
For Attorney-General,
DANIEL P. BALDWIN.
For Clerk of the Supreme Court,
JONATHAN W. GORDON.
For Superintendent of Public Instruction,
JOHN M. BLOSS.
For Judges of the Supreme Court,
First District—WILLIAM P. EDSON.
Second District—JOHN G. BERKSHIRE.
Fourth District—JOHN F. KIBBEY.

CONGRESSIONAL TICKET.

For Member of Congress, Seventh Congressional District,
STANTON J. PEELLE.

MARION COUNTY TICKET.

For Judges Superior Court—Term, 1882,
JOHN L. McMASTER.
DANIEL W. HOWE.
For Judge Superior Court—Term, 1884,
LEWIS C. WALKER.
For Judge Criminal Court,
JAMES E. HELLER.
For Judge Circuit Court, Nineteenth Judicial Circuit,
JOSHUA G. ADAMS.
For Prosecuting Attorney, Nineteenth Judicial Circuit,
WILLIAM T. BROWN.
For Clerk,
MOSES G. McLAIN.
For Sheriff,
JAMES W. HESS,
For Treasurer,
WILLIAM G. WASSON.
For Auditor,
JUSTUS C. ADAMS.
For Recorder,
WILLIAM F. KAY.
For Coroner,
ALLISON MAXWELL.
For County Surveyor,
HERVEY B. FATOUT.
For County Commissioners,
First District—WHARTON R. CLINTON.
Second District—FRIEDERICH OSTERMEYER.
Third District—ARCHIBALD GLENN.
For State Senator,
JOHN B. ELAM.
For Joint Representative Marion, Shelby and Bartholomew Counties,
WILLIAM GILGOUR.
For Representatives,
RALPH HILL.
WILLIAM D. TOBIN.
WILLIAM T. FLETCHER.
DAVID B. SHIDELER.
SAMUEL A. ELBERT.

(Indorsed :) Exhibit No. 1 to deposition of W. O. DeVay.

AUSTIN H. BROWN, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. Austin H. Brown, age 55; residence, Indianapolis, Ind.

Q. Are you the same Austin H. Brown that testified some weeks since in behalf of the contestant in this case?—A. I am.

Q. At that time you testified that you had been one of three commissioners to recount the votes cast on the seventh day of November, 1882, for the candidates for sheriff on the Democratic ticket and Republican ticket, respectively, under direction and order of the clerk of the court, and that in that recount you counted the votes cast for Mr. English and Mr. Peelle, respectively, for Congress, and in that testimony you put in a statement purporting to be a conclusion drawn from certain figures and notes, which you said you had made in making that count of those votes for the candidates for Congress, did you not?—A. Yes, sir.

Q. At that time you stated that you did not have your little memorandum book or note book in which you had made these figures, did you not?—A. Yes, sir; that possibly I had it at home, and I would go and see if I could find it.

Q. And I asked you then to look for the book and get it if you could, in order that I might cross-examine you further in reference to that matter. Is that true?—A. That is true.

Q. I will ask you to state if you have since examined for that and found it?—A. I looked very carefully for it among where I kept my papers at home, and I have not been able to find it.

(Cross-examination of this witness was objected to, for the reason that the time for cross-examination has long since passed.)

Q. In that testimony you said that you concluded the count with reference to sheriff, and went home in the afternoon very tired, and that the next day you made a statement which you put in evidence in your testimony before.—A. Yes, sir.

Q. Did you have that book before you at the time you made that statement.—A. I had the memorandum; yes, sir.

Q. What did you do with that after it was made?—A. My recollection is I put it away with some papers in my desk, and afterwards in cleaning up my desk, which I do two or three times a year, I regarded those papers as of no value and destroyed them, is my recollection now.

Q. Have you seen that little memorandum of the vote for Congress since you made that statement?—A. Not to refer to it, unless in the way I spoke of in overhauling my papers; but I had all the facts before me at the time.

Q. At the time you made that statement from the figures you kept, what did you do with the statement?—A. I told Mr. English about it; it was my duty to tell him so.

Q. Why did you retain it?—A. I thought it was a very good paper to keep.

Q. Why?—A. I supposed it might be of some use.

Q. Where and how?—A. As a matter of evidence if this contest was to go on.

Q. You thought the result of those little figures that you had made would be better evidence, did you, or not, than the book itself?—A. It never entered my head in regard to that, one way or the other.

Q. When you made that statement then, as I understand, you anticipated that it might be useful as evidence in this contest, did you?—A. I did not know; I thought it might be useful. I thought the paper of some use outside.

Q. You did not think the memorandum-book from which you made that statement of any value?—A. No, sir; because I had all the facts collated that were in that memorandum-book, and a good many other matters besides; matters pertaining to the sheriffalty.

Q. Matters pertaining to the sheriffalty in that county?—A. I kept both counts in the same book.

Q. Was that the little memorandum-book you had?—A. Yes, sir.

Q. In that testimony you stated that Mr. Peelle had 99 less votes, according to your count, than were returned for him by the board of canvassers, did you not?—A. Yes, sir.

Q. And in the statement which you put in evidence as an exhibit you said that that would make Mr. Peelle's majority in Marion County 541 over Mr. English's vote?—A. Yes, sir.

Q. Over the vote of Mr. English, you mean?—A. Over the vote as returned by the board of canvassers, which was 640—that is, over your majority, or plurality.

Q. Then in arriving at the majority for Mr. Peelle of 541, is it or not true that that is Mr. Peelle's majority, deducting the 99 votes from him returned by the board over the vote of Mr. English as returned by the board?—A. I will have to explain this if you will let me.

Q. I would like to have an answer to that question first.—A. It is not true, strictly; you asked me whether it is or not true?

Q. Yes, sir.—A. It is not true strictly; as I went from precinct to precinct in making my memorandum I took off and on the majority for or against Peelle, and the footing up of that brought this conclusion, which I mentioned in my exhibit; it was arrived at by counting every vote.

Q. Deducting 99 votes from the vote of Mr. Peelle as returned by the board of canvassers, what majority would that give him over the vote as returned for Mr. English?—A. There ought to be some votes taken from the other side, of couse; I think in my previous statement in the testimony I did not pretend to make any statement of aggregates.

Q. What was the majority of Peelle in this county as returned by the board of canvassers?—A. Six hundred and forty plurality is my recollection.

Q. I will ask you to state if, when you deducted 99 votes from that majority, what number of votes will be left for Mr. Peelle, and what majority will be left for Mr. Peelle?—A. Five hundred and forty-one.

Q. Then, in your count you deducted 99 votes from the total vote as returned by the board for Mr. Peelle, and then arrived at the conclusion that Mr. Peelle has 541 votes majority over Mr. English. Is that true?—A. Yes, sir; I have a memorandum here that I have taken of the board of canvassers as to the vote, but that you know as well as I do, and of course it would not be evidence.

Q. State if it is not a fact that the vote as returned by the board of canvassers for Mr. English, being 12,300 votes, was not accepted by you in arriving at the majority which you say Mr. Peelle had after deducting the 99 votes which you say he had less as returned by the board?—A. No; I understand your question to be this: That in my figures I did not change Mr. English's vote, but actually changed this. That is not true; the actual count of the vote as I made Mr. English's vote was more or less; I do not remember now, and yours was not the same.

Q. What was the total vote, according to your count, on Mr. English?—A. I could not give you that, sir. I did not keep it in that way; I kept it by the different majorities and in precincts as I went along.

Q. What errors were there in the precincts of the First ward for or against Mr. Peelle or Mr. English?—A. I cannot state.

Q. What errors were there for or against Mr. Peelle or Mr. English in the precincts of the 2d ward?—A. You need not ask them all. I tell you I have no memorandum that I can refer to now giving any facts.

Q. Can you tell me now, from memory, whether or not you discovered any errors for or against Mr. Peelle or Mr. English in any of the precincts of the First, Second, or Third wards?—A. Yes, sir.

Q. What errors were they?—A. I could not say, but there were errors, because there were very few precincts where there were no errors. There were variations all the way through on sheriff, and there were probably 60 precincts where there were variations.

Q. Can you tell me what errors you discovered for or against Mr. Peelle or Mr. English in the 4th ward?—A. I have not the figures in regard to that with me; I have not the aggregates.

Q. State if it is not a fact that in the 4th ward you discovered an error in Mr. Peelle's favor of 10 votes, and so stated at the time of the count?—A. I do not recollect. That would be a matter of recollection without any figures at this time to refer to. I do not profess to have that kind of a memory.

Q. Do you remember of any errors that occurred in the precincts of the 5th ward?—A. I answer that the same as the others.

Q. Was there not a mistake there of two votes in Mr. Peelle's favor—two votes in one precinct of the 5th ward—and so stated by you?—A. I did not make a statement to anybody about it.

Q. Did not you say so to Mr. Byram?—A. No, sir.

Q. Did not you point out errors to Mr. Byram as you went along?—A. No, sir; not on Congressman. It was the third day before he knew I was keeping the vote on Congress. We had passed largely into the precincts.

Q. Can you recollect any errors you discovered in the 6th and 7th wards?—A. No, sir.

Q. In the 8th or 9th?—A. No, sir.

Q. Have you any recollection of Mr. Peelle gaining any votes in any of the wards I have mentioned?—A. Down to the 9th?

Q. Yes, sir; or the 8th or 9th.—A. What do you mean by gaining?

Q. If my vote was not increased according to your count over Mr. English's?—A. I could only tell you what it was after summing up all the precincts in the county.

Q. Have you any recollection as to errors occurring in any particular precinct; you have not, as I understand you?—A. No, sir; I have a distinct recollection of a certain class of variations that occurred, which ran through the whole count.

Q. I understand you to say that you cannot give the total vote that was counted by you for either Mr. Peelle or Mr. English?—A. No, sir.

Q. Were there any tickets in the boxes from which Mr. Peelle's name was scratched off and no one voted for?—A. There might have been, but not many.

Q. How many would you think?—A. I cannot name it by any number.

Q. Four?—A. I would not say there were four, and there might be more than that; my recollection now is, since I come to think of it, that in the precinct there was some remark made about it at the time—in Decatur Township and one in Franklin Township, where you were pretty badly cut about some post-office matter, and some gentleman near me made the remark at the time that that had an influence upon the matter; whether these were simply scratched off, or whether your opponent's name voted, I do not recollect distinctly; my impression is there was some just scratched only.

Q. Have you any recollection as to the number of tickets upon which Mr. Peelle's name was scratched off and no one substituted?—A. No, sir; I cannot tell.

Q. Was there any ticket in there in which Mr. English was scratched off and no one voted for?—A. Yes, sir; there was quite a number.

Q. How many?—A. I cannot enumerate; I think there were more than of yours.

Q. Were there 100 of that kind?—A. I do not remember.

Q. Have you any impression about that?—A. No, I have not; only I know there was a greater number than of yours.

Q. State how many Democratie tickets there were in those boxes with Mr. Peelle's name written or pasted over the name of Mr. English.—A. There were a great many both ways, but the exact number I cannot give you, as I kept no memorandum at that time; it was in this book I kept the memorandum.

Q. Was Mr. Peelle's name written or pasted on four or five hundred Democratic tickets?—A. No, sir.

Q. How many would you say?—A. I do not propose to give an opinion, because I cannot be accurate.

Q. Was Mr. English's name written or pasted on some of the Republican tickets?—A. There was not that many.

Q. How many?—A. For Mr. English?

Q. Yes, sir.—A. A good many. In some precincts more than others, and I suppose so in your case.

Q. How many would you think?—A. I could not enumerate.

Q. Were there more Democratic tickets with Mr. Peelle's name written or pasted on than there were Republican tickets with Mr. English's name written or printed on?—A. I could not say as to that.

Q. What is your judgment about it?—A. My judgment is there was not.

Q. You mean to say there were more Democratic tickets with Mr. Peelle's name written or pasted over Mr. English's name than there were Republican tickets with Mr. English's name written or pasted over Mr. Peelle's.—A. Possibly there may have been.

Q. May have been what?—A. More; I will not say positively.

Q. What does the word "more" refer to?—A. More with Peelle's name on of Democratic tickets than there were Republican tickets with English's. I understand that to be the question.

Q. Yes.—A. I am inclined to think so. I am not very clear or positive about it. I do not think the changes were brought about in that way, though.

Cross-examination by Mr. WILSON:

Q. Mr. Peelle asked you if you had any recollection of any errors in the various boards, and you stated you did not; do you mean you had no recollection of any errors, or you could not recollect the number of errors?—A. He asked me to name the number particularly.

Q. It was the number of errors you referred to, and not the fact that there were no errors?—A. There were some errors in some precincts, too, and they were very apparent.

Re-examination by Mr. PEELLE:

Q. Can you state whether or not there were any errors for or against Mr. Peelle or Mr. English in any of the wards that I have mentioned?—A. Yes, sir; there were.

Q. What wards?—A. It was particularly the 17th and 24th.

Q. I am speaking about the wards that I named.—A. Well, I cannot say. I say there were errors—there must have been, because they became apparent right from the start of the count to me; and in the memorandum I kept I noted errors almost right from the beginning, but as to saying whether they were in the first precinct of the first ward, or the 2d precinct of the second ward, I do not recollect.

Q. Do you recollect, as a matter of fact, whether there were any errors in the first, second, third, fourth, fifth, sixth, seventh, eighth, and ninth wards?—A. Yes, sir; there were errors in a general way, but the details I cannot give you.

Q. And you do not remember what number of these wards or precincts?—A. No, sir.

Recross-examination by Mr. WILSON:

Q. In answer to Mr. Peelle's question as to errors in these wards, did you understand him as calling for whether there were any errors, or for the specific number of errors?—A. In his first question I understood the specific number of errors, and in his last question I understood as to whether there were any errors, and he wants me to give the details if I can, and I say I cannot do it.

Q. Can you give the details in any ward, specifying any number?—A. No, sir.

Q. You said you kept your count in a book for Congressman; in the same book that you kept it, did you keep your memorandum for sheriff?—A. Yes, sir.

Q. Now, when you made your report on the vote for sheriff, did you report the net result, or did you examine your memorandum?—A. I did not; I used my memorandum to check when I got through a precinct, then the clerks would go over the vote, and if they did not agree with the memorandum which I kept, and Mr. Byram kept, we called their attention to the fact, and our memorandum was written for that purpose, on sheriffalty, and at the same time I noted on the lower part of the page—we had one page for a precinct—the vote on Congressman.

Q. And there were some errors, and the net result you gave in your former statement?—A. Yes, sir; on cross-examination.

Q. How did your tally count on the vote for sheriff with Mr. Byram?—A. We agreed nearly always; there were deviations in the count on sheriff right along.

Q. How did you keep that count?—A. We counted each ballot, by precincts, and I noted the Democratic tickets; I had a place with "Peelle on Democratic ticket," "Republican ticket with English on," "Democratic ticket with English off," &c., and then the straight tickets, and every ticket I handled twice—first counted it over for sheriff and then counted it the second time for Congress, and passed them to Mr. Adams and he put them on the string.

Questions by Mr. PEELLE:

Q. In the counting of your vote, did you compare the vote as counted by you with the vote as shown on the precinct inspector's return with the box at the time?—A. You mean the tally-sheet, or the list of voters; and at the end of the list of voters is a certificate giving the vote received by so and so, and I had that on hand and compared it every time and made a note.

Q. That was not the tally-sheet?—A. Yes, sir. Well, it is not the tally-sheet; it is the resume from the tally-sheet where they put a certificate at the end of the list of voters.

Q. Then, as I understand, the vote counted by you was compared with the total vote carried out on the tally-sheet by the clerks?—A. Yes, sir; the deviations, and I had before me, when I made this statement, the statemant from the Journal, I think it was, and the general canvass returned by the board of canvassers.

Q. Did you make any comparison of your vote with the count as returned by the board of canvassers on the canvass sheet?—A. No, sir; not the official canvass-sheet, but I did on those returns that were made—each precinct by itself; then I verified that afterwards with the published statement.

Q. Published statement of the official vote?—A. Yes, sir.

Q. Was the official vote published in the Indianapolis Sentinel?—A. I think it was published in both papers.

Q. Was the official vote published in the Indianapolis Sentinel correctly?—A. I do not know. If you want my private opinion, I would say that I think the Journal is more accurate in these things than the Sentinel, for they have better printers.

Q. What Journal was that; the Journal containing the official vote after the canvass?—A. Yes, sir; after the canvass was made, certainly.

Q. About November 11, 1883?—A. Yes, sir; along about that time. I got a copy. I generally keep one for reference.

Q. That vote, as published in the Journal, is correct?—A. It is a correct copy of the canvass-sheet.

Q. Your comparision was made with the published return in the Indianapolis Journal, and the tally-sheet?—A. Yes, sir.

Mr. WILSON. I will ask you for what purpose it was you made the comparison Mr. Peelle asked you about?

The WITNESS. At the time I took my notes during the count, and for the purpose of seeing the variation between the board of canvassers and my own count.

Q. Have you that Indianapolis Journal, or the table published?—A. I do not know whether I have now or not. I do not know that I have now.

Q. The board of canvassers did not make their report until the second day, did they?—A. They completed it on ——

Q. Friday?—A. I think so; I think they were a long while about it.

Q. And the official report published in the Journal would be Saturday, the 9th?—A. Whenever they were published.

Q. The next day after the canvass board made their report anyhow?—A. Yes, sir.

Q. I will ask you, if in keeping that book of the vote of Mr. Peelle and Mr. English, if you did not keep it by characters rather than figures, part of the time?—A. No, sir; I used figures every time, but I had my heading simply in initials of the wards, that I understood myself.

Q. It was kept in such a way that nobody could understand it but yourself?—A. I think I had "P, on D," "E, on R," "P off R," "E off D."

Q. Was not that book kept in such a way that nobody could understand it but yourself?—A. Without some explanation, I think they would not.

AUSTIN A. BROWN.

By agreement of all the parties the further taking of these depositions was postponed until Thursday, November 22, 1883.

THURSDAY, *November* 22, 1883.

The parties met pursuant to adjournment.

A. G. PORTER, being duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your age and residence.—A. Albert G. Porter; age, 59; residence, Indianapolis, Ind.

Q. What official position have you and do you now occupy?—A. Governor of the State.

Q. You were also at one time First Comptroller of the Treasury?—A. Yes, sir; of the United States.

Q. State if you were in this city at the time of the Congressional election in 1882?—A. I was.

Q. Did you attend the same; and, if so, at what precinct and ward?—A. I attended the same in my ward up there. I forget what it was then; I think it was the 5th ward.

Q. I hand you a ticket headed "Republican ticket," and marked Exhibit No. 1 to the deposition of J. G. Sexton, and I will ask you to state if that is the ticket used at that election, or a similar ticket?—A. I cannot recollect at all; I have no recollection of the kind of ticket used.

Q. I hand you a ticket headed "Democratic ticket," and marked Exhibit No. 2 to the deposition of James C. Yohn, and state if that is the ticket used by the Democrats, if you recollect?—A. I do not recollect.

Q. State if at that election you noticed and observed the tickets as they were being voted folded in the hands of the voters?—A. I think I only noticed my own. I think that a ticket was handed to me from each side, as the custom is, and I made my selection of the Republican ticket and voted it, and I do not think I was any considerable length of time at the polling place.

Q. I will ask you to state if when those tickets are folded, as tickets are ordinarily folded when voted, you can tell or distinguish one from the other by the external appearances?—A. I do not think they could be distinguished; I mean a man carrying it up in his hand as a voter would to the judges.

Q. As tickets are ordinarily folded, I mean. I now hand you ticket headed "Republican ticket," with the words "for President, James A. Garfield," and marked Exhibit F to the deposition of William Wallace, and I will ask you to state if that is the ticked used in 1880, in this city, if you remember?—A. I cannot answer.

Q. I hand you a ticket headed "Democratic ticket," with the words "for President, Winfield Scott Hancock," and marked Exhibit E to the deposition of William Wallace, and I will ask you to state if that is the ticket used by the Democrats, if you remember?—A. I do not remember; I paid no attention to the tickets at the time.

Q. State if when those Presidential tickets, that were just handed you, are folded with the names on the inside as tickets are ordinarily folded when voted, you could or not more readily distinguish them by sight than the tickets which I just handed you voted in 1882, in this city?—A. As they now appear they could be.

Q. Do you notice a difference in the length of those tickets when folded?—A. Yes, sir; but the more marked difference is that one is a flimsy ticket in appearance.

Q. Which is the flimsy ticket?—A. The Democratic ticket; the other is a less worn looking ticket and the more solid looking ticket.

Q. What difference, if any, between the paper upon which that Presidential ticket of 1880, is printed and the paper upon which that Republican ticket of 1882 is printed?—A. I should think that they were the same kind of paper. I have never examined them before. I have not made any minute examination, but I would think they were the same thickness and same kind of paper.

Q. I hand you ticket headed "Republican ticket," with the words "For governer, Albert G. Porter," and marked Exhibit C to the deposition of William Wallace, and I will ask you to state if you have any recollection of that ticket being voted for your-

self in 1880, at the State election?—A. I have not. I have no recollection of the ticket whatever.

Q. I now hand you ticket headed "Democratic ticket" with the words "Democratic ticket" printed across a flag, and marked Exhibit Z to the deposition of James A. Wildeman. and I will ask you to state if that is the ticket used by the Democrats on that occasion.—A. Well, I have no distinct recollection about it. I have been told that this is the one simply.

Q. Have you any recollection of the flag upon that ticket?—A. I think I recollect that the Democratic ticket had a flag on it, though I have no particular recollection of those scrolls.

Q. I will ask you to take those two tickets voted at the State election in this city in 1880 and fold them, if you please, as tickets are usually folded when voted.—A. I do not know how they are usually folded. That (indicating) is about the way I fold mine, usually.

Q. I will ask you to state if there is any difference in the length of those tickets when folded, or the width as you may term it, though the length I refer to more particularly.—A. Yes; there is a difference of one-third to one-half inch.

Q. Which is the shorter of the two tickets?—A. The Democratic ticket is slightly shorter; one-third of an inch shorter, I should think.

Q. I had reference to which was the shortest ticket when folded; not the shortest in length, but the shortest when folded.—A. The Republican ticket is the shortest.

Q. How much shorter, probably?—A. I should think between one-third and one-fourth of an inch.

Q. State if when those tickets are folded as tickets are ordinarily folded they could or not be more readily distinguished by sight than the ticket voted in this city in 1882, when similarly folded?—A. As they appear now, the Republican ticket is a darker color.

Q. From the length of the ticket as it passed from the voter to the inspector could it or not be more readily distinguished than the two tickets voted in 1882?—A. If a voter held it so as to expose both ends it could be, but if the voter held it so as to only expose one end it could not.

Q. As it would pass to the inspector both ends would necessarily be exposed, would they not?—A. Yes, sir.

Mr. WILSON. What tickets are they?

Mr. PEELLE. Those are the State tickets of 1880.

Q. Now, referring to the distinguishing difference between the tickets voted at the State election in 1880, and the Presidential election in 1880, and also the State election in 1882, I will ask you to state if the tickets voted in 1882 would not be less readily distinguished than the tickets voted at either the State or Presidential election in 1880.—A. I should say that the tickets voted in 1880——

Q. At the State election do you mean?—A. At the State election, would be much more easily distinguishable than those voted in 1882.

Q. And what would you say as to the tickets voted at the Presidential election in 1880 as compared with the tickets voted in 1882?—A. Taking the two tickets before me which are made exhibits, as specimens, I should think they would be more easily distinguishable than the tickets voted in 1882.

Q. Can you tell the difference between those tickets, by handling them, voted in 1880 and 1882?—A. Yes; I can between the Democratic Presidential ticket of 1880 and the Republican.

Q. And how is it with reference to the State ticket, when folded, of 1880?—A. By the feeling?

Q. Yes, sir.—A. I should not like to say that I could tell the difference.

Q. Between the feeling of the State tickets in 1880?—A. If I were blind and were to judge merely by feeling, I would not like to say. It seems to me that the Republican ticket feels a little softer, but in relation to smoothness they are about the same.

Q. I will ask you to state what effect the use of the Republican ticket voted in this city in the Congressional election of 1882 had upon the secrecy of the ballot.—A. I understand that the law requires that the ticket shall be plain white paper without a distinguishing mark. There is nothing in the law that requires that one ticket shall be like the other, and they cannot be like one another unless the two parties get together and agree upon the quality of the paper, and I no not see that the Republican ticket is more different from the Democratic ticket than the Democratic ticket from the Republican, and they are both upon white paper, and they are both upon ordinary paper. One is ordinary book paper, that is book paper such as we use in printing such books as we see constantly in the book stores, and the other is such as is used in rather inferior book printing.

Q. I will ask you to state whether or not the secrecy of the ballot was impaired by the use of that ticket.—A. I think not at all.

Q. State if the secrecy of the ballot by the use of that ticket in 1882 was or was not more or less impaired than by the use of the tickets voted in 1880, at the State

election and at the Presidential election.—A. Not more so; and, as the tickets presented to me appear, somewhat less so.

Q. I hand you ticket headed "Democratic ticket," with the words "For secretary of state, John G. Shanklin," and marked Exhibit No. 4 to the deposition of D. M. Ransdell, and I will ask you to state if you recollect whether that ticket was used in this city in 1878 at the State election —A. I do not recollect.

Q. I hand you ticket headed "Republican ticket," and marked Exhibit No. 3 to the deposition of Mr. Randsell, and I will ask you to state if you recollect whether that is the Republican ticket used at the State election or not.—A. I do not recollect.

Q. I see you have folded those tickets; I will ask you to state whether or not you could tell the difference between those tickets by the feeling of them.—A. I could by feeling.

Q. Which is the heavier ticket of the two?—A. The Republican ticket.

Q. I will ask you to state whether or not the tickets used at the election in the city of Indianapolis during the past ten or twelve years by the respective parties have or have not been alike, or whether there has been a difference between the tickets used by the respective parties in the elections in this city, as you remember it.—A. The matter has never impressed me at all; I never have observed.

Cross-examination by Mr. WILSON:

Q. I understood you to say that the Republican ticket shown you by Mr. Peelle, which he says was voted in November, 1882, was on a quality of book paper that you have seen in the book-stores, and that the Democratic ticket was on an inferior grade or quality of paper; what do you mean by book paper?—A. I mean paper used in printing books.

Q. Do you know the difference between book paper and plate paper?—A. I do not know what plate paper is.

Q. Then you do not know the difference between book paper and plate paper?—A. I do not.

Q. Might not this Republican ticket be on plate paper?—A. It might be on paper which is used for making plates, but that is a kind of paper that is used in making books.

Q. Could not plate paper be used in making books, too?—A. Of course it could. I do not mean by what I say that that is only plate paper, and it is, in the books I have spoken of, used for plates, but the paper upon which the printed matter appears—the printed paper.

Q. How can you tell that a book is printed on book-paper, as you term it, when you say you do not know the difference between book and plate paper?—A. I say that I do not know that there is a difference; I say that I do not know them as two distinct papers—one known as book-paper and one as plate-paper.

Q. Do you know what plate-paper is—to go back to that?—A. No, sir.

Q. How do you know that books are printed upon what is termed in the trade as book-paper?—A. Because it is the kind of paper upon which books are constantly printed.

Q. Books can be printed on almost anything.—A. They are not constantly printed upon anything.

Q. I understand you to say that this Republican ticket is printed upon the character of paper that books are constantly printed?—A. I think so.

Q. And usually printed?—A. I did not say usually printed; I think this is a heavier paper than cheap books are usually printed upon.

Q. Can you give us the name of any book that is printed on material like that Republican ticket?—A. I think books that are printed for Christmas books and those books that are fancy books are printed on paper as thick as that. I think I could show you in any book store quite a number of books printed on as heavy paper as that. I should think so; I speak without having examined it.

Q. Juvenile books are printed upon material much heavier than that?—A. I do not know.

Q. Have you seen children's books printed upon what is termed cloth-paper or cloth?—A. Not to know it by name. My experience has been in the heavier class of book-paper; for example: I have been a book printer myself to some extent in printing the reports of the decisions of the supreme court, and I know there is quite a difference between the papers used in printing books; some will be a heavier quality than others, and some contain much more linen stock and much more cotton, and some contain straw, and they may be of equal weight or about the same weight.

Q. You were supreme court reporter once?—A. Yes, sir.

Q. And you printed, as you recollect, how many volumes?—A. Seven.

Q. Was any one of those volumes printed upon material as thick as the character of the material upon which that Republican ticket is printed?—A. No, sir; I do not think they were.

Q. Take that Republican ticket that Mr. Peelle showed you, and I will ask you to take this ticket, marked Exhibit No. 1 to the deposition of W. O. De Vay, and I will ask you to tell the difference between those, if any, in finish, in thickness, in quality, in stock, or in any other way?—A. I do not perceive any difference. I do not discover any. There may be.

Q. I will ask you did you ever know a book printed in this State on material as thick as that Republican ticket, whether by the State, individual, or otherwise?—A. I do not think I have ever noticed any books in this State except the ordinary plain books, printed upon the ordinary or cheap papers, such as the books that are ordinarily printed by the State, such as documentary journals, State laws, &c., and the decisions of the supreme court.

Q. Do you know the average weight of what is called ordinary book paper sheets 25 by 38?—A. I do not know. I once knew, but I do not now. I have had no occasion for over 25 years to have anything to do with printing books.

Q. You stated that the Republican ticket was on white paper; do you say plain white paper? Explain what you mean by plain white paper.—A. I mean without any figures or distinguishing marks. I mean white paper, that it is plain white paper, and not paper figured with any marks upon it to distinguish it.

Q. I will call your attention to a specimen, marked Exhibit B to the cross-examination of Mr. Salisbury. What would you call that? Is that plain white paper? Is it white?—A. Well, on one side it is white. I would say that the reverse side of it is white, and the other side of it is as white as the paper upon which the reports of our State officers are published, and I think whiter; and they are required to be on white paper.

Q. So you would regard that as white?—A. Yes, sir.

Q. You would call that white?—A. Yes, sir.

Q. Is it plain?—A. No, sir; it is not plain.

Q. Why is it not plain?—A. Because it has marks on it as if it was cloth.

Q. Is it an immitation of cloth?—A. Yes, sir. One side of this paper is not exactly the same color as the other. On what I might call the reverse side it is white, and on the other it is less white, though on each side I would call it white paper, if it is paper.

Q. I call your attention to the Exhibit marked "Indianapolis, November 7, 1883, Paul C. Hendricks," shown to C. L. Devine on cross-examination, and at the same time marked be me; also, marked Exhibit No. 1 to the cross-examination of Frank H. Smith; and I will ask you whether that is white?—A. Yes, sir; that would be called a white paper at the State-house, where we are printing our reports.

Q. Is that plain white paper?—A. Yes.

Q. What is your answer to the question as to Exhibit No. 4 to the cross-examination of J. G. Sexton now shown you; is that plain white paper?—A. I should call it so.

Q. I call your attention to Exhibit No. 4 to Mr. Anderson't testimony, and I ask you what that is; is that plain white?—A. I should call it a very poor white; I do not know; I do not think it is.

Q. What is the material out of which that is made?—A. I do not know that.

Q. What color is it?—A. Well, it is about the color upon which a good many of our newspapers that are called white are printed, and I think it is about the color that a good deal of our State printing is done on; that is, it is not absolutely white, but it is called white.

Q. What do you say that material is, if you know?—A. I do not know what that material is; it is all packed together, so I could not tell.

Q. I will ask you to take that Republican ticket marked Exhibit No. 1 to the deposition of Mr. De Vay, and take that Republican ticket Mr. Peelle showed you, marked Exhibit No. 2 to the deposition of James C. Yohn, and say as near as you can what is the difference in the thickness of those papers.—A. Well, there is a difference between a thin book paper and a heavy book paper.

Q. What is the difference; is it once, twice, or three times as thick as the other?—A. I do not know about that; I cannot tell you the relative thickness of things that are so thin as this.

Q. Is there any difference in the finish of those two tickets?—A. The Republican ticket is a somewhat solider ticket.

Q. How long were you around the polls on the day of the election?—A. I have no recollection at all.

Q. Have you any recollection of the tickets that were used that day?—A. None whatever.

Q. Then, when you answer Mr. Peelle's question as to the effect upon the secrecy of the ballot you did not answer from any recollection or knowledge you have or impression made upon your mind that day, but you answered simply as a matter of opinion from the present investigation of those tickets?—A. Yes, sir; that is the way.

Q. Is not this room a little dark?—A. Yes, sir.
Q. Is it a large room?—A. Yes, sir.
Q. With two windows, one of which is right against a brick wall and does not throw a great deal of light in?—A. I ought to say that I have examined two tickets corresponding to these, in my office in a good light, which I have in my pocket. I suppose them to be the same as the ones you have shown me.
Q. When Mr. Peelle asked you the question he did a while ago as to the difference in the thickness of these tickets voted in 1880 and 1882, and even prior to 1880, you folded up the tickets and handled them before answering the question, all except the Republican ticket of 1882, did you not—you did not fold up the Republican ticket of 1882?—A. I do not recollect about that.
Q. Did he not show you Exhibit No. 1 to the deposition of Mr. Sexton, and that ticket has not been folded any, so you were not judging any from the appearance of the tickets as folded then when he was asking you this question, but from the appearance of the tickets as folded loosely?—A. That is my understanding of the question.
Q. I will ask you to look at Exhibit No. 1 to the deposition of Mr. Sexton; has that ticket been folded?—A. It has not.
Q. Was that the ticket Mr. Peelle showed you on his examination?—A. I think it was this, or one similar.
Q. Mr. Peelle asked you if you could tell the difference between those tickets when folded and in the hands of the voter, as ordinarily folded, and my recollection is you said no.—A. I said no, from the handling of two tickets precisely like them, having folded them and looked at them after they were folded—the two tickets I now have in my hand.
Q. And you recollect the difference, and recollect the appearance of the ticket as folded?—A. Yes, sir.
Q. Mr. Peelle then asked you if you could then tell the difference between the tickets voted in 1880 at the State election when folded, and you folded them up, my recollection is, did you not?—A. I think so.
Q. Do you think you could recollect the difference between those tickets without looking at them and without knowing which was which as I hold them in my hand now—as I hold them in my hand now? Do you recollect which is the Republican ticket and which is the Democratic?—A. No.
Q. Then, in answering as to those tickets in the past it required rather a critical and careful examination to tell the difference between them?—A. Between what?
Q. The tickets shown you, voted by the two parties prior to 1882?—A. When folded, do you mean?
Q. Yes, sir.—A. Well, there was a more marked difference between the two tickets of 1880—I mean the Democratic and Republian tickets of 1880—because of the softness of the paper, the Democratic ticket, according to my recollection, being on thinner and softer paper.
Q. Is not the Democratic ticket, voted at the national campaign in 1880, discolored, and is it not worn, and has it not been handled a good deal?—A. Yes. It seems to have been handled, and the creases are somewhat worn.
Q. I will ask you to look at that Republican ticket voted in that campaign in which you were candidate for governor, and I will ask you to state if that ticket is not smooth and glossy paper; look at the back of it and the finish on it.—A. I could not say whether it arises from the glazing or glazing upon papers of different softness. If you glaze upon a soft paper it is less marked than it is upon a hard one.
Q. There is a difference in the appearance in that particular in those two tickets, is there not?—A. In what particular?
Q. As to smoothness, slickness, or glazing?—A. Yes; the Republican ticket is a somewhat slicker ticket. I do not think anybody would notice it when it is folded up, but stretched out it looks slicker.
Q. I will ask you, do you recollect of the Democratic party having used a ticket or material as thick and as bulky when folded as that Republican ticket used in 1882?—A. I have not the slightest recollection of their ticket at any time.
Q. I show you specimen headed Republican ticket, and I will ask you what is the color of that?—A. White paper.
Q. Is it plain white—I mean with the exception of the printing?—A. You are asking me about color?
Q. Yes, sir.—A. It is a whiter paper than they ordinarily use in the State printing, I think.
Q. I will ask you if you can see any difference in the character of the color or in the character of the stock or material of the Republican ticket marked Exhibit No. 1 to the deposition of Samuel Merrill—that specimen I showed you as a Republican ticket?—A. As to the character of the stock I could not decide, because one is in a bulk, and the other is a separate ticket.
Q. I did not ask you about thickness.—A. As to the color, I see no substantial difference, except as one is slightly discolored by handling.

Q. I neglected to ask you that question as to Exhibit No. 1 to Mr. Sexton's deposition, but as a matter of fact there is no difference between the Republican ticket marked Exhibit No. 1 to Mr. Sexton's deposition and Exhibit No. 1 to Samuel Merrill's deposition; those tickets are the same, both of them, put in by Mr. Peelle. I presume they are the same?—A. I perceive no difference.

Mr. WILSON. I offer this specimen showed Governor Porter, which I ask him to compare the color with Exhibit No. 1 to the deposition of Mr. Sexton and Mr. Merrill, and ask that it be made an exhibit to his cross-examination, and identified.

(The specimen will be found attached to this deposition as part thereof, and marked Exhibit No. 1.)

Q. Aside from the thickness I ask you is there any difference in the ticket marked Exhibit No. 1 to your cross-examination, and the ticket marked Exhibit No. 1 to the deposition of Mr. Sexton?—A. Difference in what respect; in color or what?

Q. I did not ask you as to the color. I mean as to the face of the ticket; is it the same ticket, aside from any question of thickness?—A. I do not understand what you mean. If they were the same ticket? If it is the same ticket of course it is the same ticket, and if it is not the same ticket of course it is a different ticket. Do you mean is it like this?

Q. What I was driving at, is it the same thing so far as the printing is concerned, and the same in material? I do not ask you for the difference in the thickness of the two.—A. I cannot tell you about the material, because one of them is in a block.

Q. You have answered that. Now as to the other point?—A. Upon the superficial examination that I now have made, I see no difference between them except that the one in block does not seem to be quite as fresh in color.

Re-examination by Mr. PEELLE:

Q. That block that you have in your hand that Mr. Wilson just handed you; did you ever know printed paper to be manufactured like that, or newspaper to be manufactured that style?—A. It being in a block, I cannot readily tell anything about it.

Q. Did you ever know book paper, or such paper as you have seen to be lithographed or printed upon, anything of that kind, in block form?—A. I do not comprehend the question.

Q. I mean did you ever know print, book, or any kind of paper to be manufactured as that block you have in your hand that purports to be a ticket?—A. That does not purport to be a ticket as I understand; I should imagine it to be many tickets pasted together from the appearance.

Q. I will ask you if there was any necessary limit to pasting those tickets together, and if they could not have gone on and pasted them until they got a foot, or two feet, or five feet, just the same?—A. Of course.

Q. When you answered that the paper upon which that Republican ticket was printed in 1882 was book paper, did you answer that from your knowledge of book paper, and your experience in handling book paper, or did you answer the question as an expert in paper?—A. I am not an expert at all in judging paper; but, from my recollection, I have frequently seen books printed upon as thick paper as this.

Q. And it is from your knowledge thus derived that you answer the question, and not as an expert?—A. Certainly; I am not an expert.

A. G. PORTER.

Exhibit No. 1 to cross-examination of A. G. Porter.—Paul C. Hendricks, Notary Public.

(Omitted. See original, page 1848.)

By agreement of all the parties the further taking of these depositions was adjourned until Friday, November 23d, 1883.

FRIDAY, *November 23rd*, 1883.

The parties met pursuant to adjournment.

N. S. BYRAM, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. What is your name, age, and residence?—A. N. S. Byram; age, 52; residence, Indianapolis, Ind.

Q. What is your business?—A. I am a wholesale drygoods merchant.

Q. What is the name of the firm?—A. Byram, Corneilus & Co.

Q. Were you in this city at the Congressional election in 1882?—A. Yes, sir.

Q. Did you attend the same, and if so, what precinct and ward?—A. I do not think I was there except probably to vote. That was in the second precinct of the 3rd ward.

Mr. PEELLE. I have heretofore objected to the competency of the evidence of Austin H. Brown, with reference to the count of the votes cast for Congress in this city and

this county on the 7th day of November, 1882, but inasmuch as evidence upon that subject was given by Mr. Brown over my objection, I shall now offer evidence simply to meet that evidence, and in case the evidence of Mr. Brown shall be rejected, I then ask that this evidence with reference to the count of votes cast for candidates for Congress shall be rejected also.

Q. I will ask you to state whether or not you were one of three commissioners appointed by the circuit court of Marion County to recount the votes cast for Daniel A. Lemon and James W. Hess for sheriff on the Democratic and Republican tickets, respectively, cast at the general election held on the 7th day of November, 1882?—A. I was.

Q. Who composed that commission?—A. Mr. Austin H. Brown——

Q. (Interrupting). What are his politics?—A. He was known as a Democrat, I believe, and Mr. Adams.

Q. What are his politics?—A. He is a Republican.

Q. And yourself?—A. I am a Republican.

Q. Were you under oath in that count?—A. Yes, sir.

Q. Were you under oath for any other purpose?—A. No, sir.

Q. I mean for any other purpose than that of recounting the vote for sheriff?—A. No, sir.

Q. Was Mr. Brown under oath for any other purpose?—A. Not that I am aware of, sir.

Q. Did you recount the vote for sheriff?—A. Yes, sir.

Q At the time of the counting of the vote for sheriff did you keep an account and make a note of the votes cast for Mr. Peelle and Mr. English, candidates for Congress on the Republican and Democratic tickets, respectively?—A. I think after the first day.

Q. What ward did you commence that in?—A. I commenced it with the 10th ward.

Q. Did you keep the count from the 10th ward until the final count?—A. Yes, sir.

Q. Did you count all the precincts of the several wards and townships from the 10th ward in the city up to the end?—A. Yes. sir.

Q. What up to that time had been the result, if you know, of the vote for Congressman in the wards from the first to the 9th, both inclusive?—A. Well, I do not know what the result was up to that time, except that in one of the precincts of one of the wards Mr. Brown called my attention to a discrepancy of 9 votes for Mr. English that he had credit with that he should not have had.

Q. Can you state what ward that was in?—A. I could not, but I think it either the 4th or 6th ward. I am not positive.

Q. That there was a discrepancy of 9 votes there?—A. I think it was 9.

Q. In Mr. Peelle's favor?—A. No, sir.

Q. Now, was there any other that you know of from the 1st to the 9th ward, inclusive?—A. I am not positive, but I have an indistinct recollection that there was a discrepancy of two votes somewhere else.

Q. Who was it in favor of?—A. In favor of Mr. English; I have an indistinct recollection of that; I do not know positively.

Q. Is it your impression that there was two votes counted for him that should not have been counted, or how was it?—A. That is the impression I got.

Q. That there had been two votes counted for him that should not have been?—A. Yes, sir; or, in other words, that the tallies for him showed two more than the tickets in the box showed, or the tickets we had before us.

Q. Have you any recollection of errors occurring in any of the rest of the precincts for Congressman from the 1st to the 9th, inclusive?—A. No, sir; I do not know of any.

Q. You say Mr. Brown pointed those out to you?—A. Mr. Brown pointed one of them out to me, and where I got that impression of the other I do not know.

Q. Was that one of the commissioners, Austin H. Brown?—A. Yes, sir.

Q. You say you counted the votes cast in the several precincts of this county from the 10th ward on?—A. Yes, sir.

Q. Did you count all the votes that were cast?—A. All the tickets you mean?

Q. Yes, sir; I mean all the tickets.—A. Yes; I tried to do it—at least all the tickets passed through my hands—every one of them

Q. Who took the tickets out of the box when you were counting them?—A. I did.

Q. Were you the first man to take the tickets out of the box?—A. Yes, sir.

Q. To whom did you hand the tickets when you took them out?—A. To Mr. Brown.

Q. And Mr. Brown handed them to whom?—A. To Mr. Adams.

Q. What did Mr. Adams do with the tickets?—A. I think, probably, for the first day he strung them, and afterwards he passed them to either Mr. Hess or Mr. Lemon, and they were strung by one of those two gentlemen.

Q. One of the candidates?—A. Yes, sir.

Q. State at whose instance you kept an account from the 10th ward or for candidates for Congress.—A. At nobody's instance but my own.

Q. Did you make any comparison of the votes counted by you with the vote returned by the board of canvassers?—A. At that time, do you mean?

Q. Yes, sir; or since.—A. Yes, sir.

Q. Did you make the comparison with the vote as returned by the board of canvassers?—A. Yes, sir.

Q. From the canvass sheet?—A. Yes, sir.

Q. When you would get through counting a precinct, what, if anything, was said by you or Mr. Brown with reference as to how the vote stood for Congressman?—A. Well, I sometimes asked Mr. Brown how the vote stood for Mr. English or Mr. Peelle, how he had it; and sometimes he would ask me how I had it.

Q. What was done at the end of each precinct there, if anything?—A. If our results were not alike, there was frequently corrections made or the work gone over again, and a memorandum was kept to show, and sometimes corrections were made.

Q. Did Mr. Brown make some corrections or not, as you went along?—A. Yes, sir.

Q. Did you make some corrections sometimes?—A. I think probably I did, in one or two instances.

Q. What kind of corrections did you make?—A. I could not tell, except I tried to make them compare with Mr. Brown's figures.

Q. How many times were those corrections made?—A. That is a question I could not answer. I do not know.

Q. Was it pretty general, or was it only a few times?—A. It was only a few times.

Q. Was there any time when Mr. Brown refused to make corrections to correspond with your count?—A. Not that I know of; he never refused to do it; no, sir.

Q. How did you keep the count of the candidates for Congress?—A. I kept a tally of them as I went along.

Q. Did you retain the total vote of each precinct from the 10th ward on?—A. Yes, sir.

Q. Have you any statement made from any memorandum that you then kept?—A. I have; yes, sir.

Q. In that statement did you take in account all the errors in the wards from 1st to the 9th, both inclusive?—A. No, sir.

Q. In that statement did you accept the vote as returned by the board of canvassers from the 1st to the 9th, both inclusive?—A. Yes; I took it as returned as I found it in the clerk's office.

Q. You did not in your statement, then, give Mr. Peelle the benefit of the votes you say Mr. Brown pointed out to you as being in his favor?—A. No, sir.

Q. Have you that statement with you?—A. Yes, sir.

Q. Did you accept the vote as returned by the board in the 2d precinct of the 12th ward?—A. Yes, sir.

Q. If you have a statement of that result I wish you would produce it and read it.

(Objected to in so far as this evidence seeks to impeach his own witness, Mr. Brown, offered by Mr. Peelle.

Objected to on the ground that a party cannot impeach his own witness under the circumstances.)

Mr. PEELLE. In reply to the objection made, I state that I recalled Mr. Brown to cross-examine, expecting him to return the book containing the count and memorandum which he claimed in his examination-in-chief he had kept.

A. Do you want me to read this?

Q. Yes, sir; you have the statement there, and you can read it.—A. (Witness reading:) "In the contested-election case of Daniel A. Lemon *vs.* James W. Hess, for the office of sheriff of Marion County, Indiana, I was one of the commissioners appointed by the judge of the circuit court of said county to recount the vote cast on the 7th day of November, 1882, for said Lemon and Hess for sheriff, respectively; and while performing that duty I voluntarily kept the count of the votes cast at said election for Stanton J. Peele and William E. English, respectively, candidates for Congress from the seventh Congressional district of Indiana. All the ballots cast at said election except those from the second precinct of the 12th ward of the city of Indianapolis, as returned by the several officers of said election, passed through my hands, and according to the count made by me, allowing two hundred and ninety votes as returned by the election officers of the second precinct of the twelfth ward of the city of Indianapolis, Mr. Peelle received 12,794 votes, and allowing one hundred and ninety-two votes as returned from the said twelfth ward, Mr. English received 12,207 votes, making a majority for Mr. Peelle of 767 votes as cast in Marion County, Indiana."

NORMAN S. BYRAM.

Q. Have you signed that paper?—A. Yes, sir.

Mr. PEELLE. I now offer this as part of the evidence of the witness, and ask that it be marked as an exhibit to his deposition.

(The paper will be found attached to this deposition, as a part thereof, and marked Exhibit No. 1. The contestant objecting to its admission as incompetent, irrele-

vant, and immaterial, and because it seeks to impeach his own witness, who has testified on that subject already.)

Q. On about how many Democratic tickets in the boxes you handled was Mr. Peelle's name written or pasted over and voted for Congress instead of Mr. English?—A. That is a question that a man will have to guess at, as to the answer of it; I should think there was between four and five hundred; there were a great many, I think.

Q. Did you count the vote cast for the Greenback or National candidate for Congress?—A. No, sir.

Q. Do you remember what the vote was as returned for the Greenback candidate?—A. I remember what the canvass-sheet shows; I think it is 390.

Q. How many Democratic tickets were there in those boxes with Mr. English's name scratched off and no one voted for for Congress?—A. I would think that there was somewhere from 100 to 150.

Q. How many Republican tickets were in there upon which the name of Mr. Peelle was scratched off and no one voted for?—A. There was 25 or 30; that would be my judgment on it.

Q. How many Republican tickets were there in the boxes upon which the name of Mr. English was written or pasted over and voted for for Congress instead of Mr. Peelle?—A. Well, I do not know; between 25 and 50, I would suppose.

Q. You do not pretend that these several amounts which you have given are accurate?—A. No, sir; that is a matter that I have not thought of.

Q. You are giving them simply as an impression from the tickets that passed through your hands, are you not?—A. Yes, sir; that is all.

Q. What opportunities had Mr. Brown for counting the tickets different from you?—A. He had no different opportunities; the tickets all passed through his hands the same as mine; he handled every ticket there was in the box.

Q. After you?—A. Yes, sir; after I had them.

Q. In the counting of those tickets of the candidates for Congress, what is your best judgment as to whether or not the count made by you is or is not correct?—A. Well. it was as correct as I could make it under the circumstances.

Q. You were there for another duty?—A. Altogether; yes, sir.

Q. And it was the counting of the votes for sheriff that you paid special attention to, and for which you had been appointed by the court?—A. Yes, sir.

Q. At the conclusion of the count of the ballots for sheriff, what was said, if anything, in the presence of Mr. Brown as to what would be the result on a recount of the votes cast for Mr. Peelle and Mr. English?

(Objected to as purely hearsay and incompetent and irrelevant.)

A. The matter was talked over there among us as to what the result would be in reference to this Congressional vote, and it was said and conceded there by the parties that Mr. Peelle's vote—that the gain for Mr. Peelle would be over the gain for Mr. Hess, or what we gained for Mr. Hess.

Q. That the vote would be larger?—A. That the vote would be larger.

Q. That the gain on a recount would be more than there was on the recount for sheriff?—A. Yes, sir.

Q. What was the recount for sheriff?—A. I have forgotten exactly; I think maybe 49.

Q. For the Republican candidate for sheriff?—A. Yes, sir; for Mr. Hess.

Q. Was Mr. Brown present during that conversation?—A. He was in the room; yes, sir.

Q. Who made the statement, if you remember, that the vote for Mr. Peelle would gain?—A. I think I made the statement myself.

Q. What did Mr. Brown say?—A. I do not know that Mr. Brown said anything. All of us were talking there in reference to the matter.

Q. Did Mr. Brown at any time state that Mr. Peelle's vote would be less on a recount?—A. Not that I heard, sir.

Q. How did the vote on the candidate for sheriff stand from the first to the 9th ward, inclusive?—A. At the end of the 9th ward Mr. Hess had gained two votes.

Q. Do you mean that he had gained two votes, allowing for whatever errors may have occurred for and against the several candidates?—A. Yes, sir. There had been losses and gains on both sides, but at that time, at the end of the recount of the 9th ward, Mr. Hess's gain was two.

Q. I understand you to say that at the time of the count of this vote cast for the candidates for Congress you made no comparison of the vote counted by you with the vote as returned or as shown on the tally-sheet?—A. I do not think I did at that time.

Q. Did Mr. Brown?—A. I do not know whether he did or not. We had a newspaper there that we were comparing with.

Q. Did Mr. Brown compare with the newspaper?—A. Well, I think so; I am not positive about that.

Q. Was it a table published in the Indianapolis Journal that you compared it with?

—A. I cannot tell you what paper it was published in, but it was in some newspaper that had a table published.

Q. Did you compare the table as published, purporting to be the official vote published in the Indianapolis Journal on November 11th, 1880, with the vote as returned by the board of canvassers?—A. Yes, sir.

Q. Did you find the vote as published in the Journal correct?—A. Except in one instance.

(Objected to on the ground that the Journal vote, as taken as a standard by the comparison of the contestee, it would be the best evidence itself of the vote as recorded in the Indianapolis Journal.)

Q. You say it was correct except in one instance?—A. Yes, sir.

Q. Was that instance in favor of or against Mr. Peelle?—A. It was against Mr. Peelle.

Q. What precinct or township was that?—A. It was in one of the out townships, but I have forgotten what it was; I think probably it was the first township after we left the city.

Q. What precinct of that township?—A. I think it was the first precinct.

Q. Was it the first precinct of Lawrence or Washington Township?—A. Washington Township; I do not recollect exactly.

Q. Do you remember what the total vote as returned by the board for Mr. Peelle was in the 1st precinct?—A. Yes, sir; 152 votes.

Q. What was the vote as published in the Journal?—A. 151.

Q. Who was present at the time of the counting of those votes?—A. The commissioners, Mr. Brown, Mr. Adams, and myself, and Mr. Lemon and Mr. Hess and Mr. Tarkington and two gentlemen there that I have forgotten, but they were the clerks.

Q. Was Mr. Hawkins present?—A. Yes, sir; Mr. Hawkins was there.

Q. Was Mr. Perry present?—A. Yes, sir; Joe Perry was one of them.

Q. Was Smith Myers present?—A. Yes, sir; and I think some one else there that represented Mr. Lemon and Mr. Frank Woolen.

Cross-examination by Mr. WILSON:

Q. How many days did it take you to make that recount for the sheriff?—A. We were there 5 days and 4 nights.

Q. What day did you commence?—A. I think it was on Tuesday.

Q. What hour of the day?—A. About 9 o'clock, but it was probably nearly noon before we got to the counting.

Q. What day did you stop?—A. We stopped Saturday.

Q. What hour in the day?—A. About 4 o'clock.

Q. On Saturday afternoon?—A. Yes, sir; when we got through.

Q. Were you counting all the time, day and night?—A. We counted all day and part of the night; we did some sleeping, and the first night we counted until 12 o'clock, and the second night, I think, we counted until one o'clock; we did not get through until Monday. We were there over Sunday. We did not commence Tuesday; Thursday is when we commenced.

Q. What day did you commence?—A. Thursday.

Q. About 9 o'clock, and got to counting along towards noon?—A. Yes, sir.

Q. You quit on what day?—A. We quit on Monday.

Q. Monday about 4 o'clock?—A. We got our count through Monday morning about 3 o'clock; two or three o'clock; three o'clock in the morning, I think.

Q. You mean at night?—A. Yes, sir.

Q. Sunday night at 3 o'clock?—A. It was Monday morning.

Q. You got through about three o'clock on Monday morning, that is, Sunday night in the morning?—A. Yes, sir.

Q. You commenced on Thursday?—A. Yes, sir.

Q. How late did you count, Thursday?—A. Until about 12 o'clock at night.

Q. How late did you count, Friday?—A. I think it was about one o'clock.

Q. How late did you count Saturday night?—A. Between one and two o'clock.

Q. What did you do on Sunday?—A. We counted ballots.

Q. All day?—A. Yes, sir; except at intervals when we would take a rest.

Q. How many wards are there in this city?—A. 25.

Q. How many precincts?—A. I do not know how many precincts; I think in the neighborhood of 64; between 50 and 60.

Q. How many precincts in the county, if you know?—A. I do not know.

Q. Do you know how many townships we have?—A. I think there are eight.

Q. Do you know how many precincts we have to the township?—A. I do not, without figuring.

Q. What time of day did you commence keeping the vote for Congressman?—A. I cannot tell you what time of day it was.

Q. What day did you commence?—A. On Friday, the second day.

Q. You commenced on Friday?—A. Yes, sir.

Q. In the afternoon?—A. I do not know whether it was in the afternoon or forenoon, or what time it was.

Q. You do not recollect what time of day on Friday you commenced?—A. No, sir; I know it was the second day of our count that I commenced to keep it.

Q. Are you certain that it was on Friday?—A. I think it was; yes, sir.

Q. Why are you certain it was on Friday?—A. Because it was the second day we had been counting.

Q. When did you make the discovery you referred to, that Mr. Brown was keeping count?—A. From the time he commenced counting the votes.

Q. You knew it from the time he commenced counting the votes?—A. Yes, sir.

Q. Yet you did not commence yourself until Friday?—A. No, sir.

Q. And you do not know what time on Friday?—A. No, sir.

Q. Yet you can tell us how late you worked on the various nights?—A. Yes, sir.

Q. And how long you worked?—A. Yes, sir.

Q. And you cannot tell us what time Friday, whether it was the forenoon or afternoon, or Friday night, that you commenced keeping count on Congressmen?—A. No, sir; I cannot tell you the time.

Q. How many precincts did you count the first day?—A. I do not know.

Q. How many wards did you count the first day?—A. I cannot tell you.

Q. How many wards did you count the second day?—A. I cannot tell you.

Q. How many wards would you count in a day, on an average?—A. I do not know; I never made any estimate. We counted until it got time to quit, or until we concluded to quit, and the next morning we commenced where we left off.

Q. You counted in each instance until after 12 o'clock at night?—A. Yes, sir.

Q. And you were counting sometimes until one, and on one occasion until later, you say?—A. Yes, sir.

Q. You say you commenced on the 10th ward to count?—A. The 10th ward.

Q. What precinct in that ward?—A. The first precinct.

Q. You knew Mr. Brown was keeping the count all along?—A. Yes, sir.

Q. And you commenced on the tenth ward? –A. Yes, sir.

Q. Where are the 1st, 2d, 3d, 4th, 5th. 6th, 7th, 8th, and 9th wards located?—A. The 1st ward is located in the northeastern part of the city, and the 2d ward is located just west of it, and the 3d ward is located west of that. The 4th ward is located west and south of the 3d ward. The 5th ward is south of the 4th ward. The 6th ward is east of the 5th ward. The 7th ward is east of the 6th ward. The 8th ward is east of the 7th ward, and comes down to Washington street southeast. The 9th ward is west of the 8th ward, and includes the court-house.

Q. How many of those wards are north of Washington street?—A. All of them.

Q. All of these wards that you refer to are north of Washington street that you did not count, with one exception, had a majority of the Republicans on the election board—they all had a majority of Republicans on the election board, and all had a Republican inspector but one?—A. I think they all had Republican inspectors.

Q. All of those you have mentioned have?—A. I think so; I do not know positively, but that is my judgment about it.

Q. Do you recollect what is the political complexion of those wards you named, whether they have Democratic or Republican majorities?—A. They have Republican majorities, all of them, I think, except the 8th ward.

Q. Very strong Republican majorities?—A. Some of them; yes, sir.

Q. Is it not true that north of Washington street is considered the Republican portion of town?—A. Yes, sir.

Q. And south of Washington street is Democratic?—A. Yes, sir.

Q. You stated that Mr. Brown called your attention to an error of 9 votes against Mr Peelle; that is, 9 votes which had been counted for Mr. English which ought to have been counted for Mr. Peelle?—A. No, sir; I do not say that.

Q. What did you say?—A. I said he called my attention to a discrepancy of 9 votes that Mr. English was credited with; I do not say positively it was 9 votes. He was credited with some 9 votes he was not entitled to.

Q. Who was entitled to them?—A. There was that many more votes than the proper tickets showed.

Q. Are you certain he said it was 9 votes?—A. That is my recollection; I am not positive. It was in that neighborhood.

Q. What day was that?—A. That was the first day.

Q. He was keeping the count?—A. Yes, sir.

Q. Is that the only error he called your attention to?—A. That is the only error he called my attention to, I think, except I said I got the impression there were two more votes in some other precinct.

Q. Those are the only two errors he spoke of at all?—A. Yes, sir; that is all, I think.

Q. Did he call your attention to any errors against Mr. Peelle?—A. No, sir; not that I am aware of; not that I recollect of.

Q. Throughout that count that lasted that time, he spoke of only two errors that he had found?—A. No, sir; when I got to counting then we compared, as I stated. We compared at the end of the count. When we would get through with a precinct Mr. Brown would ask me how the vote for Peelle and English stood, or else I would ask him, and it was frequently done in that way, one way or the other.

Q. You never counted the votes in those wards prior to the 10th, did you?—A. No, sir.

Q. You never made any count of them?—A. No, sir; except in my statement I have taken those in that statement as reported by the board of canvassers.

Q. Do you know whether it is correct?—A. I do not, sir.

Q. You do not know how many errors there were in that count?—A. I do not.

Q. Then you cannot say that the statement you made there is correct as a recount?—A. I never stated that it was; I have taken it as my best impression.

Q. Your statement of that recount is made up from your best impression and recount of the precincts?—A. Yes, sir; it is made up from the record. I kept from the 10th ward down to the end of the count, and the 290 votes that were missed from the 12th ward, and the vote as returned by the board of canvassers up to and including the 9th ward.

Q. In other words, you did not take into consideration any errors which may have occurred against Mr. English in the first 9 wards at all?—A. I have made no count; I have taken the vote as returned by the board of canvassers.

Q. So that is not a complete recount you have given us?—A. No, sir; it is complete except the first nine wards.

Q. In counting the vote on sheriff did you find many errors?—A. Yes, sir; a few.

Q. You found a few errors?—A. Yes, sir.

Q. Only a few?—A. Only a few; what do you mean—in the whole county?

Q. Yes, sir; in the whole county; I do not ask for net results; I am asking for errors.—A. We found a number of errors.

Q. Did you find them in each precinct?—No, sir; there were some precincts we did not find any in.

Q. What was the proportion of errors you found in the precincts? I do not ask for the net result of each precinct and the number of errors that may counteract each other, &c., but the absolute number on each side?—A. Do you mean pro and con?

Q. Could you guess at that? Mr. Peelle has been calling for some guesses here on some things.—A. I could tell by making my calculations exactly what the errors were.

Q. Have you the figures so you can make a computation?—A. I have not them with me.

Q. You never made that computation?—A. No, sir.

Q. You can make as fair a guess at that as you could at the number of tickets scratched with nobody's name on the Democratic ticket for Congress?—A. I suppose I could.

Q. And you could come as near to it?—A. Yes, sir; I suppose so.

Q. I will excuse you from answering that, as that is not considered evidence. How did you keep that count on Congressmen?—A. I kept it by tally.

Q. How do you mean?—A. By counting the tickets and tally; what we call a tally is five.

Q. You counted the tickets and every five ballots you tallied?—A. Yes, sir; every five tickets I would tally.

Q. And you counted the tickets, and when you spoke just now of counting the votes, you mean counting the tickets?—A. Yes, sir; counting the tickets.

Q. How long would it take you to count a precinct, an average precinct?—A. I do not recollect exactly; probably we would count one in an hour, and sometimes less; and sometimes it would take longer.

Q. Would you make a memorandum as you counted the tickets?—A. Yes, sir.

Q. Sometimes it would take an hour and sometimes more?—A. Yes, sir; and sometimes less.

Q. But it would average an hour, about?—A. Well, I do not hardly think it would average an hour; I do not think it would; some of the precincts we counted over as much as three times.

Q. What stage of the recount was that?—A. I do not know; in two or three instances where we would find an error that looked as if it was too large, there would be a recount of it to see whether we were correct or not.

Q. Was that towards the last or first?—A. It was two or three different times, I think, probably; my recollection is, now, that the first one or two we counted in the 6th ward over twice, but I am not positive about that; still, I think we did; one of the precincts, I mean, and not the whole ward.

Q. What other precincts do you recollect of having counted twice or three times?—A. I recollect of counting a 12th ward precinct over twice.

Q. What other precinct?—A. I think the 24th ward we counted over three times, maybe.

Q. Any other precinct?—A. Yes, sir; but I could not designate. There was some precincts over in the country we counted over twice.

Q. When did you strike the country in your count?—A. That I am unable to say; I think along about the third day, but I am not positive about that.

Q. You think you struck it about Saturday?—A. Some time, I think, about Saturday.

Q. What time on Saturday?—A. That I do not know.

Q. In the morning or afternoon?—A. I could not say.

Q. At whose instance was it you commenced keeping this count on Congress?—A. At my own instance.

Q. Did anybody suggest it to you?—A. No, sir.

Q. Did you tell anybody that you were going to do it?—A. Yes, sir.

Q. Who did you tell?—A. I think I told Mr. Adams; and I told, I think, Mr. Hawkins, but I am not positive; I told some one.

Q. Did you tell Mr. Brown, too?—A. I do not know; I might have possibly told Mr. Brown, but I do not recollect.

Q. When was this writing made out?—A. I made it out this morning.

Q. You reduced this to writing this morning?—A. Yes, sir.

Q. Exhibit No. 1 to your deposition—that contains a statement?—A. Yes, sir.

Q. Whereabouts did you make it?—A. In my store.

Q. Who was with you?—A. Nobody; I was in my office; there was nobody with me, except, probably, the office boys were in the office, and perhaps Mr. Cornelius.

Q. At whose suggestion was this made?—A. Mr. Peelle asked me to make it.

Q. So it was reduced to writing on the 23d day of November, 1883?—A. Whatever the day of the month is to-day.

Q. You finished the count on what day?—A. It was on Monday morning, but I do not know what the date was.

Q. You finished it some time in November, 1882?—A. I do not know whether it was in the month of November or not.

Q. It is about a year ago?—A. Yes, sir.

Q. This is not dated?—A. No, sir.

Q. It is not sworn to?—A. No, sir.

Q. In this memorandum that you have introduced here, and marked Exhibit No. 1, you say, "In the contested election case of Daniel A. Lemon *vs.* James W. Hess, for the office of sheriff of Marion County, Indiana, I was one of the commissioners appointed by the judge of the circuit court of said county to recount the votes cast on the 7th day of November, 1882, for said Lemon and Hess for sheriff, respectively, and while performing that duty I voluntarily kept the count of the votes cast at said election for Stanton J. Peelle and William E. English, respectively." You say, "I voluntarily kept count of the votes cast;" do you mean to say by that that you kept count of all the votes cast?—A. No, sir; I do not mean to say that. I mean to say I kept an account of the votes cast from the 10th ward.

Q. Then this statement is incorrect when you say you kept an account of the votes cast for Stanton J. Peelle and William E. English: "I voluntarily kept count of the votes cast at said election for Stanton J. Peelle and William E. English." Then it is incorrect if it purports to mean that you kept count of the votes?—A. It is correct in so far as you have examined me on the question. I can tell you how it was done, exactly.

Q. I ask you this: is this statement here correct when it reads that you counted the votes cast at said election for Stanton J. Peelle and William E. English?—A. It is not correct; there may be a discrepancy in the first nine wards of the city.

Q. Then, when it reads that you counted the votes cast at that election, does it mean that you did not count the nine wards?—A. That is it; it means that; that is what I mean by it. I mean to say I counted all the votes from the 10th ward to the end of the canvass, and the first nine wards I did not keep any count of.

Q. Then this should read, "that I voluntarily kept count of the votes cast at said election for Stanton J. Peelle and William E. English, respectively, candidates for Congress, commencing with the 10th ward and from that on?"—A. Yes, sir.

Q. (Reading.) "All the ballots cast at said election, except those from the second precinct of the 12th ward of the city of Indianapolis, as returned by the several officers of said election, passed through my hands, and according to the count made by me, allowing 290 votes as returned by the election officers of the 2d precinct of the 12th ward of the city of Indianapolis, Mr. Peelle received 12,974 votes, and allowing 192 votes as returned from the said 12th ward, Mr. English received 12,207 votes, making a majority for Mr. Peelle," &c. That is the rest of this. Now, you say that all the ballots cast at said election, except those from the 2d precinct of the 12th ward in the city of Indianapolis, passed through your hands; you did not count all

those ballots on Congress as they passed through your hands?—A. All except, as I say to you, the first nine wards.

Q. Then whilst they passed through your hand in the count for sheriff you did count them for sheriff, yet you did not keep count of the first nine wards for Congressman?—A. No, sir

Q. And this language does not intend to mean that you did keep the count?—A. I don't want it to mean that.

Q. And you say, "Upon the count made by me, allowing 290 votes," &c. Now, you mean by that, that taking the reports from the other wards and taking the count that you made of the rest of the vote for Congress, this is the result you reached?—A. Yes, sir; that is just exactly what I mean.

Q. Did you ask Mr. Brown how the count was running along whilst he was keeping the count on the first precinct, from the first ward down to the 10th?—A. I do not know that I did.

Q. You asked him afterwards?—A. Yes, sir; when we were both tallying. I do not know that I asked him every time; I think probably the information was furnished without the inquiry either by him or I.

Q. He and you did compare figures along from the 10th ward up?—A. Yes, sir.

Q. How often was that done?—A. I do not know how often; I think pretty near every time that a precinct was counted out.

Q. How did you agree?—A. Sometimes we agreed, and sometimes we disagreed a little.

Q. Was it approximately an agreement, or was there considerable variance?—A. My recollection is there was not much variance. As I said before, there were frequent corrections made.

Q. When there were discrepancies, you say you would correct them?—A. There were corrections made, I think, by both of us.

Q. You spoke of a number of Democratic tickets with Mr. Peelle's name written or printed on them or pasted on. Did you keep a memorandum of that sort?—A. No, sir.

Q. Did you try to charge your memory with anything of that sort?—A. No, sir.

Q. Is it not true that what you said on that subject is a mere guess?—A. I said so in my testimony—that it was guesswork.

Q. And the same thing is true as to the number of Republican tickets with Mr. English's name written or pasted on?—A. Certainly; yes, sir.

Q. The same thing is true as to the number of Democratic tickets without any Congressman voted for?—A. Yes, sir.

Q. And the same thing is true as to the Republican tickets without any Congressman voted for?—A. Yes, sir.

Q. When was it you made the comparison with the vote found, as you say, in the Indianapolis Journal?—A. For Mr. Peelle?

Q. Yes, sir.—A. I made it to-day; the Indianapolis Journal and the canvass-sheet is what I understand you to mean. I made the comparison of the figures in the Journal and the canvass-sheet to-day.

Q. Mr. Peelle asked you, when you made the statement that you have testified to concerning the result of the recount on Congress, what Mr. Brown said; I understand you to say that Mr. Brown said nothing when you made that statement.—A. I do not recollect of his saying anything.

Q. Did Mr. Brown say anything?—A. I do not know that he did; I do not recollect that he did say anything.

Q. Was Mr. Brown present when you made that statement?—A. Yes, sir.

Q. Whereabouts was that?—A. In the room where we did our counting.

Q. When was that statement made?—A. After we got through with the count.

Q. Sunday morning?—No, sir; some time Monday; we went to bed after we got through.

Q. As soon as you got through you went to bed?—A. I guess we took a lunch, may be before we went to bed; we ate a lunch and then went to bed.

Q. Going back to that comparison when you compared your memorandum which you refer to with the tally-sheet that you had?—A. I did not compare it with the tally sheet I had over there at all.

Q. When did you compare it with the return?—A. Some time this week; I do not know what day it was.

Q. You made a comparison some time this week?—A. Yes, sir.

Q. Where did you get that return?—A. In the clerk's office.

Q. It was there that you made the comparison?—A. Yes, sir.

Q. It was there that you discovered the difference?—A. No, sir.

Q. When did you discover the difference?—A. Which?

Q. The difference between the precincts as you counted them and the return for those precincts by the officers.—A. I found the difference there; yes, sir; and when they were counted I found there was a difference as we went along.

Q. How did you get the difference?—A. The total difference, you mean?

Q. No, sir; the difference as you went along.—A. Compared it there; we had the list and the tally sheet before us.

Q. Then you made a comparison at that time with the tally-sheet of the inspector?—A. Yes, sir.

Q. Then, do I understand you to say you did make a comparison with your memorandum by precincts at that time, as you went along, with the tally-sheet of the official return of the inspector?—A. That is my recollection, that I made a comparison at that time; I am not positive of it, but think we did.

Q. Did you make it?—A. Well, I think so, but I am not positive about it.

Q. Did Mr. Brown make it?—A. I do not know; possibly he did.

Q. Now, did he not make it right there?—A. I do not know. I think so, but I am not positive about it. I think we both did so far as that is concerned, but I am not positive of that. I know there was a discrepancy as we went along, and I know distinctly because that matter was talked there.

Q. Was that comparison that you made there with the officer's return in trying to see how the vote was running on Congress?—A. I am not positive whether it was with the return, or whether it was with the newspaper or table we had there. It may have been both.

Q. It was with one or the other that you made it?—A. Yes, sir.

Q. You are not certain that it was made?—A. I am not certain it was made, but I think it was.

Q. How many precincts were there in the first 9 wards, if you know?—A. Well, I think there is twenty.

Q. And there are twenty precincts in which you did not receive a vote for Congress?—A. Yes, sir; as many as that.

Re-examination by Mr. PEELLE:

Q. The statement that you have put in evidence here is not based upon the comparison of the vote for Congressman as counted by you with the tally sheet of the vote as published in the Journal, but with the vote as reported by the board of canvassers, is it not?—A. Yes, sir.

Q. You stated, in answer to a question by Mr. Wilson, that the Repnblican wards were in the north part of the city, did you not?—A. Yes, sir; almost all of them are Republican wards.

Q. State where you discovered the most errors, in the north part or southern part of the city?—A. We discovered more in the southern part.

Q. Did you on the vote for sheriff discover any errors in the first and second wards at all?—A. Yes, sir; in the first ward we did, I think.

Q. Did you discover any in the second ward?—A. I am not positive as to that; I do not remember about that; I think in the first precinct we got into we found a discrepancy in the first ward.

Q. Do you remember whether there was any errors on the count for sheriff in the second ward at all?—A. I do not know now.

Q. Do you remember the number of errors on sheriff from the first to the 9th ward; I mean the number of wards in which there was errors from the first to the 9th?—A. I think if I was to make a guess at it I will say that there was four or five wards.

Q. In which there were errors?—A. Yes, sir; small errors.

Q. You stated, in answer to one of Mr. Wilson's questions, that you sometimes counted the votes in many of the precincts two or three times over?—A. Yes, sir.

Q. On the vote for sheriff?—A. Yes, sir.

Q. Why would you go back and count the votes over for sheriff?—A. Well, we would find some discrepancy there, and Mr. Lemon or Mr. Hess would object to the counting, and say that we had not got it down right, and we went over it to see if it was correct or not.

Q. That was in the vote for sheriff?—A. Yes, sir.

Q. Then, as a matter of fact, you did count some of the precincts on the votes for sheriff two or three times over to be sure that you were correct?—A. Yes, sir; there was one, I think. I am satisfied that we counted three times and several of them twice.

Q. Did anybody count the votes for Congressmen more than once?—A. No, sir.

Q. That statement that you put in here, was that made from the figures or memorandums kept in a book by you at that time?—A. It was made from my memorandums and the returns which I found in the clerk's office.

Q. What did you do with that memorandum when you got through with the count there?—A. I sealed it up and put it in my safe.

Q. When did you first open that package?—A. Last Sunday.

Q. Did you ever make any calculations as to the difference on the vote for Congressmen until since last Sunday?—A. No, sir.

Q. What did Mr. Brown say, if anything, during that count about keeping the

number of Republican tickets simply at the request of Mr. English?—A. I do not know that he said anything in reference to that. I do not think he said anything about Mr. English requesting him to keep any count.

Q. Did he say anything about keeping an account of what he termed "spring-back tickets"?—A. I think not.

Recross-examination by Mr. WILSON:

Q. When you answered that Mr. Brown said nothing about keeping a count of the spring-back tickets, you mean you heard him say nothing?—A. I did not hear him say anything.

Q. He may have made the remark and you may not have heard it?—A. Yes, sir; that is possible.

Questions by Mr. PEELLE:

Q. Do you remember what the total vote was as counted by the board for the candidates for sheriff?—A. I can give it to you if you want it.

Q. Can you give them for each?—A. Yes, sir.

Q. State what it was.—A. I have a memorandum of it in my pocket (referring to paper). The vote for Hess was 12,851; and for Lemon, 12,790.

Q. Making a total of how many votes cast?—A. 25,641.

Q. As the total vote cast for sheriff?—A. Yes, sir; that is, all the tickets we counted for sheriff.

Q. Was there any other candidate for sheriff except Lemon and Hess?—A. I think not.

Q. What votes were cast for sheriff was cast for them?—A. That is my recollection, yes, sir; now there may have been some scattering votes.

Q. Was there any tickets for either of those gentlemen with the names scratched off and nobody voted for?—A. Yes, sir.

Q. How many of them?—A. I think one hundred at least or more.

Q. More ballots than the total number you have given here?—A. Yes, sir.

Questions by Mr. WILSON:

Q. You spoke of recounting the ballots in answer to Mr. Peelle's question because Mr. Lemon or Mr. Hess would insist on it; do you mean by that each precinct that you recounted two or three times?—A. I do not know as it applied to each precinct. I think there was one precinct we done that in.

Q. Which precinct was that?—A. I do not know; I think in the 24th ward probably.

Q. Why did you do that?—A. Because there was not as many tickets there as the returns showed—not as may tickets.

Q. What was the discrepancy? What was the number?—A. I think it was 5.

Question by Mr. PEELLE:

Q. On your count, who got the benefit of the 5 votes that there was not tickets voted in your count?—A. In our count I think there was 5 less for Lemon than the return showed.

Q. How was it on the vote for Congress?—A. It is my recollection it was the same.

Q. Mr. English had 5 more votes than there was tickets?—A. That he had returns for 5 more votes than there was tickets in the box.

Q. And by your vote he had been tallied 5 votes more than there was tickets in the box?—A. The boar . of canvassers' return gave 5 more votes.

Q. Compared with the vote counted by you?—A. Yes, sir.

Q. Did your vote correspond with Mr. Brown's?—A. Well, I do not know; I think so.

Q. In the count of the several precincts was it not a fact that where you would discover more votes for Mr. English than he had received according to the ballots that a corresponding number of votes would be due Mr. Peelle?—A. Well, in some instances, not in all; but in some instances it seemed to be a clerical error.

Q. Was that the case or not in the count for sheriff in many instances?—A. It was in some instances; I do not know how many.

Q. So that the total vote would not be varied very much?—A. Not a great deal.

NORMAN S. BYRAM.

Exhibit No. 1 to deposition of N. S. Byram.—Paul C. Hendricks, Notary Public.

In the contested-election case of Daniel A. Lemon *vs.* James W. Hess, for the office of sheriff of Marion County, Indiana, I was one of the commissioners appointed by the judge of the circuit court of said county to recount the vote cast on the 7th day of November, 1882, for said Lemon and Hess for sheriff, respectively, and while performing that duty I voluntarily kept the count of the votes cast at said election for Stanton J. Peelle and William E. English, respectively, candidates for Congress from the 7th Congressional district of Indiana.

All the ballots cast at said election except those from the 2d precinct of the 12th ward of the city of Indianapolis, as returned by the several officers of said election, passed through my hands, and according to the count made by me, allowing two hundred and ninety votes as returned by the election officers of the 2d precinct of the 12th ward of the city of Indianapolis, Mr. Peelle received twelve thousand nine hundred and seventy-four votes, and allowing one hundred and ninety-two votes as returned from the said 12th ward, Mr. English received twelve thousand two hundred and seven votes, making a majority for Mr. Peelle of seven hundred sixty-seven votes as cast in Marion County, Indiana.

NORMAN S. BYRAM.

(Indorsed:) Exhibit No. 1 to deposition of N. S. Byram, Nov. 22, '83.

By agreement of all parties the further taking of these depositions was adjourned until Saturday, November 24, 1883.

SATURDAY, *November* 24, 1883.

The parties met pursuant to adjournment.

E. W. HALFORD, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. E. W. Halford; age, 40; residence, Indianapolis, Indiana.

Q. State your business.—A. I am managing editor of the Indianapolis Daily Journal.

Q. That is regarded as the leading Republican paper in the city, is it not?—A. I suppose it may be so taken as one of the leaders.

Q. How long have you been in journalism?—A. About 20 years.

Q. Were you ever in a job printing establishment?—A. Yes, sir.

Q. How long were you connected with a job printing establishment?—A. I have been in the printing business ever since I was 13 years old.

Q. Been in the job printing business?—A. In the job and printing business up until the time I went on the Journal, about 20 years ago.

Q. Are you familiar with, and have you handled the different kinds of paper used in book printing?—A. I was at that time; I had charge of a job office for some time.

Q. I hand you a ticket, headed "Republican ticket," and marked Exhibit No. 1 to the deposition of J. G. Sexton; and I will ask you to take that and examine it, and state if you know what kind of paper that ticket is printed upon?—A. I should say that was a heavy book paper.

Q. What grade of book paper would you call that?—A. I would hardly know now, because it has been a long time since I handled book paper. I would not know just what grade.

Q. By number can you tell?—A. I cannot tell that.

Q. It is a heavy grade of book paper?—A. Yes, sir.

Q. An unusually heavy grade?—A. It is an unusually heavy grade for ordinary printing.

Q. Have you used that kind of paper at any time in your business in the job printing business?—A. I expect I have; it seems to me I have, but I cannot recollect any particular job in which it has been used.

Q. I hand you a ticket headed "Democratic ticket," and marked Exhibit No. 2 to the deposition of James C. Yohn. Please examine that, and state what kind of paper that ticket is printed on?—A. A lighter grade of likely the same paper.

Q. Would you call it book-paper?—A. It seems to me to have a calendered surface.

Q. Is that paper such as is used in printing books?—A. I should think that paper would be used in printing books, but not a very good quality of book-paper.

Q. Examine the heading of that ticket and notice how the type are run together in the Democratic ticket in the words Democratic ticket; I will ask you to state if that is or is not an engraving.—A. I should think that was a cut.

Q. You mean a wood-cut?—A. Well, it might be a cut, and then electrotyped from a wood-cut; I should consider it not to be type.

Q. It is printed from a cut?—A. I should think it would be; it looks to me like the same thing.

Q. Would you say the same thing of the Republican ticket?—A. Yes, sir; that is a cut.

Q. Are you familiar with the different grades of plate paper, eastern and western plate-papers?—A. No, sir.

Cross-examination by Mr. WILSON:

Q. You are not familiar with plate papers?—A. No, sir.

Q. Do you know when the use of plate papers came in vogue?—A. No; I could not say.

Q. It has been since you quit the jobbing business?—A. We did not have much of it when I was in the jobbing business.

Q. When did you quit the jobbing business?—A. About in 1862 or 1863; I am not certain about that date exactly; Mr. Baden was running the establishment then.

Q. You do not know the difference between book and plate, do you?—A. Not technically; no, sir.

Q. Might not that Republican ticket be plate paper then?—A. I could only answer that by saying that if there is any difference between book and plate-paper, I should think this was book paper, that is so far as my knowledge of paper is concerned.

Q. Would you call that ordinary book paper, or is it such book paper as is used in printing ordinary books?—A. It seems to me I have handled books printed on paper as heavy as that.

Q. Could you name any books printed on paper as heavy as that?—A. These fine gift books as I see them; it seems to me they are as heavy as that is.

Q. Then it is gift books and rare books, in your estimation, that are printed on that?—A. I should not consider that a paper.

Q. That is in ordinary use?—A. That is in ordinary use for printing books and pamphlets; it is a lighter grade of paper.

Q. I call your attention to the specimen marked Exhibit No. 4 to the cross-examination of J. G. Sexton, and I will ask you what is that material?—A. That appears to me to be a very light quality of what we call bristol board.

Q. I call your attention to Exhibit No. 1 on the cross-examination of Frank H. Smith, and I will ask you what that is?—A. I should say it was the same thing, practically.

Q. I call your attention to Exhibit U to the cross-examination of Mr. Salisbury, and I will ask you what that is?—A. I should think they were all about the same grade.

Q. Bristol board?—A. A light quality of what we call in printing bristol board.

Q. I hand you Exhibit No. 5 to the cross-examination of Mr. Sexton. What is that?—A. That is probably a fine quality of paper or bristol board; I could not tell. That is very light; I think it is bristol-board.

Q. I call your attention to Exhibit No. 6 to the deposition of W. O. Anderson, and I will ask you what is that material?—A. Paper.

Q. What sort of paper?—A. Book paper.

Q. I call your attention to Exhibit B to the deposition of Mr. Wing. What is that?—A. That is paper.

Q. What sort?—A. What I would call book paper.

Q. What do you call paper; what do you mean by that?—A. I do not know hardly how to explain that.

Q. What is paper?—A. I cannot give you the constituent elements of it.

Re-examination by Mr. PEELLE:

Q. It is not bristol board or card-board?—A. I cannot tell you how it was made. I have seen it made, but I do not know what the constituent elements of it are—whether wood, straw, or rags.

Q. You judge by what it is made out of; you say it was put through a given process, and made out of rags, wood, and straw, and, if so, you would come to the conclusion it was paper?—A. No; I do not know that I would.

Q. Let us hear how you would judge?—A. I judge by the feeling or looks of it. That looks to me like paper.

Q. Is that white?—A. That is not very white. It is intended for white paper, I presume. It is not a very good color.

Recross-examination by Mr. WILSON:

Q. I call your attention to Exhibit No. 7 to the deposition of Mr. Anderson, and I will ask you what that is?—A. That is paper.

Q. What sort?—A. Book paper for fly leaves, and so forth, in binding, I should think. It has been a good many years since I handled paper.

Q. I call your attention to Exhibit No. 1 to the cross-examination of A. G. Porter, and I will ask you what is the material out of which that is made?—A. I would not like to answer that. I could not tell. I do not think anybody, unless he was very expert, could tell what that was. The surface of the back there looks to me like paper, but it does not have the appearance of bristol board, and I cannot tell what there is inside.

Q. Suppose that is made up of sheets of Republican tickets, one placed on top of the other, what would you call it then?—A. I would say it was made up of paper, if it was made of those Republican tickets. I should say it was a block of paper.

Q. Do you know how card-board is made?—A. No, sir; I do not.

Q. Do you answer that a thing is bristol board simply because of its thickness?—A. No, sir.

Q. Why?—A. The surface appears different to the look and to the touch to me.

Q. What is the difference in the surface?—A. You can see there. It has a kind of a macerated appearance that card-board has not.

Q. Referring now to Exhibit No. 5 to the cross-examination of Mr. Sexton, what would you call that?—A. That is what I would call a light grade of bristol board, such as calling cards are printed on. That would just be my impression.

Q. When you cut it up into cards for visiting purposes you call it calling cards?—A. I used the term bristol board. We used that term in printing for calling cards, and light, fine work of that character.

Q. Is it not true that there are bristol boards a good deal thinner than certain qualities of book paper?—A. I should say so, but I do not know; that would be my impression that there is paper heavier than some grades of bristol board.

Q. Do you know the average weight of ordinary news printing paper, ordinary size, sized 25 by 38, such as the Indianapolis Journal is printed on?—A. We print on a very light grade of paper, an unusually light grade.

Q. Is it not true that the Sentinel prints on a lighter grade than the Journal?—A. I do not know: I have not handled the Sentinel enough to judge of it. My judgment would be that we have printed upon a lighter grade than the Sentinel.

Q. Is it not true that the News prints on a lighter grade than the Journal or Sentinel?—A. I should think it is.

Q. What is the ordinary weight per ream, 480 sheets, sized 25 by 38 inches?—A. I do not know, but to jump at it I should say in the neighborhood of 40 or 45 pounds.

Q. What would you say was the weight of the material upon which that Republican ticket was printed, size 25 by 38, per ream?—A. I should say 70 pounds, probably; I do not know.

Q. Would it not be a good deal more than 70 pounds?—A. I am just estimating now; I should think possibly it might be double the weight of the Democratic ticket; I do not think it is more than that, if so much; that is just the way it feels.

Q. What do you say from the external appearance of that Exhibit No. 1 on the cross-examination of A. G. Porter as to whether or not the material upon the outside is the same as that upon which the Republican ticket is printed?—A. I judge from the appearance of this that it was pasted on, and there was something there, underneath that, that interfered with the original appearance of the paper as it looks to me upon the back there.

Q. You mean in color?—A. No, sir; the texture. I do not know whether it was that or not.

Q. Do you think it has the same look at the front of the ticket and the back?—A. I should judge that it has; I can only tell by the surface; it looks to me more like the face of the ticket than the back.

Q. You say that that Democratic ticket is a lighter grade of book paper. Look at it again and see if you think that may not be a grade of newspaper?—A. Yes, sir; it may be. It would properly go into the grade of newspaper, as experts would determine it, but I judge that grade of paper is very frequently used for printing books and pamphlets.

Q. A very inferior quality of book?—A. Yes, sir; it is not a very good calendered surface for book.

Q. It may be newspaper?—A. Yes, sir; pretty good newspaper if it is.

Q. You spoke of that Republican ticket being sized; do you say it is sized and calendered?—A. Sized and calendered; that is as much as I know about that.

Q. You do not know anything about the manufacture of paper, or the process?—A. No, sir; but as to the surface of it.

Re-examination by Mr. PEELLE:

Q. This block of supposed paper marked Exhibit No. 1 to the cross-examination of A. G. Porter, which has been handed to you, I will ask you to examine and state how many tickets have been pasted together to constitute that block?—A. Is it to be presumed that these are all tickets?

Q. Yes, sir.—A. That is the assumption?

Q. Yes, sir.—A. I cannot give any reasonable estimate hardly about that. That has undoubtedly been in a press.

Q. Can you get at the number of tickets at the end?—A. I do not think I can. It seems to me like there was 30 or 40 put together.

Q. Just look at the other end, and see if you can count them. Are there as many as ten?—A. If that is a specimen of the ticket, I should think there were a good many more than 10 tickets in there.

Q. Taking that as the specimen, how many tickets would you suppose there was in there?—A. I cannot tell.

Q. I now hand you 10 tickets headed Republican ticket. Please fold these together and compare them with the thickness of that block, and state how much thicker that block is than the 10 tickets you have?—A. 5 or 6 times.

Q. As much as 50 or 60 tickets probably in that block?—A. Yes, sir; I should say so.

Q. I will ask you to state if you ever saw or ever knew of any paper to be manufactured in this country or elsewhere as the paper upon which that block appears for any purpose.—A. You mean just one thickness, like that?

Q. Yes, sir.—A. I never saw any.

Q. State if, when it gets to the point of card-board and bristol, if it has not ceased to be called paper, and is simply called card-board and bristol; and if it is not known in the business and trade as card-board and bristol board?—A. There are papers, and bristol boards and card-boards.

Q. Ordinary book papers or plate papers or print papers would not be called card-board or bristol, would they?—A. I am not acquainted with plate papers; I think that newspapers or book papers would not be called bristol.

Q. Or bristol board would not be called book or print paper?—A. No, sir.

Q. It would be known in the trade, and is known in the trade, as Bristol board and card-board?—A. I cannot say. If you were going to buy, and wanted a bristol board, you would have to ask for bristol board. I am not acquainted with the mode of manufacturing bristol board. I have seen something of the manufacture of paper; I have seen it in the process.

Recross-examination by Mr. WILSON:

Q. You call newspaper newspaper?—A. News print is what we call it.

Q. And you call plate paper plate paper, do you?—A. I presume so; but I do not know anything about plate paper.

Q. And you call blotting-paper paper?—A. Yes, sir.

Q. And blotting-paper is made very thick, is it not?—A. Yes, sir.

Q. The stock in card-board is a paper stock, is it not?—A. Well, of course; I do not know how it would be treated. My judgment would be that the stock in bristol board is finer stock than paper.

Q. Do you not think there is a grade of card inferior to certain grades of book-paper stock?—A. Yes, sir; certainly.

Q. The stock is though the same stock out of which paper is made?—A. I should just presume that; I would not know positively, because I do not know about that. Of course there are different grades of stock and different kinds of paper. There are exclusively linen papers, and exclusively rag papers and straw papers.

Q. And you may make card-board out of these various materials you have named that are manufactured out of what is called paper pulp?—A. That of which paper is made; yes, sir.

Q. Now, then, can you make paper collars out of that?—A. Yes, sir.

Q. And they can make cards?—A. Yes, sir.

Q. And they can make car-wheels?—A. I only know that by reputation.

Q. Do they make buckets and such like out of paper?—A. I do not know that.

Q. Do you not know there are 2 large factories—one of them in Wisconsin, one in Iowa—that turn out thousands of buckets made out of paper exclusively?—A. I do not know.

Q. Have you not seen them selling round at the doors of the stores, and are they not used in carrying grain and wheat and anything that is dry to distinguish it from what is wet?—A No, sir.

Q. You did not know there were any such factories?—A. No, sir.

Q. Do not you know that they make roofing out of paper?—A. Yes, sir; paper roofing.

Q. Now, you can make a good many things out of paper?—A. Yes, sir.

Q. Mr. Peelle asked you about 2-ply bristol. Is there a 1-ply bristol?—A. I really cannot say, because I do not know the process of the manufacture of bristol board.

Q. Is it not a fact that bristol-boards are made 1-ply, that is 1 sheet as it comes from the mill or 2 thin sheets put together and called 2-ply?—A. I should presume that would be the distinction between the plies.

Q. And you would call it 2-ply card, and 2-ply bristol, and so forth, and is it not true that you may take certain qualities of book-paper and put sheets together and out of that make what is called 2-ply card?—A. I do not know.

Mr. WILSON. I stated to the witness just now, supposing this exhibit which I called his attention to was Exhibit No. 1 to the cross-examination of A. G. Porter, supposing that was made out of Republican tickets. I do not want to be understood to say that it is made out of Republican tickets, for I do not know that it is.

The WITNESS. That is what I do not know.

Questions by Mr. PEELLE:

Q. If car-wheels were made out of paper and houses were roofed with paper and buckets were made out of paper, and paper is made into blocks of that kind which has been shown you marked Exhibit No. 1, to the cross-examination of Governor Porter, would the paper then be called book-paper or print-paper?—A. I should suppose not.

Q. It ceases to be called print or book-paper whenever it gets in any other form than book or news paper?—A. Book paper, as I understand it, is distinct. It is not card-board.

E. W. HALFORD.

By agreement of the parties the further taking of these depositions was postponed until Monday, November 26, 1883.

MONDAY, *November* 26, 1883.

The parties met pursuant to adjournment.

HENRY C. ADAMS, being first duly sworn, testifies as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. Henry C. Adams; I am nearly 40 years old, and I live in Indianapolis, Indiana.

Q. What is your business?—A. I am a contractor.

Q. Were you in this city at the time of the Congressional election, November, 1882?—A. Yes, sir.

Q. Did you attend the same?—A. Yes, sir.

Q. I will ask you to state if you were one of the commissioners appointed by the circuit court of Marion County, Indiana, to recount the votes cast for Daniel A. Lemon, James W. Hess, respectively for sheriff?—A. I was.

Q. That election was held when?—A. November, 1882.

Q. Yourself, N. S. Byram, and Austin H. Brown composed the commissioners, did they not?—A. Yes, sir.

Q. Were you sworn to recount the vote for sheriff?—A. Yes, sir.

Q. Was any member of the commission sworn for any other purpose?—A. No, sir.

Q. Did you recount the votes on sheriff?—A. Yes, sir.

Q. At the time of that count, I will ask you to state if any one kept a count or attempted to keep a count of the votes cast for Mr. English and Mr. Peelle for Congress?—A. Yes, sir.

Q. Who was it?—A. Mr. Austin H. Brown and Mr. N. S. Byram kept part of the vote. Mr. Brown kept all the vote. I think he commenced counting when we commenced counting the vote for sheriff and Mr. Byram kept part of it.

Q. Did you discover any errors in the count of the vote for sheriff?—A. Yes, sir.

Q. How were those errors, and in what did those errors consist?—A. Well, there were a great many errors in this. The board of commissioners made one set of rulings when they counted the tickets in regard to some classes of the tickets, and adhered to them all the way through; and the election officers in the different precincts, about 75 or 80 election precincts, their rulings were not all the same and not all just alike; and there were some tickets rejected that we counted, and some tickets counted that we rejected, and we discovered two or three mistakes in the tallies where the number of votes did not agree with the number of names on the poll-book, and errors of that kind.

Q. Then, in the errors discovered in the vote for sheriff, they consisted, as I understand you, in the fact that the board of commissioners counted several tickets that had been rejected by the election precinct inspectors?—A. Yes, sir; and rejected some that had been counted by them.

Q. Did that comprise all the errors discovered in that count?—A. No; as I said before, there was some places where the number of votes on the poll-sheet would exceed the number of tickets, and would exceed the names on the poll-book. There was one instance of that kind in one precinct of Wayne Township.

Q. How was that? Just state it.—A. There were 5 more votes counted than tickets; 5 votes tallied for Mr. Lemon more than there were tickets in the box or names on the poll-book.

Q. How was it as to Mr. Peelle and Mr. English in that precinct?—A. I do not remember that there was any difference.

Q. What do you mean by "any difference"?—A. I mean I do not remember that there was any difference between the number of votes as counted on the tally-sheets and the number of votes or the tickets in the box. I will say right here that when this vote was taken the count was kept by Mr. Byram and Mr. Brown, and they seemed to be managing the Congressional part of the business; and Mr. Hess and Mr. Lemon and myself paid especial attention to the count of the vote for sheriff, and the other gentlemen went over all the tickets; I kept no record of that, and I kept no book of it like they did, but I called off the vote. Shall I go ahead and state how we did that?

Q. Yes, sir.—A. Mr. Byram first examined the tickets, and he would pass them to Mr. Brown in tallies of 5, and Mr. Brown would examine the tickets and pass them to me.

Q. That was in tallies of 5 for Mr. Lemon and Mr. Hess?—A. Yes, sir.

Q. That ruling was not adopted with reference to Congressman, was it?—A. No, sir; we counted all the straight tickets first of course, as they appeared on the strings where they were strung, and Mr. Lemon would take the tickets from me, and when he had passed them over I would announce the result—5 for Lemon, or 5 for Hess, whichever it might be.

Q. That is, they did not count 5 straight tickets for Peelle, but simply counted the votes for Peelle as the number happened to be on the 5 straight for Lemon or Hess?—A. Yes, sir; those gentlemen did this. After a while, in counting the straight tickets I noticed that because it delayed us a little in counting the votes, as they first would take up the straight tickets, all the election board did that—that was the general rule, to count the straight tickets as they would be counted in tallies—that is, in tallies of 5—and they would be strung, and sometimes there would be 50 or sometimes 100 of one party counted, and there would be the same of another of straight tickets. After the straight tickets were counted, then they would count these scratched tickets, and we took them off the string that way, except we would reverse the string and commence at the bottom of the string to take off the tickets, so that the straight tickets would be first; and I noticed them in this way, that the gentlemen in counting had a mark for a tally on the straight tickets, a single mark for a tally, and they would have a mark for scratched tickets; that is, a mark for the Republican scratched tickets and one for the Democratic scratched tickets. I remember I sat by Mr. Brown, and he had his book and showed me what he told me was Republican with Peelle off and Democratic with English off, and Democratic with Peelle on and Republican with English on, so as to get the number of tickets that were scratched and had no other name substituted.

Q. How long were you counting that vote for sheriff?—A. Three or four days is my recollection

Q. Thursday to Monday, was it?—A. We commenced Thursday and finished Monday morning; I think it was about 3 o'clock, if I am not mistaken, in the night of Sunday.

Q. The succeeding Sunday?—A. Yes, sir; and we finished up about 3 o'clock; we thought we would finish it up while we were at it.

Q. At the time during the count of the vote or at the conclusion of the count of the votes cast for this county for sheriff, what was said, if anything, by Mr. Brown or in Mr. Brown's presence as to how the vote would stand on a recount for Peelle and English?—A. Well, it was after we were through counting and after the count was over, and it was the morning of the day we reported.

Q. After the count had concluded?—A. Yes, sir; it was after we had agreed, and Mr. Brown, Mr. Byram, and myself had agreed on our return that we should make, and Mr. Brown said—I believe he said—he would like for Mr. Cropsey to look at it and to have them see it; and Mr. Lemon, and probably Mr. Cropsey, was in the room and looked at it, and we were waiting for some time for some purpose or other, and Mr. Byram and Mr. Brown and myself, and, I think, Mr. Hawkins, were standing at the end of the table, and we were talking about the English count. It was our impression and my impression that the advantage in the recount, or that the advantage in the recount of the vote for Congress, that it would have made a gain in favor of Mr. Peelle, and that remark was made to Mr. Brown, and I spoke to him about it and he acquiesced in it.

Q. State what he said.—A. My best impression is he said right then that that was the case, and he should say the same to Mr. English, and that Mr. English would have nothing to gain in a recount, and he would tell him so.

Q. Was Mr. Byram present when that occurred?—A. Yes, sir, and Mr. Hawkins.

Q. Did you have any conversation with Mr. Brown after that about the recount on Congressmen?—A. I do not know that I ever did; I do not remember.

Q. Did you find any Democratic tickets in that box with the name of Mr. Peelle printed on them?—A. Yes, sir.

Q. How many?—A. Not more than 5 or 6 to the best of my recollection.

Q. Did you notice the vote on Congressmen as you went along at all?—A. No, sir; I paid very little attention to it.

Q. You do not know where the errors occurred or how they occurred?—A. Except where there was a general error that affected the whole ticket. I remember of hearing Mr. Byram and Mr. Brown talking about the error in Franklin Township, and I remember of hearing them talk about that, and also a general error in the 24th ward.

Q. How was that error in the 24th ward?—A. There were 5 more votes counted than there were tickets in the box.

Q. Was that 5 counted for the whole Democratic ticket?—A. Yes, sir; there were 5 less tickets in the box than there were names on the poll-book.

Q. That made 5 more votes counted for Mr. English than he was entitled to in that precinct?—A. Yes, sir.

Q. Did you notice any errors in Wayne Township?—A. Yes, sir; I have spoken

about that. My impression of that is and my recollection is--I may be wrong about t—they were errors only affecting the vote for sheriff

Q. Were there or not some tickets in that precinct there that were not counted by the election board at all?—A. In all these?

Q. No, sir; in that election precinct in Wayne Township.—A. Tickets that were not counted?

Q. By the election board.—A. I do not recollect that there were. No, sir; it is not my recollection that there was any.

Q. I will ask you to state how the vote on sheriff corresponded with the names registered on the poll-list, if you know, in the several precincts.—A. Well, there were less votes tallied for sheriff than there were names on the poll-book naturally for the candidates. There would be less than there would be names on the poll-book because in some places the name of the candidate would be scratched entirely off and none substituted in place of it; and of course that would make the vote short as to the number of votes on the poll-book.

Q. Do you or not say that as a matter of fact the number of votes counted by you were more or less than the number of names recorded on the poll-book?—A. They were less, but the number of tickets would be about the same. There generally would be as many tickets as there were names on the poll-book. They would agree except in 2 or 3 instances. I believe there would be a difference, but the number of tickets would be the same as the number of names on the poll-book, but the number of votes would be different.

Q. On account of scratching?—A. Yes, sir; there was some scratching at the last election.

Q. Did you notice Democratic tickets in the box with the name of Mr. Peelle pasted or written on in place of Mr. English's name?—A. Yes, sir.

Q. Can you state about how many there were there of that kind?—A. I can give you my best impression about it. I should say 4 or 5 hundred.

(Objected to as an expression of opinion.)

Q. Did you see some Republican tickets in there with the name of Mr. Peelle scratched off, and Mr. English's pasted on or written on?—A. Yes, sir.

Q. How many of that kind?—A. I should say not more than 50, if that many. My best judgment would be 25 to 35—along there.

Q. I will ask you to state whether or not at the end of each precinct after the count had been made of each precinct, what was said or done between Mr. Byram and Mr. Brown with reference to the vote for Congressman.—A. They just struck a balance—that is, compared notes to see how they stood.

Q. Did Mr. Brown make any corrections, or not, as he went along?—A. Yes, sir; sometimes he and Mr. Byram did not agree, and they always ended it by agreeing except in one instance.

Q. How was that?—A. I do not recollect exactly how it was. I remember one instance, and they agreed except that one instance. I remember of laughing about it at the time—about their disagreeing on that point.

Q. What did he say he was keeping that count for?

(Objected to as incompetent.)

A. He said he was keeping it for Mr. English; that he had been employed by Mr. English to keep it.

Q. Did he say that he was employed by Mr. English to keep count of the vote, or simply to keep count of the number of Republican tickets upon which Mr. English's name appeared?—A. He said he had been employed to keep a count of all the votes, which he proceeded to do.

Q. I will ask you to state now whether or not in the keeping count there, as Mr. Brown was, on candidates for sheriff and candidates for Congress, was he or was he not liable to make mistakes and commit errors in his count?

(Objected to as incompetent, irrelevant, and immaterial.)

A. Certainly he was; any person would have been.

Q. Could an ordinary or a prudent man, or an expert, if you please, in the keeping of the vote have kept that vote correctly in the manner in which Mr. Brown kept it?

(Objected to as a mere opinion of the witness.)

A. That is all I have to give you—my opinion.

Q. I asked you that question and asked your judgment and opinion upon that, based upon the manner in which the count was kept?—A. I cannot see how a man would keep a count and keep it the way he did that he would be satisfied with as to the correctness of it.

Q. Do you remember Mr. Brown calling attention to any errors in the vote for Congress in any wards from the first to the ninth, both inclusive?—A. No, sir.

Q. You do not remember of it?—A. I do not remember of his calling any attention to any errors in the vote for Congress.

Q. At any time?—A. At any time; no, sir.

Q. State if there were any errors discovered on the vote for Congressman in this

way, where there would be tallies of 3 or 5 for Mr. English when the same number of tallies should have been given to Mr. Peelle.—A. I remember one instance of that kind, and we thought it was rather queer. It was one precinct in Franklin Township.

Q. How many votes was that?—A. The difference of 10 was made, I think it was, to my recollection.

Q. Was that 10 votes tallied for Mr. English that should have been for Mr. Peelle, or was it a tally of 10 votes for Mr. English that should have been counted for him or anybody?—A. My recollection is there was 5 votes too many tallied for Mr. English; my recollection is there was 10 votes too many tallied for Mr. English.

Q. State if that tally of 10 votes for Mr. English was or was not 10 votes more tallied for Mr. English and the whole Democratic county ticket more than were in the box.—A. Yes, sir; that is my recollection. I understand you to say that there was 10 more votes tallied for Mr. English than there were tickets for the Democratic State ticket.

Mr. WILSON. That is your answer?

The WITNESS. Yes, sir; that is my recollection.

Mr. WILSON. That is your answer?

The WITNESS. Yes, sir; that is my recollection, that there was 10 votes more tallied for Mr. English than there were for the Democratic State ticket—that is, 10 above what he should have.

Q. And that was 10 more votes than there were ballots in the box?—A. Yes, sir; than there were votes. When I say tally, I mean a tally of 5 votes.

Q. Had you any conversation with Mr. Brown at any time since that recount on sheriff was had about the count of the vote for Congress?—A. No, sir; not since we left that day. I don't think I have spoken to him about it.

Q. What kind of a memorandum did he keep there; was it in a book or on a piece of paper, or how was it?—A. He had a little book, like a little pass-book or bank-book.

Q. Did he keep the vote for sheriff in that as well as the vote for Congress?—A. No, sir; we had clerks that kept the tally.

Q. Did he make note of the vote for sheriff as he went along?—A. No, sir; I don't think he did.

Q. Then the vote he kept for Congress was in a book that he used for that purpose?—A. Yes, sir.

Q. I now hand you a ticket headed "Republican ticket," and I will ask you to examine that and state if that is the kind of tickets that were found in the boxes when you recounted the votes for sheriff?—A. We found this kind of tickets in the boxes; yes, sir. This was not all the kind we found in there.

Q. I mean of Republican tickets.—A. There was another kind of Republican ticket, too.

Q. What kind of a Republican ticket was that?—A. There was another ticket just like that, except a different heading. It was a plainer heading—an engraved heading, and had an open letter and a plain letter.

Mr. PEELLE. I offer in evidence the ticket which I have just handed the witness. I ask that it be marked as an exhibit to his testimony.

(The ticket will be found in evidence attached to this deposition as a part thereof and marked Exhibit No. 1.)

Q. I now hand you another ticket headed Republican ticket.—A. That is the ticket.

Q. Is that the kind of a ticket that you found in the box, too?—A. Yes, sir.

Q. How many tickets were there of that kind?—A. It is hard to say, but not nearly so many as the others.

Q. How many tickets would you say there were of that kind?—A. Whatever the Republican ticket was in the country—and I do not know what that vote was, but just about that number.

Q. Was that kind of a ticket voted at the several precincts in this county outside the city of Indianapolis?—A. Yes, sir.

Q. What kind of a heading has that ticket?—A. That has an engraved heading.

Q. Is it a plain heading, plain type?—A. It is a plain letter.

Q. You say it is a plain letter?—A. Yes, sir; a wood-cut.

Q. It may be a wood-cut, or it may be printed from type, may it not?—A. No; that is a wood-cut. I know about it. I have seen the cut.

Q. I will ask you to state if that is the same kind of paper or different paper from that upon which the other tickets were printed. Just examine them.—A. I should say it was the same kind of paper.

Q. I now hand you a ticket headed Democratic ticket, and I will ask you to state if you found that ticket in the boxes.—A. Yes, sir.

Mr. PEELLE. I now offer this ticket in evidence as a part of the deposition of this witness, and ask that it be marked as an exhibit.

(The ticket will be found attached to this deposition as a part thereof, and marked Exhibit No. 2.)

Q. State whether or not the Republican tickets in the boxes that you counted did or did not show the type on the opposite side in the main, or whether there were only a few of them.—A. I could not say as to that. I do not remember of paying especial attention to that. I did not pay much attention to the back of the tickets. In some instances, where there were names written on them, or something of the kind, I noticed them.

Q. I now hand you five tickets headed "Republican ticket," and I will ask you to take those tickets and examine them and see if that is the kind of a ticket you found in the boxes?—A. Yes, sir; I do not see anything different from the tickets we found in the box.

Mr. PEELLE. I now offer in evidence these five tickets just handed to the witness, and ask that they be marked as exhibits to his deposition.

(The tickets will be found attached to this deposition as a part thereof, and marked Exhibits Nos. 3, 4, 5, 6, and 7, respectively.)

Cross-examination by Mr. WILSON:

Q. You say there was two kinds of Republican tickets you saw in that box on that recount of the vote for sheriff?—A. Yes, sir.

Q. The ticket that Mr. Peelle called your attention to—that plain ticket headed "Republican ticket," and the one where you made an exhibit of five tickets a moment ago—I call your attention now to these tickets, and ask you to look at them and say whether you found tickets like those in the boxes?—A. These seem to me to be heavier than the tickets there. There may have been tickets of that kind; I am under the impression they are heavier than most of the tickets in there. That is the general style of the tickets.

Q. How many tickets do you think there was of the style Mr. Peelle showed you in the boxes—a majority of them?—A. Yes, sir.

Q. Did you find some like these in the boxes?—A. I do not say that I did. I say there might have been.

Q. Do you say there was not?—A. No, sir.

Q. What is your statement as to whether there was or not?—A. I do not say whether there was any there or not.

Q. You counted the tickets?—A. Yes, sir.

Q. You do not know whether this kind was there or not?—A. No, sir.

Q. You think they are a stouter ticket?—A. Yes, sir; than the general run of our tickets.

Q. Did you see the tickets printed?—A. No, sir.

Q. Do you know anything about the material upon which they were gotten up on?—A. No, sir.

Mr. WILSON. I offer as an exhibit to the cross-examination of Mr. Adams the 5 tickets which I have shown him, and ask that they be made exhibits to his deposition.

(Objected to for the reason that the tickets have not been identified as the tickets that were voted.)

Mr. WILSON. I propose to do that. The tickets will be found attached to this deposition as a part thereof, and marked Exhibits 8, 9, 10, 11, and 12, respectively.

Q. You say there was two tallies, 5 each, more votes counted by the election board in Franklin Township than there was names on the poll-book or tickets in the ballot-box? I understand you to say that.—A. I say there was 10 more votes counted for Mr. English than there was names on the poll-book, or ten more votes than there was votes for him in the ballot-box. There was ten more votes counted for Mr. English and Mr. Peelle together than there was tickets in the box.

Q. How do you know whether that tally was against Mr. English or against Mr. Peelle?—A. Because Mr. English's voted exceeded that of the State ticket, is my recollection.

Q. That is the reason you give that conclusion?—A. That Mr. English's vote, taking off the scratches, that Mr. English had that many more votes to his credit than he should have had.

Q. Did you not say that you did not count the tickets for Congressman at any precinct?—A. My attention was called to that afterwards.

Q. Did you count the precinct on Mr. Peelle?—A. No. But I looked at the poll-book and saw.

Q. How could you tell whether that was for Mr. English or for Mr. Peelle? It was not in excess of the entire number of names on the poll-book, was it?—A. It was not in excess of the names.

Q. Was there not 103 votes for Stanton J. Peelle in Franklin Township, precinct No. 1?—A. I do not know.

Q. I will ask you to look at this paper and see if it is not a certificate of Mr. McLain?—A. Yes, sir.

Q. Does it not say that there was 103 votes in precinct No. 1 for Stanton J. Peelle in Franklin Township?—A. Yes, sir.

Q. And precinct No. 2, 120?—A. Yes, sir.

Q. And English, in precinct No. 1, 165?—A. Yes, sir.

Q. Precinct No, 2, English, 183?—A. 183.

Q. Medkirk, 5 at No. 1 and 18 at No. 2?—A. Yes, sir.

Q. Do I understand you to say there were more votes for William E. English than there was names on the poll-books?—A. On the poll-books, as I understand.

Q. How does the number of names on the poll-books correspond with the number of tickets in the ballot-boxes?—A. With the number of votes or the number of tickets?

Q. With the number of tickets.—A. There was ten more votes counted than there was tickets in the ballot-box.

Q. The aggregate of votes in that township exceeded the aggregate of names by ten?—A. There was ten more tickets, Republican, Democratic, and National, for Congress than there was names on the poll-book.

Q. If you did not count those names, how do you know but what there were scratches there for Mr. English that would give him that vote?—A. Well, we looked over that precinct where that occurred; we looked over the precinct afterwards.

Q. How could you tell whether it was for Mr. Peelle or Mr. English?—A. Very easily by counting the votes.

Q. Did you count the votes for Congress?—A. With reference to the count in that precinct.

Q. On Congress?—A. Yes, sir.

Q. Did you not say that you did not count a vote at all?—A. I do not say I did not count at all. I say I noticed that when it was called to my attention.

Q. How was it called to your attention?—A. I forget now who called it to my attention, but it was a matter of conversation in the board.

Q. Did they count them?—A. Yes, sir; I saw them counted. We witnessed that count.

Q. For Congressman?—A. Yes, sir; in that precinct when they ran it over.

Q. Every ticket?—A. Yes, sir; when it was counted I saw that count.

Q. Who counted them?—A. My recollection is that Mr. Brown and Mr. Byram both counted them.

Q. And you saw them counted on English and Peelle?—A. I have told you that two or three times.

Q. I understand you to say two or three times, in the course of your examination-in-chief, that you kept no count on Congressmen?—A. I did not keep any count on Congressmen.

Q. And you did not count any precinct on Congressman?—A. I witnessed that count. I did not count it myself individually, but I witnessed that.

Q. You say now that they counted for Mr. English more votes than he got by ten?—A. Yes, sir.

Q. You say those tickets were counted over and the number of votes English got was counted?—A. Yes, sir; and he had ten tallied for him in excess of what he should have had.

Q. Did you count any other precinct on Congressman?—A. No, sir.

Q. Did you watch any other precinct on Congressman?—A. No, sir.

Q. Mr. Brown called your attention to that mistake, you say?—A. I do not say that. I say my attention was called to it, but I do not recollect whether by Mr. Brown or Mr. Byram.

Q. Mr. Brown called your attention to no mistakes in that recount?—A. On the vote for Congress?

Q. Yes, sir.—A. I do not remember that he did, and I do not remember that he did not.

Q. Your memory is not clear on that subject?—A. You mean whether he called my attention to it or not?

Q. Yes, sir?—A. I do not remember anything about whether he called my attention to it or not.

Q. Did not Mr. Brown call your attention to the ticket that he said he had voted for Congressman, and that the ticket he had voted was not in the box at all from the second precinct of the 17th ward?—A. Mr. Brown said his ticket was not in the box; he did not call my attention to the ticket, because he said it was not there. He called my attention to that and said it was not there, though.

Q. Is Mr. Brown pretty shrewd and smart?—A. He has that reputation.

Q. What do you say?—A. He bears that reputation as a tolerably shrewd politician.

Q. Is he not a man of some ability in your estimation?—A. Yes, sir.

Q. Is he not pretty good at figures?—A. I do not know whether he is or not.

Q. You could not say?—A. I could not say how good he was. I do not know whether he is any better at figures than the ordinary well-educated man.

Q. He is a well-educated man, is he?—A. Yes, sir; I guess he has a good deal of education. I should think so; he writes a good hand.

Q. Has he not had, to your knowledge, a good deal of experience in figures, and has he not been county clerk, and does not the duties of that office require more or less dealings with figures?—A. Yes, sir; if he performs the duties of his office himself; if he has a deputy, it is not very likely he will do very much of that though.

Q. Did he not attend to the duties pretty thoroughly himself?—A. He had a deputy, a cashier that kept his books, Mr. Madden.

Q. Was he not United States collector?—A. Yes, sir.

Q. Would not that require him to learn something about figures?—A. Yes, sir.

Q. Was he not auditor of the county, too?—A. The records show that; I did not know him when he was auditor of the county.

Q. Would not that require a man to deal in figures pretty extensively?—A. Yes, sir.

Q. And would not that require a man in your estimation that was pretty skillful in dealing in figures?—A. Yes, sir.

Q. Do you mean to say that it is impossible for a man skilled in figures not to keep an account of two offices at an election when you are making a recount?—A. Yes, sir; I mean to say that in my opinion a man cannot do it and do it accurately.

Q. Was not Mr. Brown recently selected as expert to go through the county treasurer's books?—A. Yes, sir; but if he was, the gentleman whose books he settled is now being sued by the county to pay back some twenty thousand dollars. It was Mr. Hanway he settled for.

Q. No, sir; it was Mr. Landers.—A. Mr. Landers paid considerable money to the county treasurer on that settlement.

Q. Is it not true that the treasurer of the county paid to Mr. Landers some money?—A. Mr. Landers has paid some money in.

Q. Is it not true that Mr. Brown examined all these books and on his report it was found that the county was indebted to Mr. Landers about eighteen hundred dollars?—A. That I do not know; Mr. Brown was commissioner, as I understand, appointed by the court to hear the evidence in that case, appointed by Judge Holeman to hear the evidence in that case and make his report to the court, and my recollection is that Mr. Brown and Mr. Gelwick made Hanway's settlement with the county and that Mr. Hanway is now being sued by the county for twenty thousand dollars on account of that settlement.

Q. Was it not upon the basis of that settlement that that suit was brought?—A. That is my recollection. No, sir, I think not.

Q. You were one of the commissioners who counted the votes in the sheriff's contest?—A. Yes, sir.

Q. You, believing that one man could not keep two counts as accurately as one, you paid attention to the sheriff?—A. Yes, sir. I kept no record of the count for Congress.

Q. Did you pay much attention to that count?—A. No, sir.

Q. Did you count any other township other than Franklin Township?—A. I have answered that I did not.

Q. Do you think Mr. Byram could have kept the count any more accurately than Mr. Brown?—A. No, sir.

Q. Mr. Peelle asked you how many Democratic tickets there were with his name written or pasted on them; was that a guess on your part?—A. That was my best impression.

Q. Was it a guess, or was it really anything more than a guess; and could you give a definite answer in numbers?—A. No, sir, I could not give a definite answer in numbers, but that is my recollection and my best impression.

Q. What is the impression; would you call it a guess?—A. You can call it anything you please; I call it an impression.

Q. I will ask you if it is not a guess?—A. No, sir; because I could guess without being present at the count, but my impression was verified from those gentlemen in their count.

Q. They counted the votes, as you say you have not done. Do you think your impression could be anything more than conjecture?—A. Yes, sir; because a person, as I understand it, can make a conjecture without any opinion at all, but he would derive his impression from some information upon the subject, and it was from the information by seeing these gentlemen as they were making the count.

Q. Did you try to charge your memory with the matter?—A. No, sir.

Q. You would make the same answer as to the number of Democratic tickets scratched where English's name was scratched off that you have made to the preceding question?—A. Yes, sir.

Q. And you would make that same statement?—A. Yes, sir. The figures I have

given on the vote for Congress as to the scratches and changes are given simply from my best impression.

Q. Without having counted them?—A. Yes, sir; without having counted them.

Q. Whilst you were giving, as you said, your best attention to the count on sheriff?—A. Yes, sir.

Q. And whilst, you said, one man could not count under the circumstances more than one office?—A. And do it well; yes, sir.

Q. What was your business in November, 1882?—A. I was sheriff of this county.

Q. You said that Mr. Byram kept count of the vote for Congress. Do you know whether he kept a complete count?—A. Mr. Byram did not keep a count at first; he did not keep a count when we first commenced.

Q. When did he commence; do you know how many precincts had been counted or how many wards had been counted before he commenced?—A. My recollection is that Mr. Byram did not keep count the first day, and did not commence until the second day we were counting.

Q. Do you know what time the second day he commenced?—A. I think in the morning of the second day.

Q. Do you know how many wards or precincts had been counted before he commenced?—A. My recollection is that Mr. Byram commenced after the 6th ward had been counted.

Q. That is your recollection?—A. Yes, sir.

Q. Is it not true that he commenced with the 10th ward?—A. I say that my impression is he commenced with the 7th ward—commenced with the 6th or 7th. If I thought it was true that he commenced on the 10th ward I should have said so.

Q. I want to see if your memory can be refreshed and see if you cannot recollect, and I will ask you now to refresh your memory and think awhile and see if it was not the 10th?—A. I think Mr. Byram commenced to keep count and make memorandum upon the 7th ward. My recollection is we finished the 6th ward on the first day.

Q. You say that the board of commissioners, or who was it, made one set of rules as to counting, and this body, appointed by the commissioners, made another. It was the election officers at the various precincts, was it not?—A. The election board at the different precincts did not all rule alike.

Q. And the rule of the commissioners appointed to make that count ruled uniformly?—A. Yes, sir; we tried to rule uniformly, and we all agreed upon every ruling that was made. There was not a dissenting opinion by either one of us on our rules.

Q. Do you recollect the number of errors, not the net result of the errors, but the number of errors that occurred on the count of the vote for sheriff?—A. No, sir.

Q. Do you recollect the net difference between the vote that the commissioners found and the aggregate of the vote that the election board returns showed?—A. I remember that by the returns Mr. Hess had a majority of 12, and the commissioners found him to have a majority of 61. That is my recollection.

Q. I will ask you whether the errors were measured by the difference between 12 and 61, or were there more errors, or is that the net result?—A. Yes, sir; there were more errors, and that is the net result.

Q. About how many errors do you think there were that resulted in giving that net result; were there many or few?—A. Oh, there was considerable more than the net result.

Q. Did you not find errors all along, all the way through, resulting in that net difference of between 12 and 61?—A. No; there were some precincts in my recollection where we made no changes.

Q. Was there a large number of precincts in which there were errors?—A. Yes, sir; I think there was in the majority of them.

Q. You say there was a difference in Wayne Township found when you came to make the count on sheriff, between the vote that was returned by the board from that township and the vote as found by the commissioners?—A. Yes, sir.

Q. Do you recollect how that difference occurred?—A. I can tell you how I was informed it occurred.

Q. I am asking you about how in your count it occurred, if you know?—A. We had no error in the count of Wayne Township, but we found more tallies for Mr. Lemon than there was tickets; more votes for Mr. Lemon than there was tickets, and then there was names on the poll-book, counting the tickets of both parties and the Greenback party together, and deducting Mr. Hess's straight vote, or all of Mr. Hess's votes and all of Mr. Lemon's—deducting all their votes and the scratched tickets—there was more votes than tickets.

Q. Do you know which way that vote was, or could you tell from that count how the error was, whether for or against Mr. Lemon?—A. Certainly.

Q. How could you tell?—A. By counting the tickets.

Q. You found that there was not the number of tickets that Mr. Lemon claimed?—A. That the report of the board showed.

Q. And if you had given him the number that they showed, he —— A. He would have had five votes too many.

Q. And added to what Mr. Hess had there would be more tickets than there was names in the box?—A. Counting scratches and the votes there reported.

Q. That was the way you got at it and that was the basis of your statement that Mr. Lemon had more votes given him than he ought to have had?—A. Yes, sir; and those five votes were deducted from him and the commissioner agreed to that.

Q. State to us again how you went through this process of counting; you counted by 5's?—A. Yes, sir; on straight tickets.

Q. Did you take them up and sort them and then count them?—A. My recollection is this: we, Mr. Hawkins, took the tickets off the string a good part of the time and divided the tickets into tallies of 5's as they came off, and Mr. Byram took them and looked at them and passed them to Mr. Brown, and Mr. Brown passed them to me, and I passed them to Mr. Lemon.

Q. From the box or off the string, which was it?—A. They were taken right off the strings.

Q. They were first taken out of the box and then strung?—A. No, sir; they were first taken off the string; the tickets were on the string.

Q. In the boxes?—A. Yes, sir, in the bags; and the bags were opened and the strung tickets were taken out, and the tickets were taken off, and five tickets at a time were handed to Mr. Byram, and sometimes he took five off himself, but most of the time five were handed to him, and my recollection is Mr. Myers and Mr. Hawkins took them off. I know they did until Mr. Lemon objected. At one time Mr. Lemon raised some objection about it, and he said he would just as soon the board would take them off as not, and then Mr. Brown passed them to me, and I passed them to Mr. Lemon, and Mr. Lemon passed them to Mr. Hess, and for a good part of the time Mr. Hess restrung them, and part of the time Mr. Lemon restrung them, when Mr. Hess got tired; and part of the time our bailiff, Mr. Maguire.

Q. What time of day was it that the remark was made by Mr. Brown—I think you said it was made by him—with reference to a recount on Congress?—A. It was after we had finished the count; before we had returned our report.

Q. In the morning?—A. Yes, sir.

Q. Before daybreak?—A. Oh, no.

Q. The next morning?—A. Yes, sir.

Q. Who was present?—A. Mr. Byram, Mr. Brown, myself, and Mr. Hawkins.

Q. Was not some one else present?—A. There was other persons in the room.

Q. Who were they?—A. Mr. Smith Myers, Joe Perry, Frank Woolen, Mr. Lemon, and Mr. Hess, and Sam Maguire, the bailiff.

Q. Were they all there in the room?—A. Yes, sir.

Q. Who was the remark made by?—A. I made the remak myself.

Q. On the vote for Congress?—A. Yes, sir. No; I think it was Mr. Byram made that remark. Mr. Byram made the remark.

Q. You did not make the remark, then?—A. We were talking at the time. We were all there together, right behind the table, where we were counting, and Mr. Byram and I were talking about it, and Mr. Brown was there, and I forget just which one started the conversation, but we were both of us talking, and Mr. Brown acquiesced in it.

Q. What room was that at; where you had the count?—A. Yes, sir.

Q. Before you left the court-house, after getting through?—A. Yes, sir.

Q. And you say Mr. Brown acquiesed in it?—A. Yes, sir.

Q. Did Mr. Brown say anything, or did he just remain quiet?—A. No; he said something. He said he should tell Mr. English there would be nothing gained in a recount.

Q. That is your impression?—A. I know it.

Q. You testified in chief that that was your impression?—A. I testify that I know it.

Q. You testify now that you know it?—A. I do not remember Mr. Brown's exact words, but that was about the remark he made.

Q. You are a Republican in politics?—A. Yes, sir.

Q. Were you connected with the Republican county central committee that conducted that campaign?—A. No, sir.

Q. Were you connected with the Republican State central committee?—A. No, sir.

Q. The city central committee?—A. No, sir.

Q. In no way at all?—A. No, sir.

Q. You are chairman of the present Republican central committee?—A. Yes, sir.

Q. Where did you reside at that time in November, 1882?—A. 622 north Alabama street.

Q. That is the first precinct in the second ward?—A. I forget now which precinct it is. I think it is the second. It is in the southern precinct.

Re-examination by Mr. PEELLE:

Q. I will ask you by way of refreshing your memory if you remember whether or not that precinct in Franklin Township, wheret here was an error against Mr. Peelle, whether you did not delay the count of the vote for sheriff for some time in order that Mr. Brown and Mr. Byram might go over that again?—A. Yes, sir; and Mr. Brown and Mr. Byram went over the vote and I saw them do it.

Q. That enabled you to get at the error there?—A. Yes, sir.

Q. I will ask you to state if you discovered some errors in consequence of the width of Mr. Lemon's poster, some tickets that had or had not been counted by the precinct inspector that you counted or refused to count?—A. There were places where the name of the candidate would be pasted over the name of the other candidate, and the words "for sheriff." It would be pasted over both.

Q. How would they leave it then thus pasted?—A. We did not count the vote at all.

Q. Did some of those errors grow out of the way in which the pasters were put on the ticket?—A. Yes, sir.

Q. Was there any Greenback candidate for sheriff in this county in 1882?—A. No, sir; they indorsed the Democratic candidate—that is, the most of them.

Q. Did the Greenbackers indorse Mr. Lemon if you remember?—A. Yes, sir; there was some of the Republican candidates for judge indorsed by the Greenbackers.

Q. Who were the Democratic candidates for judges in 1882?

(Objected to as incompetent, irrelevant, and immaterial.)

A. Napoleon B. Taylor.

Q. He was elected, was he not?—A. Yes, sir; and John A. Holman and Fred Heiner.

Q. Fred Heiner and John A. Holman?—A. Yes, sir; Heiner was a candidate against Judge Walker.

Q. Did Mr. Heiner or Mr. Holman make any contest for their election in any way?—A. No, sir.

Q. The Democratic candidate for the criminal circuit court was elected?—A. Yes, sir.

Q. The Democrat candidate for civil circuit court was elected, was he not?—A. Yes, sir.

HENRY C. ADAMS.

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REPUBLICAN TICKET.

STATE TICKET.

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For Auditor of State,
EDWARD H. WOLFE.
For Treasury of State.
ROSWELL S. HILL.
For Attorney-General,
DANIEL P. BALDWIN.
For Clerk of the Supreme Court,
JONATHAN W. GORDON.
For Superintendent of Public Instruction,
JOHN M. BLOSS.
For Judges of the Supreme Court,
First District—WILLIAM P. EDSON.
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Fourth District—JOHN F. KIBBEY.

CONGRESSIONAL TICKET.

For Member of Congress, Seventh Congressional District,
STANTON J. PEELLE.

MARION COUNTY TICKET.

For Judges Superior Court—Term, 1882,
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DANIEL W. HOWE.
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For Judge Criminal Court,
JAMES E. HELLER.
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Auditor of State,
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JOHN J. COOPER.
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Clerk of the Supreme Court,
SIMON P. SHEERIN.
Superintendent of Public Instruction,
JOHN W. HOLCOMBE.
Judge of the Supreme Court,
1st Dist.—WILLIAM E. NIBLACK.
Judge of the Supreme Court,
2d Dist.—GEORGE V. HOWK.
Judge of the Supreme Court,
4th Dist.—ALLEN ZOLLARS.

Member of Congress—Seventh District,
WILLIAM E. ENGLISH.

Judge, Nineteenth Judicial Circuit,
ALEXANDER C. AYRES.
Judges Superior Court, Vacancies Occurring in 1882,
JOHN A. HOLMAN.
NAPOLEON B. TAYLOR.
Judge Superior Court, Vacancy to Occur in 1884,
FREDERICK HEINER.
Judge Criminal Court,
PIERCE NORTON.
Prosecuting Attorney, Nineteenth Judicial Circuit,
FRANCIS M. WRIGHT.
State Senator,
WILLIAM B. FLETCHER.
Representatives,
JESSE S. WHITSIT,
WILLIAM D. BYNUM,
JOHN C. FERRITER,
JOHN R. WILSON,
ELISHA J. HOWLAND.
Joint Representative Marion, Shelby, and Bartholomew Counties.
BELLAMY S. SUTTON.
Clerk,
ROBERT L. MCOUAT.
Sheriff,
DANIEL A. LEMON.
Auditor,
THOMAS H. LITZENBERG.
Treasurer,
ELI HEINEY.
Recorder,
CORNELIUS KELLY.
Coroner,
CHARLES N. METCALF.
Surveyor,
DANIEL B. HOSBROOK.
Commissioners,
First District—RICHARD SENOUR.
Second District—HENRY GIMBER.
Third District—JOSEPH LOFTIN.

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Exhibit No 6 to deposition of Henry C. Adams.—Paul C. Hendricks, Notary Public.

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JOHN M. BLOSS.
For Judges of the Supreme Court,
First District—WILLIAM P. EDSON.
Second District—JOHN G. BERKSHIRE.
Fourth District—JOHN F. KIBBEY.

CONGRESSIONAL TICKET.

For Member of Congress, Seventh Congressional District,
STANTON J. PEELLE.

MARION COUNTY TICKET.

For Judges Superior Court—Term, 1882,
JOHN L. McMASTER.
DANIEL W. HOWE.
For Judge Superior Court—Term, 1884,
LEWIS C. WALKER.
For Judge Criminal Court,
JAMES E. HELLER.
For Judge Circuit Court, Nineteenth Judicial Circuit,
JOSHUA G. ADAMS.
For Prosecuting Attorney, Nineteenth Judicial Circuit,
WILLIAM T. BROWN.
For Clerk,
MOSES G. McLAIN.
For Sheriff,
JAMES W. HESS.
For Treasurer,
WILLIAM G. WASSON.
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JUSTUS C. ADAMS.
For Recorder,
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ALLISON MAXWELL.
For County Surveyor,
HERVEY B. FATOUT.
For County Commissioners,
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Second District—FRIEDERICH OSTERMEYER.
Third District—ARCHIBALD GLENN.
For State Senator,
JOHN B. ELAM.
For Joint Representative Marion, Shelby and Bartholomew Counties,
WILLIAM GILGOUR.
For Representatives,
RALPH HILL,
WILLIAM D. TOBIN,
WILLIAM T. FLETCHER,
DAVID B. SHIDELER,
SAMUEL A. ELBERT.

(Indorsed:) Exhibit No. 7 to the deposition of Henry C. Adams.

Exhibit No. 8 to cross-examination of Henry C. Adams.—Paul C. Hendricks, Notary Public.

REPUBLICAN TICKET.

STATE TICKET.

For Secretary of State,
EMANUEL R. HAWN.
For Auditor of State,
EDWARD H. WOLFE.
For Treasurer of State,
ROSWELL S. HILL.
For Attorney-General,
DANIEL P. BALDWIN.
For Clerk of the Supreme Court,
JONATHAN W. GORDON.
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(Indorsed:) Exhibit No. 8 to cross-ex. of Henry C. Adams.

Exhibit No. 9 to cross-examination of Henry C. Adams.—Paul C. Hendricks, Notary Public.

REPUBLICAN TICKET.

STATE TICKET.

For Secretary of State,
EMANUEL R. HAWN.
For Auditor of State,
EDWARD H. WOLFE.
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STANTON J. PEELLE.

MARION COUNTY TICKET.

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SAMUEL A. ELBERT.

(Indorsed:) Exhibit No. 9 to cross-ex. of Henry C. Adams.

Exhibit No. 10 to cross-examination of Henry C. Adams.—Paul C. Hendricks, Notary Public.

REPUBLICAN TICKET.

STATE TICKET.

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EMANUEL R. HAWN.
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EDWARD H. WOLFE.
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CONGRESSIONAL TICKET.

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STANTON J. PEELLE.

MARION COUNTY TICKET.

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(Indorsed:) Exhibit No. 10 to cross-ex. of Henry C. Adams.

Exhibit No. 11 to cross-examination of Henry C. Adams.—Paul C. Hendricks, Notary Public.

REPUBLICAN TICKET.

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CONGRESSIONAL TICKET.

For Member of Congress, Seventh Congressional District.
STANTON J. PEELLE.

MARION COUNTY TICKET.

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(Indorsed:) Exhibit No. 11 to cross-ex. of Henry C. Adams.

Exhibit No. 12 to cross-examination of Henry C. Adams.—Paul C. Hendricks, Notary Public.

REPUBLICAN TICKET.

STATE TICKET.

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CONGRESSIONAL TICKET.

For Member of Congress, Seventh Congressional District,
STANTON J. PEELLE.

MARION COUNTY TICKET.

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SAMUEL A. ELBERT.

(Indorsed:) Exhibit No. 12 to cross-ex. of Henry C. Adams.

R. O. HAWKINS, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. R. O. Hawkins; age, 35; residence, Indianapolis, Ind.

Q. What is your business?—A. Attorney-at-law.

Q. Were you in this city at the time of the Congressional election, November, 1882?—A. Yes, sir.

Q. Do you recollect the time of the recount of the vote for sheriff under direction of the circuit court by the board of commissioners?—A. Yes, sir.

Q. Did you have anything to do with that?—A. Yes, sir.

Q. What was it?—A. Do you mean during the recount?

Q. Yes. sir.—A. I was present there as one of the watchers, I believe the statute designates it.

Q. On behalf of Mr. Hess, were you?—A. Yes, sir.

Q. Do you known whether Mr. Byram and Mr. Brown kept any count of the votes cast for Congressman?—A. Yes, sir.

Q. Do you remember when Mr. Brown commenced his count?—A. I think he commenced at the beginning.

Q. Do you remember when Mr. Byram commenced his?—A. Yes, sir; Mr. Byram commenced his keeping the record of the vote for Congressman in the morning of the second day. The count was to commence at 9 or 10 o'clock in the morning, but we really did not get to work until after dinner. The votes had been taken and put in the boxes, and they had to be brought down there, and it delayed us, and we did not get to work at them, as I recollect, until afternoon, and Mr. Byram commenced that evening, but he did not keep the evening of the first day. He commenced on the 7th ward, and the 7th, 8th, and 9th wards were counted in the evening and the night, I recollect, of the first day, and he kept some memorandum of that count, but not a complete one. I think he commenced the next morning; I know he commenced the morning of the second day of the count to keep the complete record.

Q. Where was that count had?—A. It was in what is known as the witness-room of the criminal court—a room for witnesses on the second floor of the court-house. I have forgotten the number of the room.

Q. Were you present after the recount had been had at the time in which there was a conversation between Mr. Byram and Mr. Brown abont the recount for Congress?—A. Yes, sir.

Q. State what occurred?—A. My recollection is that the question was asked there by Mr. Adams or by myself jointly—I do not know who it was—of Mr. Byram about the recount on Peelle, and we were sitting there together, all of us, and something was said about the recount on Peelle and English, and how it would compare with the Hess and Lemon recount. Mr. Byram then said that he thought Mr. Peelle would gain more than Hess had gained by the recount; and Mr. Brown—I do not know that I can give the exact language—but my impression is the same as Mr. Adams's, that Mr. Brown said that he did not think there was anything for Mr. English to gain by a recount, or that he would not advise him to have a recount, or something of that kind.

Q. Did yon have any convecsation with Mr. Brown afterwards about that?—A. No, sir; I do not think Mr. Brown and I have ever spoken of the Congressional matter since.

Q. Do you remember the error that was spoken of in Franklin Township?—A. Yes, sir.

Q. How was that error?—A. There was a difference there of 10. Mr. English had 10 votes there that he was not entitled to.

Q. Was that discovered by the commissioners, Mr. Byram and Mr. Brown, on the recount?—A. Yes, sir; it was discovered by them on the recount.

Q. Did you go over the ballots more than once to ascertain that fact?—A. My recollection is they did. The way they kept it is, after the count was through for sheriff the ballots were restrung, of course, as we recounted them, and they were put up in bags and the bags sealed and then put back in the boxes, and there was only one set of votes out at any one time on the table. That was the rule we adopted generally for each count, and while the balance was getting at these tickets and putting them in the bag or getting them out or stretching their legs, &c., Mr. Byram and Mr. Brown compared notes on their tally on Congressman. On this Franklin Township matter, before the votes were sealed up that was spoken of and discussed, and they talked about it, and finally they took the ballots back and went over them again in that precinct, whichever it was.

Q. Was that going over for Congressman?—A. Yes, sir; to see whether they had made a mistake or not for Congressman.

Q. Did Mr. Byram or Mr. Brown make any comparison of their vote at the end of each precinct for Congressman?—A. Yes, sir; in almost every instance, my impression is.

Q. Did they or not make corrections pro and con?—A. Yes, sir; I think in more than Franklin Township; but my recollection is not so distinct about counting the tickets over for Congressman in other precincts, but I know the count was delayed and they looked over the returns in connection with the general returns of the election, and made their comparison afterwards to see which was wrong and where the mistake occurred.

Q. Was there any time in which Mr. Brown or Mr. Byram refused to make corrections?—A. My recollection is, there was one precinct, I do not know which it was, that they could not agree on.

Q. In what did the errors in the votes for sheriff consist?—A. In some of the rules of the board—for instance, on tickets that were scratched, part of the ticket would only be scratched. I remember one place where the name of Mr. Hess, there was just a dash of the lead pencil on it, and there was hundreds of ways in which it might have happened without the voter having done it, and it was discussed at the time, and it was not afterwards counted for Mr. Hess, and it had not been thrown out by the board as we supposed.

Q. By the commission in the recount?—A. Yes, sir; but it had evidently been a count by the board; a count of the precinct showed it had one more than it would have had if that was thrown out, and the same way with reference to pasters. The pasters were wide and some of them would be put on in such a way as to cover up the name of the candidate and the office for which it was being voted, and in those cases the board did not count them, and I think they adopted this rule—my recollection is—the rule that if there was enough of the ticket itself to show what the indication of the voter was—for instance, of the name of the office "For sheriff"—if there was enough left exposed to see that, even though part of it was covered up, it was counted, but otherwise it was not.

Q. Was that the principal cause of the errors that was discovered?—A. Yes, sir; I think that the principal errors were in that way. There was a few instances where there was evidently errors by the clerks in tallying.

Q. Do you recollect whether or not, as the count of the vote progressed, there was or not discovered tallies in some of the precincts of two or three or five votes for Mr. English when the same number of votes should have been counted for Mr. Peelle?—A. I remember this—Franklin Township.

Q. How was it in the other precincts, if you remember?—A. I remember that Wayne Township matter, but I am not very well settled in my mind as to how that did happen on Congressman. I remember there was a difference there, as I recollect, of 5 in one of the precincts in Wayne Township.

Q. Did you notice some Democratic tickets in the boxes where Mr. Peelle's name was pasted or written on them?—A. Yes, sir.

Q. Can you state how many there were of that kind in the boxes?—A. I can give my general impression from what I saw. I did not handle all the tickets. I should say from those I handled that there was several hundred. I would not undertake to make an approximation of those I did not see, because I did not handle all the tickets, and those that did not pass through my hands of course I did not notice them.

Q. Were you in this city at the time of the city election in October last?—A. Yes, sir.

Q. I hand you ticket headed "Democratic ticket," and I will ask you if that was the ticket used by the Democrats in this city in October last?—A. I think it was.

Q. I hand you ticket headed "Republican ticket," and I will ask you to state if that is the ticket used by the Republicans at the city election in October last?—A. Yes, sir; I think that was the ticket.

Mr. PEELLE. I ask that these tickets be marked as exhibits to the deposition of the witness.

(The tickets will be found attached to the deposition, as part thereof, and marked Exhibit No. 1 and 2, respectively.)

The WITNESS. Those city tickets were different in the different aldermanic districts and different wards.

Q. I am speaking of the city tickets.—A. Yes, sir.

Q. Those are the tickets used by the Democrats and Republicans in the city election in October last?—A. Yes, sir; but in the aldermanic districts there was different names for councilmen, and in the different wards the same way.

Q. That is the same ticket voted, except they would vary in the different names for councilmen and aldermen?—A. Yes, sir.

Q. Referring to that recount again of the vote for sheriff, did you notice the manner in which the tickets were being counted there?—A. Yes, sir.

Q. And how the tickets were handed out and passed along?—A. Yes, sir.

Q. One right after the other?—A. Partly that way. No, I do not think they were handed along one at a time; I think they went in fives.

Q. Were they handed out as fast as tickets could be taken off the string and passed down?—A. Yes, sir; as fast as they could be taken off the string.

Q. Was it possible for Mr. Brown or Mr. Byram to have kept a correct account of the vote for Congressman if they were keeping the vote for sheriff under their sworn duty?—A. No, sir; not in the way which they kept it; that is, an accurate account.

Q. Was Mr. Brown at one time an expert appointed by this county for any purpose?—A. Yes, sir.

Q. For what purpose?—A. He was appointed as expert by the county to make the settlement in connection with Mr. Gelwick as between the county and Mr. Hanway, by an agreement between the commissioners and Mr. Hanway; and I think he was also appointed to prepare a system of books for the treasurer's office at the same time.

Q. What was the result of this examination?—A. My understanding is Mr. Hanway made a settlement with the county upon the report of these two gentlemen—the two experts.

Q. What is the result since?—A. The county has, I understand, a suit pending against Mr. Hanway for twenty thousand dollars.

Q. For errors discovered in that expert report of Mr. Brown and Mr. Gelwick?—A. I do not understand that question.

Q. Was it a suit brought since the settlement was made against Mr. Hanway?—A. Yes, sir, for an amount claimed to be due from him to the county that was not accounted for in that settlement.

Q. That the experts had overlooked?—A. Yes, sir; a mistake in the settlement, claiming an addition of some part of the tax duplicate that he should be charged with that he had not accounted for.

Cross-examination by Mr. WILSON:

Q. You did not keep the count of Congressman?—A. No, sir.

Q. You kept the count on sheriff?—A. No, I did not keep any count at all.

Q. You were simply a watcher?—A. Yes, sir.

Q. What are your politics?—A. I am a Republican.

Q. You have explained, in your estimation, how these errors occurred on the count for sheriff?—A. Yes, sir.

ROSCOE O. HAWKINS.

Exhibit No. 1 to deposition of R. O. Hawkins.—Paul C. Hendricks, Notary Public.

REPUBLICAN TICKET.

FOR MAYOR.
JOHN L. McMASTER.

FOR TREASURER.
ISAAC N. PATTISON.

FOR CLERK.
GEORGE T. BREUNIG.

FOR ASSESSOR.
EUGENE SAULCY.

FOR ALDERMEN—THIRD BISTRICT.
BRAINARD RORISON.
SAMUEL H. COBB.

FOR COUNCILMAN—NINTH WARD.
PHILIP REICHWEIN.

(Indorsed:) Exhibit No. 1 to deposition, R. O. Hawkins.

Exhibit No. 2 to deposition of R. O. Hawkins.—Paul C. Hendricks, Notary Public.

DEMOCRATIC TICKET.

For Mayor,
GABRIEL SCHMUCK.

For Clerk,
JAMES H. DEERY.

For Treasurer,
GEORGE W. GEIGER.

For Assessor,
CHARLES M. TYLER.

For Councilman Ninth Ward,
JOHN T. DOWNEY.

For Aldermen Third District,
JOHN R. FEATHERSTON.
ROSS CLARKE.

(Indorsed:) Exhibit No. 2.—Deposition of R. O. Hawkins.

N. S. BYRAM recalled.

Direct examination by Mr. PEELLE:

Q. I recall you for the purpose of asking you if you noticed any Democratic tickets in the boxes at the time you were counting the vote for Lemon and Hess and Mr. Peelle with the name of Mr. Peelle printed on instead of Mr. English?—A. Yes, sir.

Q. Straight Democratic tickets, except Mr. Peelle's name was printed in there instead of Mr. English?—A. Yes, sir.

Q. How many were there of that kind of tickets?—A. I do not think there was to exceed 5 or 6; I do not know that there was that many; there was a few.

Q. I intended asking you when you were on the witness stand the other day as to whether or not you had any conversation about what the result would be on a recount for Congressman; did I ask you that?—A. Yes, sir.

Q. What did you answer?—A. I do not know that you asked me that question in that way. You asked me if Mr. Brown was there when this matter was talked of, and when I made the statement, and my answer was that I did not think that Mr. Brown said anything, and that I did not recollect of his saying anything.

Q. You do not recollect whether he said anything?—A. My recollection now is that in that conversation, or some other conversation, I think it was in that same conversation, that Mr. Brown said that the recount would not be of any benefit to Mr. English, and would not do him any good, and he would probably say so to him.

Q. Do you remember whether he said anything about what the gain of the vote would be, if anything?—A. I do not think there was anything said about what the gain would be; my recollection is that he was there in the party and acquiesced in what was said as to the gain for Mr. Peelle.

Q. For Mr. Peelle?—A. Yes, sir.

Q. Was anything said in that conversation about Mr. Peelle gaining more on a recount than had been gained for Mr. Hess?—A. Yes, sir; I made that statement to the parties there, that a recount would show a larger gain for Mr. Peelle than for Mr. Hess.

Q. Did he say anything about reporting to Mr. English?—A. My recollectio n is rather indistinct of that part of it, but it is that he stated that he did not think it would do any good for Mr. English to go on, or have a recount; that it would be no benefit to him, and he would say so to Mr. English. That is only an indistinct recollection of it now.

Q. What is your recollection about that error in Franklin Township with reference to Congressmen?—A. That there was 10 more votes tallied for Mr. English than there was tickets in the box, and there was as many tickets in the box as there was names on the poll-book.

Q. That the ticket and the names corresponded?—A. Yes, sir.

Q. What is your recollection as to the number of tickets corresponding with the number of names on the poll-book in the several precincts of the county?—A. As a general thing they corresponded. Sometimes there was one or two tickets less and sometimes there was a ticket two more.

Cross-examination by Mr. WILSON:

Q. Do you recollect when it was you appeared here and testified in this matter?—A. It was Friday or Saturday, I believe.

Q. Last Friday or Saturday?—A. Yes, sir; I think so.

Q. When Mr. Peelle asked you the question what Mr. Brown said, you said he said nothing?—A. I so stated right now.

Q. Mr. Peelle asked you did Mr. Brown say it would be more, and you said you did not recollect; and Mr. Peelle then asked you did Mr. Brown say it would be less, and you said he did not; and on cross-examination you said you did not recollect that he said anything?—A. Yes, sir.

Q. Now you say you have an indistinct recollection that he did say something?—A. Yes, sir.

Q. Have you talked with anybody since about this matter?—A. Yes, sir; I have talked with several parties with reference to it.

Q. Who did you talk to?—A. Mr. Peelle, and Mr. Adams, and Mr. Hawkins, I have talked with. I guess, probably, that is all I have talked with.

Q. And after talking with them you think you did probably hear that?—A. That, in connection with what I had testified to, and in thinking over the matter.

Q. You did not then recollect it?—A. I recollected that Mr. Brown was there, but I did not recollect of his saying anything at that time.

NORMAN S. BYRAM.

By agreement of all the parties, the further taking of these depositions was adjourned until Tuesday, November 27, 1883.

TUESDAY, *November* 27, 1883.

The parties met pursuant to adjournment.

On account of the absence of Mr. Wilson, counsel for contestor, Mr. W. D. Bynum appeared for Mr. English.

N. S. BYRAM recalled.

Direct examination by Mr. PEELLE:

Q. I wanted to ask you another question at the time of the adjournment last evening, but was unable to do so, and I will ask you now, what memorandum, if any, you made of the votes on Congressmen in the 7th, 8th, and 9th wards?—A. At the 7th ward I commenced keeping the number of Democratic tickets on which Mr. Peelle's name appeared, and the number of Republican tickets that Mr. English's name was

on, and also the number of tickets that neither one of their names was on of the Democratic and Republican tickets.

Q. Did you make any notes of the number of Greenback tickets Mr. English's and Mr. Peelle's names were on?—A. Yes, sir.

Q. Did you make any count of the precincts of those wards at all, further than that?—A. No, sir.

Q. Then, as you stated before in your examination, the only count you made was commenced in the 10th ward?—A. Yes, sir.

Q. In keeping count of the tickets in that way in the 7th, 8th, and 9th wards, state how Mr. Brown was keeping his count.—A. I think he was keeping it in the same way. That was my impression at that time, and is my impression now.

Q. That he was keeping count of the Democratic tickets upon which Mr. Peelle's name appeared, and the Republican tickets upon which Mr. English's name appeared, and the National tickets upon which the name of either appeared?—A. Yes, sir; in other words, as we call it, keeping the "offs" and "ons."

Q. Did you keep any other memorandum of those three wards?—A. No, sir.

Q. You cannot tell anything about what the total vote of those three wards was?—A. I could by making an estimate and taking the number of votes on the poll-book.

Q. From your count or memorandum you could not tell anything about it?—A. No, sir.

Q. How many Democratic tickets did you find in those wards upon which the name of Mr. Peelle appeared, and how many Republican tickets upon which Mr. English's name appeared, and how many National tickets upon which either appeared?—A. I have a memorandum that was taken from my book.

Q. You can refresh your memory from anything you have, and state what it is.—A. In the 7th ward I found 20 Democratic tickets with Mr. Peelle's name on, and 3 National tickets with Mr. Peelle's name on, and one Republican ticket with Mr. English's name on, and one National ticket with his name on. I also found two Republican tickets that there was nobody's name on for Congress, and also three Democratic tickets with nobody's name on.

Q. In the 7th ward?—A. Yes, sir; the 7th.

Q. How was it in the 8th?—A. In the 8th I found 24 Democratic tickets with Mr. Peelle's name on, and 3 Republican tickets with Mr. English's name on, and I also found 3 Republican tickets with nobody's name on, and 3 Democratic tickets with nobody's name on.

Q. How was it in the 9th ward?—A. My memorandum shows that there was 40 Democratic tickets in the 9th ward with Mr. Peelle's name on, and 3 National tickets and 17 Republican tickets with Mr. English's name on, and 12 Democratic tickets with nobody's name on.

Q. Was that the only memorandum of those wards that you kept?—A. Yes, sir.

Q. And that is the way in which Mr. Brown kept count?—A. That is the way I thought he was keeping it.

Q. Was that keeping an account of those particular precincts for those wards, or was that the kind of a count he kept all the way through?—A. That is my recollection of the way he kept it all the way through. He made calculations from those memorandums.

Q. Have you examined the vote to see what the mistakes were in that precinct in Franklin Township?—A. Yes, sir.

Q. What was the state of that mistake?—A. The state of that mistake in Franklin Township, according to my book, is that there was 10 more votes counted for Congressman than there was tickets in the box, that Mr. English was tallied with 9 more votes than the tickets showed, and that Mr. Peelle was tallied with two votes less, taking into consideration the scratched tickets found.

Q. Than he was entitled to?—A. Yes, sir.

Q. Making the difference 9 votes in Mr. Peelle's favor in that one precinct in Franklin Township?—A. It made 11 votes in his favor.

Cross-examination by Mr. BYNUM:

Q. I observe you hold in your hand a memorandum from which you took the figures about which you testified. Just state what that memorandum is.—A. It is a memorandum I made from the memorandum I kept during that recount.

Q. Where is that memorandum you kept during the time of the recount?—A. It is at my store on Meridian street.

Q. When did you take the memorandum you now hold in your hand from that?—A. I took it this morning.

Q. Have you any recollection as to the figures, outside of the memorandum you have in your hands?—A. Nothing, except from what I saw in the book. I took the memorandum off of that memorandum book I kept during that recount.

Q. How many precincts were there in the seventh ward at the last election?—A. There was three.

Q, How many in the eighth ?—A. Two.
Q. And in the ninth ?—A. Two.
Q. Can you give the number of tickets which were scratched and upon which the names of the opposing candidates for Congress appeared in the respective precincts ?—A. Yes, sir.
Q. Just give them in the precincts.—A. Seventh ward, first precinct, Mr. Peelle was on eleven Democratic tickets, and Mr. English was on one Republican ticket and Mr. English's name was scratched off of two Democratic tickets. In the second precinct Mr. Peelle was on three National tickets and on nine Democratic tickets; Mr. English was off of one Democratic ticket, and Mr. Peelle's name was off of two Republican tickets, and Mr. English was on one National ticket. In the eighth ward, in the first precinct, Mr. Peelle was on six Democratic tickets and Mr. English was off of one Democratic ticket. When I say off of the Democratic ticket I mean there was a Democratic ticket with nobody's name on it at all. In the second precinct of the eighth ward Mr. Peelle's name was on eighteen Democratic tickets and Mr. English's name was on three Republican tickets; Mr. English's name was off of two Democratic tickets, and Mr. Peelle's name was off of three Republican tickets. In the ninth ward, in the first precinct, Mr. Peelle's name was on fifteen Democratic tickets and on three National tickets, and Mr. English's name was on two Republican tickets and off of two Democratic tickets. In the second precinct Mr. English's name was off of ten Democratic tickets and his name was on fifteen Republican tickets, and Mr. Peelle's name was on twenty-five Democratic tickets.
Q. Those Democratic tickets upon which Mr. Peelle's name appeared, was it written or printed ?—A. In some instances it was written and in some instances there was pasters on.
Q. Were there any in which it was printed in the ticket originally ?—A. No, sir.
Q. Were there any Democratic tickets there in any of those precincts in which all of the Democratic candidates for the various offices appeared except Mr. Peelle's for Congress and upon which his was printed ?—A. In those precincts I have spoken of ?
Q. Yes, sir.—A. No, sir; unless there was a paster over it. That is my recollection now.
Q. You have testified here before in this case ?—A. Yes, sir.
Q. Once or twice ?—A. Yes, sir.
Q. In your previous examination did you not state that you kept no account of the vote for Congress except from the 10th ward up ?—A. Yes, sir; I testified that; I testified in this instance I kept merely the number of tickets upon which Mr. Peelle's name—of Democratic tickets—and Mr. English's on the Republican, and not as to the final number of tickets in the box for them.
Q. In regard the vote in Franklin Township, you said there was a mistake there of 11 votes against Mr. Peelle ?—A. As shown by the account I kept; yes, sir.
Q. Was not that the vote for sheriff in this county, and not for Congressman, that you are testifying about ?—A. No, sir; it is the vote on Congressman that I am testifying to now.
Q. Was not that same mistake claimed in relation to the candidates for sheriff ?—A. That I do not know, sir. I do not recollect as to that, because I have not looked at it.
Q. You stated the tickets were short in that box ?—A. No, sir; I did not state the tickets were short. I stated there was more tallies for Congressman in that precinct than there was tickets in the box, taking into account the scratched tickets.
Q. More tallies for Congressman ?—A. Yes, sir; more votes tallied.
Q. The tally and the number of tickets did not agree ?—A. No, sir; not for Congressman.
Q. Did the vote in that township for Congressman exceed the vote for the candidates for any other office ?—A. Yes, sir.
Q. By how much ?—A. By ten, is my recollection.
Q. Did it exceed the number of names upon the poll-book ?—A. Yes, sir.
Q. By how many ?—A. By ten.
Q. Can you state what office received the highest number of votes after that of Congressman, as appeared by the tally-sheet ?—A. I think—I am not positive—I think the State officers.

Questions by Mr. PEELLE:

Q. Can you remember what precinct that was in Franklin Township ?—A. The second precinct.
Q. Known as Acton precinct ?—A. I do not know whether it was the Acton precinct or not; it was the second precinct.

NORMAN S. BYRAM.

OTTO H. HASSELMAN, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. Otto H. Hasselman; age, 36; residence, Indianapolis, Ind.

Q. What is your business?—A. Printing and publishing.

Q. What is the name of your firm or business?—A. The Hasselman Journal Company.

Q. Did you ever occupy any official position?—A. No public official position.

Q. Were you ever a candidate for office?—A. I was appointed city printer at the time they were appointed by council, in 1872, but I removed from the city directly afterwards and did not fill the appointment; I received the appointment, but never did the business.

Q. Were you at one time connected with the Indiaanpolis Daily Journal?—A. Yes, sir.

Q. And the Saint Louis Globe-Democrat?—A. The Saint Louis Democrat.

Q. Were you in this city at the time of the Congressional election, November, 1882?—A. I was.

Q. Did you attend that election?—A. Yes, sir.

Q. What precinct and ward?—A. Eleventh ward; precinct No. 1.

Q. Was that the engine-house precinct?—A. Yes, sir.

Q. Did you occupy any official position there?—A. I was Republican challenger.

Q. At that precinct?—A. Yes, sir.

Q. Who was challenger for the Democrats there that day?—A. Mr. Ross Clark.

Q. Were you there all day as challenger?—A. I was.

Q. How far were you from the inspector as challenger?—A. About four feet.

Q. I will ask you to state if any complaint was made there that day by any one concerning this Republican ticket in any way, and if so, who was it?—A. Yes; there was a complaint made by Senator McDonald, who appeared with the ticket in his hand, cautioning those present that that ticket could be used as a "spring-back" ticket, and explaining the use to which it could be put.

Q. To whom did he make that explanation?—A. To every one standing there—explaining that smaller or thinner tickets could be folded up inside of it, and in making this complaint he stepped right up to the window and asked me step out of the way so that he might more readily come near the inspector, Mr. Yohn, and he cautioned him to see that no tickets were folded inside of them.

Q. Was there any other complaint made there by any one about that ticket?—A. Not that I remember of.

Q. Do you remember whether Ross Clark made any complaint about that ticket there that day?—A. I do not.

Q. If he had would you have known it?—A. I should if it was made within my hearing. I was at the window all the time.

Q. How far was he from you?—A. Just across the chute.

Q. Three or four feet?—A. Yes, sir; and sometimes further than that.

Q. If he had made any complaint there that day, you would have heard, it would you not?—A. Yes, sir.

Q. Did you have any conversation with him about this ticket in any way?—A. None that I remember of.

Q. Did you state to him, in a conversation with reference to this ticket, that this Republican ticket was a scheme gotten up for the purpose of beating the Democrats in any way?—A. I did not.

Q. You made no such statement as that?—A. No such statement as that.

Q. State if there was any nods or winks given in any way there by the inspector by which he was to tell what kind of a ticket went into his hands, so that you might know?—A. No, sir.

Q. I now hand you a ticket headed "Republican ticket," and marked Exhibit No. 1 to the deposition of J. G. Sexton, and I will ask you to take that ticket and examine it and state if that is the kind of a ticket that was voted there at that precinct that day?—A. I think it is; if not, it is very similar.

Q. I will ask you to state if when that ticket is folded in the hands of a voter, as tickets are ordinarily and usually folded when being voted, it could be told or distinguished by sight from the Democratic ticket?—A. It could not if it was folded so that you could not see the inside of it.

Q. I mean folded with the names on the inside as tickets are ordinarily folded when voted; you say it could not?—A. It could not, because I tried very hard to distinguish them when they came up.

Q. You could tell the difference when feeling them?—A. Yes, sir.

Q. You have been able to do that at elections before?—A. Yes, sir.

Q. Have you ever been challenger before?—A. Yes, sir.

Q. Do you remember a time in the history of elections in this city when you could

not tell the difference by feeling between the tickets?—A. There has been no time when I could not tell the difference between the Republican ticket and the Democratic ticket when I have been challenger.

Q. By the handling of them?—A. By the handling of them.

Q. I now hand you another ticket, headed "Republican ticket," and marked Exhibit No. 8 to the cross-examination of Henry C. Adams, and I will ask you to take that ticket and examine it and tell whether or not that ticket was one of the tickets used at that precinct that day?—A. You mean if it is the same kind?

Q. Yes, sir.—A. I think it is.

Q. State now where these Republican tickets were printed, if you know.—A. They were printed at my office.

Q. State what proportion of the tickets printed at your office would be the kind of a ticket that I have now handed you?—A. Let me see that other ticket.

Q. I will ask you to take the two tickets, and take this rule which I hand you, and measure them and compare them carefully.—A. That is a wider ticket.

Q. Which one; the one I last handed you, that is marked Exhibit No. 8 to the cross-examination of Mr. Adams?—A. Yes, sir.

Q. How wide is it?—A. It is about $\frac{3}{32}$ of an inch wider than the other ticket.

Q. Were those tickets printed and gotten up in your establishment?—A. I think they were.

Q. How many of that kind of tickets was there probably printed and gotten up at your establishment of that wider ticket?—A. There could not have been many of them, on account of the width; there could not have been many.

Q. About how many would you think?—A. It was a mere accident that any should have been as wide as that. These tickets were printed 8 of them in a form—8 tickets were printed at one time. The heads were electrotyped and the names of the officers set in type, so that the type-setting of the ticket was repeated 8 times, so that 8 tickets might be printed at once. I was present during a greater portion of the time while the tickets were printed. I have a machine that cuts very true, without drawing. I think technically drawing in cutting means where the drawing of the knife at the side of the clamp would cause the paper to double up a little bit and draw off a little wider at the bottom of the pile than at the top; but in the machine I use the clamp comes directly over the blade of the knife, and the knife comes up from underneath and cuts directly across the center of the clamp, and the only way I know of that ticket being cut wider after the gauge was set would be that it would be the last ticket on the sheet, without having been trimmed.

Q. How many of those tickets would you cut at a time?—A. In thickness?

Q. How many sheets would you cut at a time?—A. I think we cut 500 sheets; that is the usual rule.

Q. That is, a ream at a time, or nearly a ream?—A. 480 sheets in a ream; yes, that was the way; we put the extra sheets in so as to make even 500, so as to have them in bunches, more easily to count and distribute them.

Q. Then in cutting you say that width with the wider one would be on account of your failure to trim the end?—A. It would be on account of the failure to trim the edge of the last ticket.

Q. I will ask you to examine those tickets and state which one is the heavier of the two?—A. The broader ticket is a little heavier; there is a perceptible difference.

Q. I will ask you to state now about how many tickets of that heavier ticket there would be in a ream, for instance?—A. I cannot tell; it would be impossible to tell.

Q. Would there be a majority of the heavy, or less than a majority of the heavy?—A. There would either be a very few of them heavy or very few of the sheets light.

Q. State now which is the ruling weight of the paper upon which those tickets were printed—the ticket I handed you first, marked Exhibit No. 1 to the deposition of Mr. Sexton, or the last ticket which I handed you, which is marked Exhibit No. 8 to the cross-examination of Mr. Adams, which you say is a little wider ticket?—A. The lighter ticket is the predominating weight.

Q. How many of those heavy tickets would you think there would be in the whole lot of tickets voted out of 25,000 in this county?—A. Judging merely from the weight of the paper, I could not tell.

Q. Could you make any estimate from the number of sheets of that heavier grade there would probably be in a ream?—A. No, sir; there might be a dozen or there might be 20. That is simply impossible to tell. That depends entirely upon the care that the machine-tender at the mill gave the paper while tending it. While operating the machine, the paper will sometimes run heavier, and if there is any sort of care, with a few sheets he would discover it and change the machine to the correct way.

Q. I understand you to say you printed both of those tickets in your establishment?—A. I could not say positively, but I think so.

Q. Have you any doubt about either of them being printed at your establishment; if so, which?—A. I have no doubt, but I would not like to say positively that these tickets were printed at my place.

Q. I now hand you a ticket headed "Democratic ticket," and marked Exhibit No. 2 to the deposition of James C. Yohn, and I will ask you to examine the heading of the ticket and say whether it was printed from type or an engraving?—A. It is from an engraving.

Q. What makes you think so?—A. Because the letters are not as uniform as type and because the letters run together.

Q. The heading of this Republican ticket was also an engraving, was it not?—A. Yes, sir.

Q. Printed from an electrotype?—A. Yes, sir; from an electrotype made from an engraving, and this Democratic ticket is probably an electrotype made from an engraving also.

Q. I now hand you a ticket marked Exhibit No. 1 to the deposition of J. G. Sexton. Examine that and tell me what kind of paper that ticket is printed on.—A. It is printed upon a sized and supercalendered book paper.

Q. Did you buy that book paper?—A. I did.

Q. Did you buy it by order or by sample?—A. By sample.

Q. Where did you buy it?—A. I bought it from Chatfield & Woods, through their agent, Mr. Wing, in my office.

Q. Did he have a sample of the paper there?—A. Yes, sir.

Q. At the time of the purchase what was said, if anything, as to what kind of paper it was?—A. Nothing.

Q. Are you a judge of paper?—A. Yes, sir; I make all the purchases for my establishment.

Q. State if you use that kind of paper in your business.—A. I do.

Q. What portion of the time and for what class of work do you use that paper?—A. I have paper of this kind in stock all the time.

Q. What is it used for?—A. We use it principally for small jobs—programmes and such.

Q. Take this ticket headed "Democratic ticket," marked Exhibit No. 2 to the deposition of James C. Yohn, and I will ask you what kind of paper that ticket is printed on?—A. This paper is known in this market as a No. 2 book.

Q. What number would you give, or did you give any, to that Republican ticket?—A. I did not. This is of the grade a little less than the average western No. 1 book.

Q. Are you familiar with what is known as western plate paper?—A. I am.

Q. Did you ever have any western plate paper in your establishment?—A. Yes, sir.

Q. What difference is there between that western plate paper and the paper upon which that Republican ticket is printed?—A. The paper upon which the Republican ticket is printed is a little below the grade of western plate.

Q. You say at the time you purchased that paper there was nothing said as to what kind of paper it was?—A. I bought that paper by sample.

Q. Did you buy it upon your own judgment or upon the judgment of anybody else?—A. I bought it upon my own judgment. In what way do you mean upon my own judgment?

Q. I mean did you take your own judgment as to the character of the paper and the stock, or did you rely upon the statement or judgment of anybody else, as, for instance, Mr. Wing, as to what the quality of the paper was?—A. I make a rule in buying goods of Mr. Wing to use my own judgment entirely.

Q. What was said, if anything, at the time about that being western plate paper?—A. Nothing.

Q. State if you bought the paper upon which that Republican ticket was printed as a separate lot of paper, or did you buy it in connection with other papers?—A. I bought other papers at the same time.

Q. What was the size of that paper as you bought it?—A. 19 × 24 inches.

Q. What was the weight of it?—A. 50 pounds to the ream, 480 sheets.

Q. What did you pay for it?—A. 8½ cts. a pound.

Q. Are you familiar with Chatfield & Woods' catalogue and price-list of 1882?—A. I have seen it; I am as familiar with it as people generally in the trade. I could not describe the catalogue.

Q. I will ask you to state then what was the price of fine No. 2 book, sized and calendered, per ream, in November, 1882, about the time you purchased the paper upon which this Republican ticket was printed?—A. This kind of paper (Democratic ticket) I had a contract at that time $7.80 a hundred, delivered at Indianapolis. The contract was made in the August previous, and before that contract was half out I discovered I was paying about 30 cts. a hundred more than the paper was worth. That would make it 7½ cts. a pound, as near as I could tell; that would be very close to it. That is what we call in this market No. 2, or about the quality that the State of Indiana uses in its reports.

Mr. BYNUM. To which are you referring now?

The WITNESS. The Democratic ticket.

Q. State what difference there was in the price of book paper and the paper upon

which that Republican ticket was printed in November, 1882, per pound?—A. If you use the word "quality" I can answer that more directly.

Q. I mean such paper as that Republican ticket is printed on?—A. Paper of that quality?

Q. Yes, sir.—A. You see the size of this paper has something to do with its value in the market. If it had been a regular book size and larger sheet, that paper would have been worth more money. I bought it for less in stock than finished paper of that kind is worth—than paper of this grade is worth—on account of its size. The size exactly fits the tickets and cuts exactly without a waste.

Q. The size 19 x 24 just fits the tickets?—A. It cuts sixteen tickets from a sheet.

Q. Is that the size, 19 x 24, of Western plate paper?—A. It is one of the sizes; 19 x 24, 20 x 25, &c.

Q. I now hand you this price-list of Chatfield & Woods for 1882, and I will ask you to examine page 9 and state the price of book paper as given in that catalogue?—A. Fine No. 2 book is priced here at 9¼ cts. per pound.

Q. What size is that?—A. In the catalogue it runs from 22 x 32 to 28 x 42; and then on the same page there is another grade of paper here.

Q. What grade is that?—A. It is named in the catalogue extra fine No. 1 book-sized and supercalendered, priced at 10½ cents per pound, and in sizes running from 20 x 25 inches to 28 x 44 inches.

Q. Did you purchase the paper upon which this ticket was printed?—A. I did; yes, sir.

Q. Have you printed tickets before?—A. Yes, sir.

Q. Do you remember what time you purchased it?—A. The latter part of October.

Q. How long after the purchase of the paper was it before the tickets were printed?—A. I think we printed that ticket on Sunday, and the election was Tuesday, was it not?

Q. Yes, sir.—A. Tuesday the 7th, and Sunday the 5th it was used. It was purchased the latter part of October and printed about the 5th of November.

Q. What is the color of that Republican ticket?—A. White.

Q. Is it known as plain white or not?—A. Such a term as "plain" white is not known to the trade. Paper that is not plain is printed on and ruled, or something.

Q. Was it, before it was printed on, plain white paper?—A. It was.

Q. I now hand you a piece of paper or card or something, and ask you to examine it and state what it is?—A. It is bristol four-ply, 140 pounds.

Q. Did you keep that in stock in your establishment? You say that it is four-ply; how can you test it, and how can you test the ply of bristol?—A. By separating the sheets.

Q. Can you test it by fire?—A. Yes, sir; it shows very plainly. Do you want me to try it?

Q. Try it.

(The witness burned a piece of the specimen.)

Q. Can you see them after they have been burned?—A. Yes, sir; they are all separated.

Q. How many ply is that?—A. It is three-ply.

Q. After having made the examination of this piece of card I have handed you, you may now state what it is.—A. It is three-ply bristol.

Q. I now hand you another piece, and ask you to state if that is the same, or different?—A. The same thing.

Mr. PEELLE. I now offer these two pieces in evidence as a part of the deposition of the witness, and ask that they be marked as Exhibits Nos. 1 and 2, respectively.

(The specimens will he found attached to this deposition as a part thereof, and marked as Exhibits Nos. 1 and 2.)

Q. How is western plate paper made—I mean finished?—A. It is finished in a stack of calender rolls.

Q. When it is finished, what is the surface?—A. The surface is smooth.

Q. What difference is there, if any, in the finish on the two sides of the paper?—A. Nothing; no difference. Both sides are finished alike.

Q. What is the difference between the western plate and any other kind of plate paper?—A. What is known to the trade as western plate paper is, in fact, not a plate paper at all, and in no particular bears any resemblance to plate paper, except in the size into which it is cut and kept in stock.

Q. The only resemblance the western plate paper has to what is known in the trade as real plate paper is—— —A. In the size.

Q. In the paper upon which this Republican ticket is printed, you say the size is 19 x 24?—A. Yes, sir.

Q. Is that a book or plate size?—A. That is a plate size.

Q. The paper upon which that Republican ticket is printed in size resembles plate paper?—A. Yes, sir.

Q. How was this paper billed to you?—A. It was billed as job plate.

Q. What does "job plate" mean?—A. The word "job" designates a job lot—in papers. That may mean almost anything that is irregular.

Q. Why was it billed as a job plate, if you know?—A. Because it was not plate paper in every particular.

Q. Did the size of the paper have anything to do with the sense in which it was billed?—A. I think so; it was a plate size.

Q. Is there anything else about this paper to designate it as a plate paper, except the size; if so, state what it is?—A. There is nothing to designate it as plate paper, except paper of the same quality and grade is called Western plate—technically known as Western plate, which is not plate at all.

Q. How are papers billed in the trade and sold in the trade?—A. That is, I suppose, a hard question to answer.

Q. I mean how are they billed?—A. They are billed according to their size, weight, kind, and grade.

Q. Does the bill show that it is paper, or is it billed in some other way?—A. Everything about the bill would show it was paper.

Q. Does the word "paper" appear on the bill in the purchase of paper?—A. No; paper is understood. It would just be using the word "paper" over and over again. Coming from a paper house they understand that paper is meant.

Q. How would news or print paper be sold or billed?—A. Billed merely as news.

Q. The word "paper" would not follow?—A. The word "paper" would not follow; the size, weight, and number of reams would appear, and sometimes as to whether it was flat or folded,

Q. Suppose it was billed as S. & S. C. tint, what would that mean?—A. It would mean sized and supercalendered tint paper.

Q. The word "paper" would be understood?—A. Yes, sir.

Q. Have you the bill of this paper?—A. I have.

(Objected to as incompetent, for the reason that the bill speaks for itself.)

Q. How many different kinds of paper are contained in that bill?—A. I cannot answer without examining the bill. I could answer in this way; that there were a number of items on the bill, but I could not state what they were unless I would see the bill.

Q. The bill of this paper with the other paper is pasted in your bill-book?—A. Yes, sir; my invoice book.

Cross-examination by Mr. BYNUM:

Q. What are your politics?—A. Republican.

Q. Were you a member of the Republican county executive committee of Marion County that had charge of the Republican campaign for Congress in this district in 1882?—A. I was.

Q. You say you printed the ticket used by the Republicans at the election in November, 1882, specimens of which were shown you by Mr. Peelle, headed "Republican ticket." Who gave you the order to print those tickets?—A. The order was given to my superintendent, Colonel Ruckle.

Q. What position did Colonel Ruckle occupy on the Republican executive committee?—A. None.

Q. What are his politics?—A. Republican.

Q. Do you know who gave the order for the tickets?—A. I think Ransdell gave the order. I am pretty positive of it; Daniel M. Ransdell.

Q. He was the chairman of the Republican central committee of Marion County at that time?—A. He was.

Q. Was the order verbal or written?—A. Verbal.

Q. Can you state how many tickets were ordered to be printed?—A. I am not positive, but I think 100,000.

Q. Was there any entry or memorandum made by you or Mr. Ruckle or any person in the office, of the kind, quality, and character of the tickets that were to be printed at the time the order was made?—A. No, sir; there was a charge made on the book, but that would not cover what you asked.

Q. What was the charge made upon the books for—for the value of the tickets?—A. Yes.

Q. When the order was given was there any character or quality of paper designated upon which it should be printed by the party ordering it?—A. It was understood that the ticket was to be printed upon this paper.

Q. Upon what paper do you refer to?—A. The paper upon which the tickets were printed.

Q. In your examination-in-chief you stated you ordered the paper upon which the Republican tickets shown you were printed, as well as the others used generally in the election in 1882 in this district—the last of October in 1882?—A. Yes, sir.

Q. State if you ordered that paper especially to be used in printing these tickets.—A. I did.

Q. How did you come to select that character and quality of paper?—A. Because paper of good quality, good weight, and good color was wanted.

Q. Why was paper of good quality, good weight, and good color wanted?—A. That is a hard question for me to answer; because it was natural to want that kind of paper. I do not want to give any answer that would seem like an evasion in any way.

Q. Is the material upon which the Republican tickets are printed print or news paper?—A. Print and news paper are the same thing. This is book paper.

Q. That does not answer the question. The question is, was the material upon which it is printed print or news paper?—A. Neither; I would say neither. Both print and news paper are the same thing—news and print paper.

Q. Is it ordinary book paper, such as is commonly used in printing?—A. It is.

Q. What class?—A. I would like to ask you before you ask that question what you mean by ordinary and common.

Q. Such as is commonly and ordinarily used as to quality, and common as to the general printing of books.—A. Yes; in that sense it is common and ordinary.

Q. What proportion of printing done in your office is done upon that quality and character of paper?—A. The work done in my office is so various that it would be impossible to tell.

Q. Give some opinion or some estimation.—A. Did you ask me to answer in relation to the price or bulk?

Q. The proportion of the work—more than likely to space than anything else. What fractional portion of your printing do you do upon that paper?—A. Well, I would say 99 in a 100 of all bound printed books are printed on this, or a trifle better, grade of paper.

Q. Do you mean to say 99 out of 100 books are printed upon paper as heavy as this upon which the Republican ticket is printed?—A. I do not.

Q. You answered that 99 out of 100 books printed in your office.—A. Yes, sir; printed bound books, I said.

Q. What do you mean by printed bound books?—A. I use the word "bound" in contradistinction to pamphlets—in contradistinction to pamphlet work.

Q. What are the books printed in your office, which you have designated as bound books, used for ordinarily?—A. Printed to read.

Q. What books are they? Give a description of the works.—A. I could not do that.

Q. You can name some of them; come as near as you can.—A. Name some of the jobs we have had?

Q. Some of the works, the legal works, or literary works, or statutes.—A. The revision of the ordinances of the city of Indianapolis and the reports of the proceedings of the grand commander of the State of Indiana Knights Templar. I cannot readily call them to mind, but any number of those jobs.

Q. Any other books printed by you during the last year?—A. Yes, sir.

Q. Name them; other bound books.—A. It is impossible for me to call up now the jobs I have had. Understand me, I want to give all the information I can.

Q. Do you mean to say that the ordinances of the city of Indianapolis are printed upon what is called Western plate paper?—A. They are printed upon the same grade of stock; paper of the same grade.

Q. That does not answer the question. I want you to answer the question directly whether they are printed upon what is called Western plate paper?—A. They are not.

Q. What proportion of the work done in your office in printing bound books is done upon what is called Western plate paper?—A. Very little, or none of it.

Q. What portion of the works printed in your office—bound books—are printed upon material similar to that upon which the Republican ticket shown you was printed; similar in weight and quality?—A. Upon material similar. Now, you do not refer to weight, do you?

Q. Yes; I refer to weight when I refer to material, similar in kind.—A. You say material. Material may be large and small; it may be thick and thin, all the same matter. Ivory is ivory whether it is in an elephant's tusk or a toothpick.

Q. But the quality is the same?—A. I think you are wrong; I want to answer you and would like to do it.

Q. That is what I want.—A. A tree is a tree, but one may be thick and another thin; but it is a tree all the same.

Q. (Question repeated)—A. Very little.

Q. Have you printed a solitary book within the last 12 months upon paper similar in weight and quality to that upon which the Republican ticket is printed?—A. None that I know of.

Q. Have you ever printed a book to your knowledge upon similar material in quality and weight?—A. No.

Q. Did you ever print a newspaper upon similar material in quality, weight, and finish?—A. No, sir.

Q. Did you ever before print election tickets upon material similar in quality, weight, and finish?

(Objected to as immaterial.)

A. The ticket used in the last Presidential election in 1880 was—I want to say it was similar in weight—but I want to qualify a little bit. If I had one of them so I could feel it I could tell you at once. My recollection is in weight it was very similar and very near as heavy. I will say the Republican ticket of 1880.

Q. You have stated that you are engaged in purchasing printing paper. Do you say that the material—the quality, finish, and weight—upon which the Republican ticket is printed is such as is ordinarily used in printing books or newspapers?—A. I do not.

Q. For what purpose is the character of paper in quality, weight, and finish upon which the Republican ticket was printed ordinarily used in your business?—A. Various kinds of job work.

Q. What class of job work?—A. I do not know how to designate it by class.

Q. I suppose you might say cards and programmes?—A. I could name some items of programmes; I remember now of some progammes printed on paper like that.

Q. What is the weight of the paper upon which the tickets shown you by Mr. Peelle, designated as the Republican ticket, is printed as compared with common book or print paper?—A. Did you say common size of book or print paper?

Q. Per pound I mean.—A. The weight is always governed by the size of the paper.

Q. Similar size sheets, 25x38?—A. I think that weight is relative to a 25x38 sheet, 80 pounds in weight.

Q. The Republican ticket?—A. Yes, sir.

Q. What is the weight per ream of the paper upon which the Democratic ticket as shown you by Mr. Peelle was printed, sheets of the same size?—A. 25 x 38?

Q. Yes, sir.—A. 25 x 38 sheets, I think, would weigh 45 pounds.

Q. I believe you stated that 100,000 tickets were ordered?—A. That was my recollection; may I refresh my recollection by asking Mr. Ransdell if I am right.

Mr. PEELLE. Never mind; just answer his questions, and nothing else.

Q. What was the cost of the paper upon which 100,000 tickets was printed of the kind, quality, and size stated by you as ordered?—A. Used on the Republican ticket?

Q. Yes, sir; as Exhibit No. 1 to Mr. Sexton's depsition?—A. Give me a piece of paper, and I can figure the cost. [After figuring] $55.46.

Q. What would be the cost of the same number of tickets printed upon sheets of like size and of the weight and quality of that upon which the Democratic ticket was printed, marked Exhibit B to Mr. Holliday's deposition?—A. [After figuring] $29.45.

Q. I will ask you the same question as to the National or Greenback ticket, used at the election in 1882?—A. It would be about a cent and a half a pound less; it is about 37-pound paper. Do you want me to calculate on that paper?

Q. Yes, sir; perhaps you had better look at the Democratic ticket, and see if you have that weight right.—A. It is 45-pound paper.

Q. What is the National ticket?—A. That ticket I can tell more about. It is a chemical wood paper, and it appears heavier than it weighs by about 6 per cent.

Mr. PEELLE. What National ticket do you mean there?

Mr. BYNUM. The National or Greenback ticket voted in November, 1882, and marked Exhibit No. 2 to the deposition of W. O. Anderson.

The WITNESS. $21.40.

Q. Why did you print said Republican tickets on heavier material, which cost, as you say, $55.46, when, as you say, you could have had the same tickets printed on plain white paper, such as the Democratic ticket was printed on, for $29.45, or plain white print for $21.45, such as the Greenback ticket?

(Objected to as immaterial.)

A. You ask me as the printer?

Q. I ask you to answer that question why you selected this paper that cost so much more when you could have had just as good tickets printed upon ordinary white paper?—A. In the first place you could not have had as good a ticket printed upon a thinner and cheaper paper; that is what makes it difficult for me to answer. I do not think that they would have been as good. I think the tickets ought to be heavier.

Q. Is that your answer to the question?—A. Yes, sir.

Q. Wherein is the material on which the Republican ticket is printed any better than the material on whieh the Democratic ticket is printed?—A. Because it is better stock and worth more money and cost more.

Q. It cost more?—A. Because it is worth more and cost more and is better.

Q. Do you mean it is better for tickets?—A. Yes, sir.

Q. You stated that Mr. Ransdell selected this paper upon which these tickets were ordered upon your original examination; when was that selection made?—A. I stated that Mr. Ransdell gave the order for the tickets.

Q. Who selected the material upon which they were to be printed?—A. I selected

the paper when I bought, and Mr. Ransdell selected this paper when he ordered the tickets printed.

Q. You selected the paper when you bought it?—A. Yes, sir; that was my business.

Q, Did you see it before Mr. Ransdell selected it for a ticket or afterwards?—A. I bought it about the same time.

Q. Did not you state in your testimony a short time ago that you ordered this paper on purpose?—A. I did, and that is what I answered now; that it was done at the same time.

Q. Then the order for the tickets was made before you ordered the paper?—A. No, sir; it was not. When I bought that paper the committee did not know how many tickets they wanted and they did not give the order.

Q. They had agreed that it should be printed ou the kind, quality, and character of that paper?—A. Yes, sir.

Q. Where was that agreement made?

(Objected to as incompetent, for the reason that it assumes that there was an agreement.)

A. I could not answer.

Q. Can you state who was present at the time the paper was agreed upon, and by and between whom it was agreed upon?—A. By Mr. Ransdell, Colonel Ruckle, and myself.

Q. Who recommended this kind of material?

(Objected to as immaterial.)

A. I do not know that anybody recommended it.

Q. Did you have a sample of the paper present at the time it was agreed upon?—A. Each of the parties that I mentioned were familiar with the paper and had examined it, but whether at the exact moment the agreement was concluded that it was to be printed on this paper the sample was by them and in their hands I do not know and could not tell.

Q, When and where had each of the parties examined this quality and character of paper?—A. Mr. Ransdell was first shown a sample of this paper in my office the ay Mr. Wing exhibited his samples of paper to me, and the day on which I made the purchase.

Q. When did Mr. Ruckle examine it?—A. Mr. Ruckle saw the paper the same day and examined it.

Q. Did you then agree among yourselves that the ticket should be printed upon that character and quality of paper?—A. I do not know that we agreed among ourselves on that day that it should be done.

Q. Did you have any understanding on that day?—A. Not definitely; at least I do not know that we had definitely on that day; I do not think we came to the conclusion to select the paper and our minds were made up that day.

Q. Where was that examination made; in your office or building?—A. As I stated, the paper was first shown to Mr. Ransdell in my office, and Col. Ruckle first saw it in my office.

Q. Was Mr. Wing present at the time it was shown to Mr. Ransdell and Mr. Ruckle?—A. He was present at the time it was shown to Mr. Ransdell.

Q. Had you any of this kind of paper in stock at that time?—A. I had.

Q. How much?—A. Not a sufficient quantity to print the tickets.

Q. Did they examine the paper in stock, or that sample shown by Mr. Wing?—A. The sample shown by Mr. Wing.

Q. Who first suggested that this paper should be used for the purpose of printing election tickets?—A. I did.

Q. What was your object in suggesting this character and qualityof paper?—A. To meet the views of the commitee in having a paper of excellent quality, and good color, and good weight.

Q. Is that all the object you had?—A. That was all.

Q. What do you mean by good weight; do you mean extra weight, or double weight, or common book paper, or print paper?—A. Above an average weight.

Q. Do you mean above the ordinary weight of common print or book paper, such as commonly used?—A. I think my answer, an average weight, is as clear and distinct as I can answer that question.

Q. What is about an average weight?—A. I cannot tell definitely; what kind of paper do you mean?

Q. Common book or print paper?—A. You see they are two different things.

Q. Common book paper first?—A. 60 pounds.

Q. Is that an average of common book paper?—A. It is a common average of he better qualities of book paper.

Q. Of common ordinary book paper?—A. If that is what you mean, I want to change that 60 pounds. If you are talking about common paper, we use lighter weights than that. Let me change that answer. If you want common book paper, I will say the common weight of common book paper is 50 pounds.

Q. What is the average weight of common print or news paper?—A. 50 pounds. News paper runs in more different sizes than book papers.

Q. In your testimony I want to designate it in sheets, size 25 × 38.—A. Then I will say on the print I will change that to 25 × 38 print, 40 pounds as a print paper. You see, news paper is usually larger size.

Q. What advantage was there in printing the Republican ticket upon paper as heavy as that upon which they were printed?—A. There was no advantage, provided they were not printed on paper a great deal thinner.

Q. What advantage was there in printing them upon paper of the kind, quality, and weight upon which they were printed, as a ticket, over the kind, character, and weight of paper upon which the Democratic ticket was printed, marked Exhibit B to the deposition of C. F. Holliday?

(Objected to as immaterial, for the reason that it assumes that the paper upon which the Democratic ticket was printed is the standard under the law.)

A. In my judgment, the paper upon which the Democratic and National tickets shown to me as exhibits were printed is too light and too flimsy for such use.

Q. Is not the Democratic ticket marked Exhibit B to the deposition of Mr. Holliday printed upon a paper considered an average in weight and quality of paper in common use for printing purposes?—A. It is a common weight and quality of No. 2 western book.

Q. State why, in your judgment, you think the Democratic ticket is printed upon paper that is too light and too flimsy to be used.—A. The statement that you refer to carries its own answer; because it is too light and too flimsy. Those are the only reasons I have.

Q. You can assign no other reason than you stated in your last answer?—A. I cannot.

Q. State whether or not you did not select this paper upon which the Republican tickets were printed, as shown you by Mr. Peelle, because it was a heavier, more polished paper, and could be told from that of ordinary book or common print paper?

(Objected to as immaterial and assuming that the witness selected the paper upon which these tickets were printed.)

A. I did not. If you would put that as to the recommendation, I would say it was a suggestion instead of a selection, and then you would get an answer to your question.

Q. State whether or not you did not recommend to Mr. Ransdell the paper upon which the Republican tickets were printed, as shown you by Mr. Peelle, because it could be told from a ticket which was printed upon common book or print paper by sight?

(Objected to as immaterial and assuming that the witness had knowledge of what kind of paper the Democratic and National tickets were printed on.)

A. I did not. Can I give you a reason for my answer?

Q. That answers it.

Mr. PEELLE. You have a right to explain any answer you give.

The WITNESS. I did not, for the reason that I had no means of knowing upon what kind of paper the Democratic ticket would be printed.

Q. Did not you recommend that kind of paper to Mr. Ransdell because you thought that the Democratic ticket was less likely to be printed upon that than any other kind or quality of paper?—A. I did not.

Q. Have not the Democrats in Marion County printed their tickets generally upon the same kind and quality of paper as that upon which the ticket marked Exhibit B to the deposition of C. F. Holliday is printed?—A. I do not remember.

Q. Did you buy any such material as the Republican ticket is printed upon from Mr. Burford, in the city of Indianapolis, the day before the election?

(Objected to as not cross-examination.)

A. I did not.

Q. Did you buy any such paper from Mr. Burford at any time near the election?

(Objected to as not cross-examination.)

A. No, sir.

Q. Did you purchase any lithographic plate paper from Mr. Burford about that time?

(Objected to for the same reasons.)

A. I did not.

Q. Did you get any from him about that time?

(Objected to as immaterial.)

A. I got some paper, known as western plate paper, from Mr. Burford about that time. I borrowed it.

Q. When did you borrow that?—A. A few days before the election; I cannot tell you the day.

Q. How much did you borrow?—A. I do not remember.

Q. Was not the paper billed to you?—A. It was not.

Q. Was not it billed to you as plate paper by Mr. Burford?—A. It was not billed at all.

Q. Was it not charged to you by Mr. Burford as plate paper?—A. I do not know; I have no means of knowing; I have no knowledge that he charged it to me at all.

Q. For what purpose did you get that paper of Mr. Burford?

(Objected to as not cross-examination.)

A. I was in Mr. Burford's house and saw there a paper very similar to that upon which the Republican ticket was to be printed, and I knew that a large reward had been offered for an advance copy of the Republican ticket—a copy to be used for counterfeiting the Republican ticket—and when I saw this paper in Mr. Burford's house, upon the impulse of the moment, I thought if I could get that paper from Mr. Burford there would be one chance less of counterfeiting the Republican ticket, and I borrowed the paper from him—sent my porter after it, and it was taken into my house and laid to one side, and after the election was over the paper was returned to Mr. Burford. This was done of my own accord, and from the impulse of the moment.

Q. For what purpose was you in Mr. Burford's establishment at the time you borrowed this paper?—A. I do not know.

Q. Did not you go there for the purpose of borrowing or getting hold of all the paper similar to that upon which you intended to print the Republican ticket?—A. I did not.

Q. Who had offered a large reward for the character and quality of paper?—A. I cannot state. The information came directly to the Republican county committee, and I took it as a fact that there was such a reward. Mr. Ransdell, in speaking of this, had cautioned me very particularly, and I in turn cautioned my employés to be more than careful that no copy of the ticket should get out.

Q. Suppose the Republican ticket had been printed upon the same kind, quality, and weight of paper that the Democratic ticket marked Exhibit B attached to the deposition of C. F. Holliday was printed upon; could it have been told from the ticket printed upon the paper you did print it on?—A. I do not understand your question. With the ticket unfolded?

Q. Yes; unfolded.—A. It could have been told very readily.

Q. Why could it have been told very readily?—A. The ticket distributer at the polls, on account of the variation of the weight of the papers, would have been able to distinguish readily the bogus tickets

Q. Would it have been a bogus ticket if it had been a Republican ticket printed upon that character of paper?—A. It would have if it had not been printed in my office; and all the tickets were to be printed upon one kind of paper, and the same kind of paper; therefore a ticket printed on anything else would have been a bogus ticket.

Q. Do you mean to say that a Republican ticket printed correctly upon the same quality and character of paper that the Democratic ticket was printed on would have been bogus?—A. I say any ticket not authorized by the Republican county central committee, having charge of the campaign, would be a bogus ticket.

Q. Could you have told the difference between a Republican ticket correctly printed upon the same character of paper as that upon which the Democratic ticket was printed, marked Exhibit B to the deposition of C. F. Holliday, and that printed upon the kind and quality of paper as that used by the Republican executive committee, when folded in the hands of the elector?—A. If in the hands of another party, I could not; if in my own hands, I could.

Q. Was the paper that you borrowed of Mr. Burford, that you have spoken of, known as Western plate paper?—A. It was.

Q. Was it the same size and weight that you used in printing the Republican ticket in 1882?—A. I do not remember the size, but I remember distinctly that it was thicker paper and heavier paper.

Q. Heavier paper?—A. Heavier paper of relative size; heavier to the square inch; superficial surface.

Q. What did you do with the paper you got of Mr. Burford?—A. I returned it to him.

Q. Did you return the same identical paper you borrowed to Mr. Burford, or did you return other paper of the same quality?—A. The identical paper.

Q. How long after the election did you return the paper?—A. Within three days.

Q. At the time you obtained that paper from Mr. Burford, did you suppose you had gotten hold of all the paper of that kind and quality that there was in Indianapolis?—A. I did not suppose so.

Q. Did you make any further search for paper of that kind and quality?—A. I did not.

Q. Did you have any other person to make a search?—A. I did not, I knew without searching that there must be other paper of that kind in Indianapolis—more than I cared to borrow or buy.

Q. Did not you state to Mr. William E. English about the 5th of October, in your

office, that you knew that no other person in Indianapolis had any of that kind and quality of paper, except Mr. Burford?—A. No.

Q. And when you got it you knew you had all there was in town?—A. No.

Q. I show you the same two tickets presented to you by Mr. Peelle in his examination; are they printed upon the same quality of paper?—A. I think they are; one of them is a little heavier than the other; I think the quality is the same.

Q. One of them is a little heavier than the other; do you think they came in the same lot of paper that you ordered?—A. I do; I said that in Mr. Peelle's direct examination.

Q. What is the weight of that ticket marked Exhibit No. 8 to the deposi ion of Henry C. Adams?—A. I gave you the weight of these; I said that was five or ten pounds heavier, I thought.

Q. Five or ten pounds lighter, did you not?—A. This is the heavier one, I think; this is five or ten pounds heavier than that on a ream.

Q. Which is the heavier one?—A. The one marked Exhibit 8 to the cross-examination of Henry C. Adams is the heavier one.

Q. Did you not state to Mr. Ransdell or Mr. Ruckle, or both of them, at the time you recommended the use of this Western plate paper for printing the tickets for the Republican party in 1882, that it could be easily told what character of a ticket the voter had in his hand?

(Objected to as assuming that the witness printed the tickets on what is known as Western plate paper.)

A. No, I did not.

Q. In your examination in chief you said that this is not what is known or called "plate" paper?—A. I did.

Q. Is it what is called or known as Western plate paper?—A. It is sometimes known as that.

Q. Is it known by any other name in the trade?—A. That is simply a sized and supercalendered book paper, and nothing else.

Q. That is not an answer to my question; please answer the question direct.—A. That paper does not quite come up to the quality of what is known generally as "Western plate paper."

Q. What is the difference between this and what is generally known as "Western plate" paper?—A. The quality, you say? The quality of the paper generally known as "Western plate" paper is better than this; the stock is better; it is more carefully beaten and more carefully made, and the machine so carefully tended that the sheets would be of exactly the same thickness. For the purposes for which Western plate papers are used it is important that they be of an even thickness and very uniform in thickness.

Q. What is the weight per ream of "Western plate" paper as described by you?—A. Of a size similar to this?

Q. Yes, sir.—A. Of a size similar to this, 19 by 24, the weight varies from 50 or 55 up to 80 and 100 pounds.

Q. Then, the only reason you give for this not being a "Western plate" paper is because there is a slight variation in the weight, and of a different size?—A. No; I gave more reasons than the ones you mentioned.

Q. Is not the paper upon which the Republican ticket is printed made of the same material that the plate paper which you have described is made from?—A. Yes, sir.

Q. Is not the paper as good quality when made of uniform weight and thickness as the plate paper that you have described?—A. No; not what is generally known as "Western plate" paper. "Western plate" paper is a little better than that, and it is run more carefully and is of more even thickness.

Q. That is what I am asking you; where it was even thickness, what was the difference?—A. Then the beating in the engine has not been as complete. I should say it would take two or three hours longer beating in the engine to make paper of as close grain and fiber as what is generally known as "Western plate" paper; perhaps two or three hours.

Q. What is the material or paper generally known by in the trade—upon which the Republican ticket was printed—as shown to you by Mr. Peelle?—A. Book paper.

Q. Did you buy it as book paper?—A. I bought it on sample without any terms being used or employed in the purchase of it.

Q. Was it billed to you as book paper?—A. It was billed as "job plate."

Q. What character or quality of book paper is it generally designated by in the trade?—A. No 1, sized and supercalendered book. This paper falls a little below the average grade or average quality of No. 1 book.

Q. Is it not heavier per ream than the No. 1 book paper that you have described?—A. It is heavier if you leave out the "ream." It is heavier than the average weight; it is above the average weight. I have said that once before.

Q. It is above the average weight?—A. Yes, sir; it is above the average weight. You asked me that once before what the average was, and I said 25 by 38, 60 pounds.

Q. When this ticket marked Exhibit No. 1 to the cross-examination of Henry C. Adams is folded, as tickets are ordinarily folded by voters when depositing them in the ballot-box, can it not be distinguished by its size, weight, bulk, and the manner in which it is folded, from the Democratic ticket printed on paper such as has been shown you?—A. It could not be so distinguished readily. I am positive of this, because I tried hard all day at the polls to so distinguish it, and failed in every instance.

Q. Could not the Republican ticket be easily distinguished from the Democratic and National tickets voted at the election in November, 1882, by touch?—A. Yes, sir.

Q. Why could they be distinguished?—A. Because of the difference in their weight and difference in the finish, and difference in the quality of the stock.

Q. What is the difference in the finish of the paper between the Republican ticket and the Democratic ticket?—A. The Republican ticket is sized and well calendered, and the Democratic ticket is lightly sized and very lightly calendered, and the National ticket is of a wood pulp stock, and rough surface.

Q. You tested some bristol board handed you by Mr. Peelle, and determined that it was three-ply. I will ask you if bristol boards are not also made one-ply?—A. Not real bristol. During late years there is on the market and getting into very general use, for some purposes for which bristol boards are used, a material known as "machine bristol." It is to be found in one, two, and three ply, so designated, not because it is made of one, two, and three ply thicknesses pasted, as genuine bristol is, but that it corresponds in weight with genuine bristol of corresponding number of ply to that which the machine-made bristol is designated.

Q. Machine-made bristol is all made in one-ply?—A. It is all made in one piece. Even three-ply is made in one piece, which is just like a sheet of paper, but still it is called "three-ply."

Q. Because a paper can be split, do you say it is a bristol board?—A. Bonnet board can be split.

Q. Answer the question.—A. I mean to say that all genuine bristol can be split.

Q. If the material upon which the Republican ticket or tickets are printed could be split or would split, would you say that they are printed upon bristol board?—A. I would not.

Q. Would you say that they were printed on book paper, if they could be split?—A. Yes; but there is no possibility of splitting it or anything else. I would say it was not book paper if it would split under the same test that I used on the bristol.

Q. Have you ever been engaged in the manufacture of paper?—A. I have not.

Q. Can you describe how "print" paper is made?—A. I cannot describe minutely the entire process. I am familiar with the general features of its manufacture.

Q. Describe the general features of its manufacture—describe it minutely.—A. I have said that I could not do it.

Q. You have said that you were acquainted with the general features. I ask you the same question in reference to book paper?—A. I will make the same answer.

Q. Can you describe minutely how book paper is made?—A. I cannot.

Q. Can you describe minutely how plate paper is made?—A. I cannot, but I can describe the general features of plate paper.

Q. Describe what is called "toned" paper, if you know.

(Objected to as assuming that the witness has testified that there is toned paper.)

A. That is a term which is applied to paper—it is less than a "tint," and "toned" paper is less than a "tint"—a very slight color, and that bears a different meaning West from East. What we call "toned" paper here they call a natural color, and it has a yellowish cast. They do not use much bluing in it.

Q. Is the Republican ticket printed upon what is called "toned" paper?—A. No.

Q. What is called plain white paper?—A. I said that at the start; that there was no such term known in the trade as "plain white."

Q. In describing "toned" paper, you say that in the East it has a different meaning from what it has in the West.—A. No; I did not. I told you what "toned" paper was; that it was a paper which had been given a color, but so light, as to be less than tint, and what they would call a natural paper, or a natural color, East, we would call a "toned" paper here; that it had a yellowish tinge to it.

Q Is a paper manufactured without any bluing plain white paper?—A. In the West we call paper in which no bluing has been used a toned paper. It is not plain white; it is the natural color.

Q. Suppose bluing is used, what do you call it?—A. In any paper that we know as white, bluing has been used.

Q. Has bluing been used in the manufacture of the paper upon which the Republican ticket is printed?—A. I think it shows evidence of that. If you will look at the paper carefully you will see that it now has a yellowish tint, and near the edges—where it has been more exposed—the tinge is still yellower and deeper.

Q. How many sheets of plate paper is counted to the ream in the trade?—A. 500.

Mr. PEELLE. State how many there is in this paper that you bought.

The WITNESS. There was 480.

Q. How many in the kind the Democratic ticket is printed on?—A. 480.

Q. Did not you, in a conversation in your office a few days after the election, at the time Mr. William E. English went to your office to look at the invoice, state to him that this was plate paper upon which the Republican ticket was printed?—A. I have no recollection of stating to him that it was plate paper. I merely know that I showed him the bill.

Q. Can you get that bill at your office?—A. I will tear it out of the book; certainly; I will send it over to you to-morrow.

Q. What was the size of the sheets of paper upon which you printed this Republican ticket?—A. 19 by 24; 50 pounds.

Q. Did you ever purchase any book paper, sizes 19 by 24?—A. No, sir.

Q. Or 22 by 28?—A. I think I have, but I cannot state positively; that is, with the exception of this paper we are talking about. This exact thing. I bought that 19 by 34.

Q. As a matter of fact do you not know that book papers are not made in sheets 19 by 28 or 22 by 28?—A. They are made in the web and they cut them any size you want. I know those are not usual sizes. It would be an irregular thing if they were. I will say that. I cannot state as a matter of fact that they were never done that way.

Q. You stated in your original examination that you attended the election in 1882?—A. Yes, sir.

Q. And was challenger at the polls that day?—A. Yes, sir; I was.

Q. Ross Clarke was Democratic challenger?—A. He was.

Q. You stated in your original examination that you could not tell the difference between the Republican ticket and Democratic ticket when folded and in the hand of the voter—by sight?—A. Yes, sir.

Q. Did not you state to Ross Clarke, in the presence of Doctor Carliss, Webb Thayer, George Stacey, Milton Jacobs, and J. R. Robinson, or some of them, on the day of said election—at or near the day of the last election in 1882, at or near the place of voting, in the first precinct of the 11th ward, where you voted, that the Republican tickets were printed as they were, and on that material, so as to distinguish them from other tickets, and beat the Democrats?—A. I did not.

Q. Did not you state substantially the same thing to other persons at the time and stated in the foregoing question?—A. No, I did not.

Q. What did you say about the tickets being printed upon that kind of material in order to beat the Democrats, if anything, at that time or place?—A. I said nothing of that kind, or of that purport.

Q. Was you there when Senator McDonald was there?—A. I was.

Q. Did you make any remarks at or about that time, relative to the character and purposes for which that ticket was gotten up?—A. No, sir.

Q. Did not Ross Clark make the charge in your presence, on the day of the election in 1882, at or near the election precinct, and in the presence of Doctor Corliss, Webb Thayer, George Stacey, and Milton Jacobs, that the Republican ticket was unfair because it impaired the secrecy of the ballot-box, and prevented colored men and others from voting the Democratic ticket; and did you not say, in reply, that that is just what the ticket was designed for—anything to beat the Democrats?—A. Well, I believe I remember Ross Clark made a remark very similar to that, in regard to the negroes, and I answered him jestingly, "anything to beat the Democrats was fair," or something to that end, all in good humor, and in order not to take what he was saying as charges, because we did not want to have any trouble, and he was pretty hard to get along with.

Re-examination by Mr. PEELLE:

Q. That was without any reference to the ticket?—A. Not any.

Q. You heard no reference to the ticket, other than that?—A. No, sir.

Q. In the purchase of the paper for the use of these Republican tickets, state if this was different from former occasions when you printed tickets; I mean, had you paper sufficient for tickets heretofore?—A. Yes, sir.

Q. And where an odd job comes along, like an election, every one or two years, do you, or not, purchase paper for a particular occasion?—A. Almost always.

Q. What difference is there between the manner in which you print your tickets, and that of the Democratic party in this State? Do the Democrats buy paper specially?—A. I do not know.

Mr. BYNUM. You selected the paper for the tickets at the last city election, did you not?

The WITNESS. I printed the tickets. No, I did not; Colonel Ruckle selected that, or the committee.

Q. Was it a paper specially ordered for the purpose, or was it in stock?—A. No, it was in stock. There was but a small quantity of tickets, and it took but very little paper.

Q. How many reams of paper did you purchase to print these Republican tickets on, voted in 1882?—A. Fourteen.

Q. Do you carry as many as fourteen reams of paper in your stock of any one kind?—A. It depends altogether upon the kind. I carry 400 reams of paper.

Q. Do you carry as many as fourteen reams of paper of any one kind, in stock?—A. Yes, sir. I sometimes have 300, or more. It depends on the kind.

O. H. HASSELMAN.

Exhibits Nos. 1 *and* 2 *to deposition of Otto H. Hasselman.—Paul C. Hendricks, Notary Public.*

(Omitted. See original, page 2125.)

By agreement of both parties, the further taking of these depositions was adjourned until Wednesday, November 28, 1883.

WEDNESDAY, *November* 28, 1883.

The parties met pursuant to adjournment.

J. T. LECKLIDER, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Q. State your name, age, and residence.—A. J. T. Lecklider; 43 years old; residence, Indianapolis, Ind.

Q. State your business.—A. I am an attorney at law in this city.

Q. How long have you been a practicing lawyer here?—A. Since August, 1874, in this city.

Q. What was your business prior to that time?—A. I was in the practice of law in Ohio.

Q. Did you ever occupy any official position?—A. I was mayor of the town of Greenville for four years prior to moving to this city.

Q. Did you ever occupy any other position?—A. No, sir; I was school examiner in the town of Greenville, if you call that an official position, some eight or nine years.

Q. Were you in this city at the time of the Congressional election in 1882?—A. Yes, sir.

Q. Did you attend the same?—A. Yes, sir.

Q. What precinct and ward?—A. The first precinct of the eleventh ward.

Q. Who was the inspector?—A. James C. Yohn.

Q. What position, if any, did you occupy?—A. I was the Republican judge of the board.

Q. I now hand you a ticket headed "Republican ticket," and marked Exhibit No. 1 to the deposition of Henry C. Adams, and I will ask you to state if that is the ticket used by the Republicans at that precinct that day.—A. Yes, sir.

Q. I hand you a ticket headed "Democratic ticket," and marked Exhibit No. 2 to the deposition of James C. Yohn, and I will ask you to state if that is the Democratic ticket used at that precinct that day.—A. Yes, sir.

Q. Did you act as inspector part of the time in receiving the tickets?—A. Yes, sir; for a small part of the time.

Q. Who was the other judge at that election?—A. George W. Stout.

Q. The Democratic judge?—A. Yes, sir.

Q. And you are a Republican?—A. Yes, sir.

Q. I will ask you to state if, when that Republican ticket is folded in the hands of a voter, as tickets are ordinarily folded when being voted, it could be told or distinguished from the Democratic ticket when similarly folded?—A. I cannot tell the difference by feeling myself.

Q. By sight, I am speaking of?—A. No, sir; there is no difference.

Q. When folded with the names on the inside, as tickets are ordinarily folded, could you tell or distinguish one from the other by sight as they were being handed in?—A. No, sir.

Q. Or as you saw them handed in?—A. No, sir.

Q. Did you hear any complaint made there by Ross Clark or anybody else about the character of that Republican ticket?—A. No, sir; I did not.

Q. Was you there when Senator McDonald called?—A. Yes, sir; I was there and talked to Senater McDonald myself part of the time.

Q. Did he come up to the window?—A. Yes, sir.

Q. Did you hear Ross Clark make any complaint about that ticket?—A. None at all, sir.

Q. Was you there when the polls opened?—A. Yes, sir; I was there from the time the polls opened until they closed and the count was concluded.

Q. Did you hear any conversation between Mr. Hasselman and Mr. Clark about that Republican ticket in any way; and, if so, state what it was.—A. I did not.

Q. Was Mr. Hasselman there that day?—A. Yes, sir.
Q. The Republican challenger?—A. Yes, sir.
Q. And Ross Clark was the Democratic challenger?—A. Yes, sir.
Q. Standing opposite each other?—A. Yes, sir; just outside the window.
Q. How far from where you were?—A. There was a brick wall between us—at the outside of the window at the open space with the middle lower light left out. I suppose the brick wall is 9 inches thick.
Q. Did you hear Ross Clark say to O. H. Hasselman that that ticket was a fraud, or speak in any such way?—A. No, sir; nothing of the kind.
Q. Did you hear Ross Clark say that that ticket was a ticket gotten up to beat the Democrats?—A. No, sir.
Q. Did you hear him say that the reason that ticket was printed on that kind of paper was so it could be distinguished from the other?—A. No, sir.
Q. If such a conversation took place do you think you would have heard it?—A. Yes, sir.
Q. Were there any tickets voted there inclosed in envelopes?—A. No, sir; there was none offered.

Cross-examination by Mr. BYNUM:

Q. You were one of the judges that day?—A. Yes, sir.
Q. Your position and duties were on the inside of the room, were they not?—A. Yes, sir.
Q. Whereabouts was the election held that day?—A. At the headquarters of the fire department.
Q. Was the voting done at a door or at a window?—A. It was a door that was made into a window by boarding it up, say, two or three feet high, and then a window put in.
Q. How long did you act as inspector that day?—A. I received tickets for perhaps as much as three-quarters of an hour altogether, I think, at two or three different times, but the whole time would not amount to more than three-quarters of an hour.
Q. Whereabouts were you during the time you were acting as judge and not receiving tickets?—A. Just inside of the window.
Q. Did you remain right there all the time?—A. Yes, sir; I do not think I was absent from the room during the day.
Q. Was you not walking around the room some?—A. I might have walked across the room; it was a very small room.
Q. And a conversation might have occurred there during the day some time between Mr. Hasselman and Mr. Clark in regard to this ticket and you not have heard it?—A. I think not, unless it had been carried on in whispers and very low, because my position that day was just inside of the window most of the time, and the ballot-box was against the lower part of the window and I stood just inside of there.
Q. You are positive that no conversation occurred between Mr. Clark and Mr. Hasselman in regard to the Republican ticket at all?—A. I heard none.
Q. You said, in answer to Mr. Peelle, that you think you would have heard a conversation if it had taken place.—A. Yes; I think I would have heard it, if it had taken place in an ordinary tone of conversation.
Q. And you heard nothing whatever?—A. No, sir; I heard no objection whatever.
Q. Did you hear Mr. Clark say that the Republican ticket was an unfair ticket, and that it prevented colored men from voting the Democratic ticket that wanted to, because it could be told?—A. No, sir; I did not hear any such statement as that. Mr. Clark challenged a good many colored men that day who came up to vote.
Q. Did not you hear Mr. Clark make an assertion, and Mr. Hasselman reply that that was what it was gotten up for; anything to beat the Democrats?—A. No, sir; I heard nothing of the kind.
Q. You say you could not distinguish the difference between those tickets by handling them?—A. Not when they were folded up, I could not.
Q. And you could not distinguish the difference by sight when they were folded up?—A. No, sir; I could not tell one ticket from the other when they were folded up.
Q. Is not the Republican ticket a much heavier ticket than the Democratic ticket?—A. I think it is a little heavier.
Q. Did it fold as easily as the Democratic ticket?—A. I think the creases are a little harder to make, possibly, than the other ticket, but when folded up I could not tell or distinguish one from the other.
Q. Do you think that Republican ticket would fold as closely as the Democratic ticket, and that it would be as liable to remain in its position as the Democratic ticket?—A. Yes, sir. I do not see very much difference in it when I try them. I think that is not a distinguishable ticket.
Q. Do not you know as a matter of fact that one ticket is as heavy again as the other?—A. No, sir; I do not know it.

Q. Do you not know it by examining them now that one ticket is twice as heavy as the other?—A. I do not know whether there is that difference or not.

Q. What is the difference between them in your opinion?—A. The Republican ticket seems to be a little stiffer than the other.

Q. Do you say when those tickets were folded up the Republican ticket shown you by Mr. Peelle and the Democratic ticket shown you by him, in the manner in which tickets are usually folded when being deposited in the ballot-box, that you could not distinguish the difference between them by handling them and putting them in the box?—A. No, sir; I could not tell which was the Republican and which was the Democratic.

Q. Was not you called out of the room during the day of the election at all?—A. Not that I remember of.

Q. To the back door?—A. I was called to the back door once.

Q. Do you know whether any conversation took place during the time you were at the back door?—A. I was just to the door an instant at the time, and I now remember of some one coming and asking a single question, and I returned to the ballot-box, and if anything occurred while I was there I did not hear anything.

Q. At the time you was at the back door could not a conversation have occurred there at the front window where they were voting and you not have heard it?—A. A few words might have occurred. It might have been possible.

Q. There was considerable talking during the day outside, was there not?—A. Yes, sir.

Q. Was there not considerable wrangling there over the question as to whether certain voters were legal voters or not?—A. There was some wrangling over colored voters. Mr. Clark challenged a number of colored voters, and he himself was quite noisy at times outside.

Q. Did not Mr. Hasselman challenge a number of white voters?—A. No, sir.

Q. Did Mr. Hasselman challenge any person that day?—A. He may have challenged some that day, but I do not remember.

Q. He was Republican challenger that day?—A. Yes, sir. And my recollection is there was scarcely any challenging on the Republican side. There may have been a few, but they were few.

Q. Did not Mr. Hasselman challenge some colored voters that day?—A. Not that I remember of.

Q. Did you hear any conversation at all during the day between Mr. Hasselman and Mr. Clark?—A. Yes, sir; I heard them talking. Each of them had a book what they claimed to contain the names of the voters in the precinct that they had polled, and when anything occurred they would speak about what was on their books, and what their books showed.

Q. Were not they contending there with each other considerably during the day over the question of certain voters being legal voters?—A. Yes, sir; they talked at different times about the men that presented themselves to vote.

Q. Can you relate any special conversation that took place between them now?—A. I remember of a conversation that occurred between them concerning their own books that they had outside, that they claimed to be poll-books and to be a statement of the men that resided in the precinct, and who were entitled to vote there, and when they had made their canvass, and things of that kind.

Q. Did you stand up or sit down during the time of the voting?—A. Sometimes I stood and sometimes I sat down.

Q. When you was sitting down, you sat back behind the inspector?—A. No, sir; the inspector sat at one side of the box and one of the judges on the other.

Q. Where did the other judge stand?—A. Just back of the box.

Q. You do not pretend to be able now to relate all the conversations that may have taken place there on the day of election, do you?—A. No, sir; I could not give it word for word all the conversations that took place, that I heard outside.

Q. What time did you go there in the morning?—A. I think it was in the neighborhood of 8 o'clock when I went there.

Q. And what time did you adjourn at night?—A. I think at 6.

Q. At the time the polls closed?—A. Yes, sir.

Q. Do you pretend to say that during the entire day that you was not out of that room from 8 o'clock in the morning until 6 in the evening?—A. I do not remember of having been out.

Q. Can you state positively that you was not out?—A. I have no recollection; that is the best I can state. If out, I probably went to the urinal.

Q. Did you not go out there that day?—A. I cannot state that I did. I have no recollection of going out that day. I know we kept very close during the whole day.

Q. Is it not reasonable that you would go out in that length of time?—A. Some days I would, and some days I would not go out in that length of time. I cannot tell you what would happen in regard to a matter of that kind.

Q. State whether, in your judgment, any person could distinguish any difference between those tickets shown you by Mr. Peelle, by handling them.—A. By touch?

Q. Yes, sir; by touching and feeling.—A. It is very possible that a man with an exceptional touch, and having his attention called to the matter, could. I could not; my sense of feeling would not give me a difference between those two tickets when they were folded up.

Q. Then you think no one except an expert in the business, and he only when his attention was specially called to the fact, would distinguish any difference in handling the two tickets?—A. I think an ordinary man would not distinguish the difference; that would be my judgment in the matter.

Q. Was there any other Republican challenger there during the day besides Mr. Hasselman?—A. There were a number of other Republicans about the polls during the day, and I think Mr. Hasselman was relieved during the time by different persons who came up there to assist him.

Q. Can you state who they were?—A. D. B. Shideler was there a part of the time, and Moses McLain a part of the time.

Q. Was Robert Smith there a part of the time?—A. He was there, but I don't remember that he had anything to do with that. I don't recollect of his handling the book or doing anything in connection with the checking off of the tickets.

Re-examination by Mr. PEELLE:

Q. How large is that room in which the election board were?—A. I should think about 10 by 12 feet as near as I could guess at the size. It was a small room, and may be not more than 11 feet square. It was the corner room, in the southeast corner.

Q. What was the manner of Ross Clark that day; was he a mild-mannered man or boisterous?—A. He was quite boisterous at times.

(Objected to.)

Q. Did not his boisterousness provoke criticism from the Democratic judge?

(Objected to as incompetent.)

Q. How far could he have been heard that day in his ordinary manner of talking there that day?—A. I should think at times as much as half a square away outside in the open air.

Q. Did he swear some of the time?—A. Yes, sir.

Q. You stated you had no recollection of any white man being challenged by the Republican challengers?—A. I do not remember of any.

Q. About how many colored men were challenged by Ross Clark?—A. My recollection is there were about 20. I give this simply as my recollection. I think about 20 or 22 were sworn in during the day that he had challenged.

Q. That Mr. Clark had challenged?—A. Yes, sir. I give that as my best recollection.

Q. Were they or not sworn in by the most prominent men in the ward?—A. They were.

Recross-examination by Mr. BYNUM:

Q. Were not some of those voters sworn in that the inspector and judges afterwards decided were not entitled to vote?—A. No, sir.

Q. Did the inspector and judges there not decide that one or more of those who were sworn in were not entitled to vote?—A. The tickets of every one that was sworn in were received that day.

Q. Do not you remember the fact that Dr. Walker made an affidavit there that a colored man was entitled to vote, and even then his vote was not received?—A. No, sir. Ross Clark challenged a colored man, and Dr. Walker was brought there for the purpose of identifying him, and identified him as a man in the ward and entitled to vote, and they still would not let him vote.

Mr. PEELLE. State why.

The WITNESS. Ross Clark and the doctor got into an altercation, and Clark was offensive to the doctor and they got into an altercation, and Clark insisted that he would not take any man's word and the man must be sworn in, and Dr. Walker came in to make out an affidavit, but when looking at the affidavit and reading it he saw that it required the ownership of property in the precinct, and he could not make it, and the fellow went away and his vote was not taken.

Q. How many Democrats were sworn in during the day?—A. I do not remember.

Q. Were there any at all?—A. I think there was a couple; yes, sir; just the number I cannot give, and I am giving that from recollection now, but there were several.

Mr. PEELLE. Several; what do you mean?

The WITNESS. Several Democrats, during the day.

JOHN T. LECKLIDER.

O. H. HASSELMAN recalled.

Direct examination by Mr. PEELLE:

Question. Take the bill I now hand you, and state if that is the bill containing the paper upon which that Republican ticket is printed.—Answer. Yes, sir; it is.

Q. What is the "S. and S. C. tint"? Read over the items on the bill.—A. After the first item?

Q. Yes, sir. What is the first item on that bill?—A. [Reading] $14\frac{2}{20}$ reams 19 by 24, 50-pound white plate job, at $4.25, $59.92.

Q What kind of paper is that that follows?—A. Next item is sized and supercalendered tint. That means book paper. The next item is tint plate.

Q. Plate what?—A. Plate paper. That is all it says.

Q. Is the word "paper" understood in billing goods just in the manner in which these are billed?—A. Yes, sir; I think almost invariably.

Mr. BYNUM. That first item is the one?

The WITNESS. Yes, sir; the first item is the paper upon which the tickets are printed.

Mr. PEELLE. That is billed as "plate" because it is plate size?

The WITNESS. Yes, sir.

Mr. PEELLE. I offer the bill in evidence and ask that it be made a part of the deposition of the witness.

(The same will be found attached to this deposition as a part thereof, and marked Exhibit No. 1.)

Mr. BYNUM. You stated on yesterday that you bought that paper of Mr. Wing. Can you tell what his given name is?

The WITNESS. His first name is Charles. I do not know the middle name.

Mr. BYNUM. Charles B.?

The WITNESS. Yes, sir; Charles B. Wing.

O. H. HASSELMAN.

EXHIBIT No. 1.

O. H. Hasselman's deposition.—P. C. H., notary public.

[Wm. H. Chatfield, William Woods, Jno. S. Woods, agents for Woodsdale Paper Company.]

CINCINNATI, *Oct. 30th*, 1882.

Journal Co., bought of Chatfield & Woods,

Manufacturers of paper, paper bags and flour sacks, No. 25 West Fourth street. (Terms cash.)

$14\frac{2}{20}$ r'ms,	19×24—50 white plate job, 4.25	59	92	
$5\frac{3}{20}$ "	25×30—65 S. S. C. tint, $5.52\frac{1}{2}$	31	23	
$1\frac{1}{1}$ "	24×32—95 tint plate, $8.07\frac{1}{2}$	10	10	
30 "	*25×38—60 S. S. C. tint, 5.70	171	00	
6 "	" " —50 " " " rose, 4.75	28	50	
6 "	" " —50 " " " green, "	28	50	
6 "	" " —60 " " " " 5.70	34	20	
2 M. 6 job linen env. 2.75		5	50	
				$368 95
*Less short w't on				2 28
				$366 67

O. K. O. H. H.

(Indorsed:) Exhibit No. 1, O. H. Hasselman's deposition.

HENRY C. CHANDLER, being first duly sworn, testified as follows:

Direct examination by Mr. PEELLE:

Question. State your name, age, and residence.—Answer. Henry C. Chandler; age, 40; residence, Indianapolis, Ind., 278 West Vermont street.

Q. What is your business?—A. Engraver on wood.

Q. How long have you been in that business?—A. About fifteen years.

Q. I hand you a ticket headed "Democratic Ticket," marked Exhibit No. 2 to the deposition of James C. Tohn, being the ticket voted in this city at the Congressional election in this city in 1882. Look at the heading of that ticket and tell whether that is printed from type or printed from an engraving.—A. I should say that was an engraving, from the looks of the print.

Q. Can you tell why that is an engraving?—A. If that had been printed from type it would have been clean, just as the rest of the type is below here. It has been a bad job of engraving, from the simple fact that you will notice in between the letters above and below it is ragged and dirty.

Q. How are the letters themselves, regular or irregular?—A. They are not all absolutely the same.

Q. Has it probably been an engraving on wood or metal?—A. That I could not say. It may have been on either. but probably on wood.

Q. And then electrotyped?—A. I presume so. I could not tell anything about that. So far as printing is concerned it would be the same.

Q. You say as an engraver that that heading is engraved?—A. Yes, sir; I believe so.

Cross-examination by Mr. BYNUM:

Q. Are you positive that that heading is an engraving, or printed from an engraving?—A. I am as positive as a man could be without absolutely having done the work or seen the work done. I judge from the appearance of it that it has been engraved and been a bungling job.

Q. Could not it have been printed from old type or type defaced?—A. If that had been printed from type you would not see that dirty, muddy appearance around the letters, although the type may have been old. Type is cut deeper and cleaner almost invariably. I never saw a type cut that was like that.

Q. Could not you mutilate the type and get it like that?—A. I do not know how it would be possible for you to mutilate the type in that shape. The type is cut too deep.

Q. No person but an expert could tell whether that was printed from an engraving or from type?—A. I presume that an ordinary man if you asked him would not know the difference. The majority of people would not know whether it was engraved or otherwise.

Questions by Mr. PEELLE:

Q. State if the letters in the heading there are not written together and cut together.—A. They are in some instances; yes, sir.

Q. Would not any ordinary man now know the difference between the print from an ordinary type or from a wood-cut in which the letters were cut together?—A. I suppose an ordinary man might notice that the letters were run together if his attention was called to it, but any person in glancing at the ticket would not notice it, because not one man out of a thousand would know or think whether the job was printed or engraved.

Q. There are some dots in the letters?—A. Yes, sir.

Q. Are they necessary to the letters?—A. No, sir.

H. C. CHANDLER.

R. O. HAWKINS recalled.

Direct examination by Mr. PEELLE:

Question. I have recalled you because I omitted to ask you some questions when you was on the stand. You stated before that you was one of the Republican watchers at the time of the recount of the vote cast in 1882 for sheriff?—Answer. Yes, sir.

Q. When Mr. Brown, and Mr. Adams, and Mr. Byram were the three commissioners to recount that vote?—A. Yes, sir.

Q. I will ask you to state what objection or complaint, if any, was made by Mr. Lemon, the Democratic candidate for sheriff, and by Mr. Myers, the Democratic watchman in there in the interest of Mr. Lemon, at the time of the recount, with reference to Mr. Brown keeping the count of the vote for Congressman at the same time he was keeping the vote for sheriff.

(Objected to as incompetent and irrelevant.)

A. Mr. Lemon made a great deal of objection and talked about it a good deal to me and to others there in my presence, saying that he did not—— Do you want to know what he said, or the substance?

Q. The substance of what he said.—A. He made these objections a good many times, and in fact between almost every precinct, every time that we quit work, for a while, and walked around the room there. In the conversations we had he said it was wrong, and that Mr. Brown ought not to do it, and that in trying to do that he was neglecting his interest, and he could not do both, and he thought it was an imposition on him. That was about the purport of what he said.

Q. Was that in the presence of Mr. Myers?—A. Yes, sir.

Q. Did Mr. Myers say anything to the same effect?—A. Yes, sir; Mr. Myers spoke of it a number of times to me, and always in his presence—— [Objected to as incompetent, &c.] He spoke to me, saying about the same thing in substance that Mr. Lemon had said.

Q. What reason did Mr. Myers give?—A. He thought Mr. Brown ought to be devoting his entire attention to the count for sheriff, and that he could not do both and do justice to both of them, and while he was devoting his attention between the two he was jeopardizing Mr. Lemon's interest.

Q. What was said, if anything, by Mr. Lemon and Mr. Myers about the ability of Mr. Brown to keep a correct count in that way?

(Objected to as irrelevant and incompetent.)

A. I do not know as I can state positively all Mr. Lemon did say in so many words; but he said it was impossible for him to keep the count. Mr. Lemon seemed to think that his interest was being jeopardized by this division of his attention, and the correctness of the count on sheriff, and the figures, &c., were made by two men that the statute provides, or three men that the statute provides—the statute really provides that the county clerk shall keep it; but each one had a tally, and there were three men making tallies and the figures; and he complained about it that Mr. Brown's attention was diverted from looking at the tickets closely on sheriff, for the reason that he was trying to work at both and carry them in his mind, both on Congress and sheriff, and Mr. Myers would say to me that he did not think the count could be correctly kept as to either one of them in that way.

ROSCOE O. HAWKINS.

CHARLES A. KILLIE, being first duly sworn, testified as follows:

Direct-examination by Mr. PEELLE:

Question. State your name, age, and residence.—Answer. Charles A. Killie; age, 27; I reside at 98 John street, Indianapolis, Indiana.

Q. What is your business?—A. I am corresponding clerk for John B. Stumph, treasurer of the Supreme Lodge of Knights of Pythias.

Q. State how long you have resided in this city?—A. Over 4 years.

Q. Were you at the Congressional election in this city, November, 1882?—A. I was at the polls that day.

Q. What precinct and ward?—A. Third precinct of the seventh ward.

Q. Did you act in any other capacity there?—A. I was Republican committeeman for that precinct, and I acted in the capacity of challenger and handled the poll-book, and done a little of everything. We had a very few workers up there.

Q. How much of the day did you challenge?—A. I challenged all day except probably half an hour at noon.

Q. I hand you a ticket headed "Republican Ticket," marked Exhibit No. 1 to the deposition of Henry C. Adams, and I will ask you to state if that is the ticket used by the Republicans at that precinct that day?—A. I think it was.

Q. I hand you a ticket headed "Democratic Ticket," and marked Exhibit No. 2 to the deposition of James C. Yohn. Was that the ticket used by the Democrats there that day?—A. I think it was.

Q. State if when that Republican ticket is folded with the names on the inside, as tickets are ordinarily folded when voted, if you could tell or distinguish that from the Democratic ticket, when similarly folded, by sight.—A. Well, I do not know whether it could be done or not, but I know that so far as my experience went on that day I did not distinguish any difference between them. I was there all day, and I suppose I saw almost all the votes cast that were cast, and I did not know any difference between them. It might have been possible to distinguish them. I do not know as to that.

Q. You could tell the difference by the feeling of them?—A. Oh, yes, sir; I could probably tell the difference that way.

Q. When folded or otherwise you could tell the difference by feeling, could you not?—A. Yes; I think I could.

Cross-examination by Mr. BYNUM:

Q. The Republican ticket is much heavier than the Democratic ticket, is it not?—A. Yes; it is a heavier ticket. It has a hard finish to it that you can feel.

Q. Can you distinguish the difference between the two tickets by reason of the fact that the Republican ticket is on much heavier paper than the Democratic ticket?—A. As I said before, if I made a special point of that it is possible I could. I could not say as to that; I do not know. I was there all day and I did not notice the difference.

Q. Examining the two tickets now do not you think if your attention was specially called to it that you could distinguish the difference between those tickets even when folded up and being handed to the inspector of election by the voter?—A. Well, that would be according to how close a person was to it.

Q. As close as the challenger ordinarily stands to the ballot-box?—A. It might have been.

Q. Do not you think it could be done?—A. Well, I suppose it could be done in some cases.

Mr. PEELLE. That is, by a critical and close examination?

The WITNESS. Yes, sir; but with just an ordinary glance I do not think it could be done without paying special attention.

CHAS. A. KILLIE.

The further taking of testimony on behalf of the contestee in this case in answer to the testimony brought out by the contestant is hereby finally concluded.

Notary's fees for taking testimony in short-hand and writing same out, per diem, &c	$792 50
Number of witnesses examined, 98, at $0.75 per day	73 50
Letter-press copy of contestant's evidence for contesteee	121 00
	987 00

STATE OF INDIANA,
Marion County, sct.:

I, Paul C. Hendricks, notary public within and for said county and State, do certify that the witnesses whose depositions are hereunto attached were by me first duly sworn according to law to testify the truth, the whole truth, and nothing but the truth relating to matters in controversy in the cause hereinafter mentioned; and that said witnesses were examined according to law, and the foregoing depositions, to which this certificate is attached, were taken and reduced to writing by me, and under my direction by disinterested parties, and subscribed to by said witnesses as aforesaid stated. I further certify that the taking of said depositions commenced on the seventh day of November, 1883, at nine o'clock a. m. of said day, at room 17, Bates Block, on North Pennsylvania street, in the city of Indianapolis, Marion County and State of Indiana, and continued from day to day, as hereinbefore set forth; that the contestor, William E. English, was present in person and by counsel, Mr. John R. Wilson, of the firm of Duncan, Smith & Wilson, and Mr. W. D. Bynum, and that the said contestee was present in person, and was represented a portion of the time by counsel in the person of William L. Taylor and Mr. C. C. Hines, of the firm of Harrison, Hines & Miller. I further certify that the foregoing depositions were taken in pursuance of the notice and agreements of parties hereto attached, and at the time and place therein specified, to be used on behalf of the contestee, Stanton J. Peelle, as evidence in the matter of the contested election for a seat in the 48th Congress of the United States from the 7th Congressional district of the State of Indiana, in which William E. English is contestor and Stanton J. Peelle is contestee.

In testimony whereof I have hereunto set my hand and affixed my seal, this 29th day of December, A. D. 1883.

[SEAL.]

PAUL C. HENDRICKS,
Notary Public.

(No. 3.)

TESTIMONY FOR THE CONTESTANT IN REBUTTAL.

UNITED STATES OF AMERICA,
State of Indiana, Marion County:

In the matter of the contested election for a seat in the Forty-eighth Congress of the United States from the seventh Congressional district of the State of Indiana.

WILLIAM E. ENGLISH, contestor,
vs.
STANTON J. PEELLE, contestee.

To STANTON J. PEELLE:

You are hereby notified that in the above-entitled cause and contest that on the 15th day of December, 1883, beginning at 9 o'clock a. m. of said day, before Paul C. Hendricks, a notary public within and for the county of Marion aforesaid, and at the office of Duncan, Smith & Wilson, No. 76 East Washington street, in the city of Indianapolis, Ind., the said William E. English, the contestor in said cause, will proceed to take the

deposition of the following-named witnesses, whose places of residence are set opposite to their respective names, to wit:

Martin Powers, Indianapolis, Ind., 277 S. Penn street.
Wm. M. Hicklin, Indianapolis, Ind., 184 S. Illinois street.
Wm. Buehrig, Indianapolis, Ind., corner Penn and South street.
Michael Clune, Indianapolis, Ind., 700 S. Meridian street.
Fred. Grossart, Indianapolis, Ind., 214 S. Meridian street.
J. T. Magner, Indianapolis, Ind., county court-house.
John J. Curtis, Indianapolis, Ind., Bowen, Stewart & Co.
Austin Dougherty, Acton, Marion County, Indiana.
Charles Stahl, precinct first ward, Indianapolis, Ind.
Edward Mill, Cleveland, Ohio.
John Frantz, ——— precinct first ward, Indianapolis, Ind.
Rich'd Slater, first precinct second ward, Indianapolis, Ind.
Junius L. Wilson, Indianapolis, Ind., 76 E. Washington street.
John J. Cooper, first ward second precinct, Indianapolis, Ind.
John H. Peggs, Franklin Township, Marion County, Indiana.
Arthur W. Dawson, second precinct fourth ward, Indianapolis, Ind.
Moses G. McLain, Indianapolis, Ind., county court-house.
Irwin Robbins, first precinct fifth ward, Indianapolis, Ind.
Jno. Berans, second precinct fifth ward, Indianapolis, Ind.
Leon Bailey, first precinct sixth ward, Indianapolis, Ind.
Dr. J. J. Cole, first precinct sixth ward, Indianapolis, Ind.
E. A. Brown, first precinct, sixth ward, Indianapolis, Ind.
Chas. Myers, first precinct sixth ward, Indianapolis, Ind.
Geo. F. Kuhn, second precinct sixth ward, Indianapolis, Ind.
——— Stelhorn, first precint seventh ward, Indianapolis, Ind.
E. L. Haag, second precinct seventh ward, Indianapolis, Ind.
Dr. Field, second precinct seventh ward, Indianapolis, Ind.
Jacob Vorhis, second precinct seventh ward, Indianapolis, Ind.
Dan O'Brien, second precinct seventh ward, Indianapolis, Ind.
Jno. Klein, second precinct seventh ward, Indianapolis, Ind.
Jno. Askins, third precinct seventh ward, Indianapolis, Ind.
Hy. Habing, second precinct thirteenth ward, Indianapolis, Ind.
Sam Corbaly, first precinct fourteenth ward, Indianapolis, Ind.
Wm. Hild, first precinct, fourteenth ward, Indianapolis, Ind.
Rich'd Merrick, first precinct fourteenth ward, Indianapolis, Ind.
Geo. Barnaby, first precinct fourteenth ward, Indianapolis, Ind.
Chas. House, first precinct fourteenth ward, Indianapolis, Ind.
O. T. Bowman, second precinct fourteenth ward, Indianapolis, Ind.
Wm. Moore, second precinct fourteenth ward, Indianapolis, Ind.
Wm. Barnaby, second precinct fourteenth ward, Indianapolis, Ind.
Ben Wilson, second precinct fourteenth ward, Indianapolis, Ind.
Buck Davis, second precinct fourteenth ward, Indianapolis, Ind.
Terrence Murphy, second precinct fourteenth ward, Indianapolis, Ind.
Thos. Oddy, first precinct fifteenth ward, Indianapolis, Ind.
Patk. Manby, second precinct fifteenth ward, Indianapolis, Ind.
A. J. Stevens, second precinct fifteenth ward, Indianapolis, Ind.
Michael Walch, first precinct sixteenth ward, Indianapolis, Ind.
Peter Cosgrove, first precinct sixteenth ward, Indianapolis, Ind.
P. H. McNellis, first precinct sixteenth ward, Indianapolis, Ind.
Dan E. Reagan, second precinct sixteenth ward, Indianapolis, Ind.
Chas. Dantzer, second precinct sixteenth ward, Indianapolis, Ind.
Jacob Fox, second precinct sixteenth ward, Indianapolis, Ind.
P. J. Ryan, third precinct sixteenth ward, Indianapolis, Ind.
Martin Kepple, first precinct seventeenth ward, Indianapolis, Ind.
Wm. Howson, first precinct seventeenth ward, Indianapolis, Ind.
Jas. Leary, first precinct nineteenth ward, Indianapolis, Ind.
Frank Pittman, second precinct nineteenth ward, Indianapolis, Ind.
J. C. Carleton, third precinct nineteenth ward, Indianapolis, Ind.
Peter Spitzfadden, first precinct twentieth ward, Indianapolis, Ind.
Michael Callahan, first precinct twentieth ward, Indianapolis, Ind.
Pat Walsh, first precinct twentieth ward, Indianapolis, Ind.
Hy. Rodewald, first precinct twentieth ward, Indianapolis, Ind.
Michael Beston, first precinct twentieth ward, Indianapolis, Ind.
M. C. Hosbrook, second precinct twentieth ward, Indianapolis, Ind.
Jas. Belknap, second precinct twentieth ward, Indianapolis, Ind.

J. Green, first precinct twenty-second ward, Indianapolis, Ind.
Jno. Vanstan, second precinct twenty-second ward, Indianapolis, Ind.
Adam Bush, second precinct twenty-second ward, Indianapolis, Ind.
Aug. B. Doepper, first precinct twenty-third ward, Indianapolis, Ind.
Geo. Vanderson, second precinct twenty-third ward, Indianapolis, Ind.
Peter Lieber, second precinct twenty-third ward, Indianapolis, Ind.
Fred. Kissel, first precinct twenty-fourth ward, Indianapolis, Ind.
Chas. A. Albertsmeir, second precinct twenty-fourth ward, Indianapolis, Ind.
Wm. Hugo, first precinct eighth ward, Indianapolis, Ind.
Geo. F. Edenharter, first precinct eighth ward, Indianapolis, Ind.
Joe Greinsteiner, first precinct eighth ward, Indianapolis, Ind.
Chas. H. Buel, second precinct eighth ward, Indianapolis, Ind.
Wm. A. Russie, second precinct eighth ward, Indianapolis, Ind.
Wm. Roeder, second precinct eight ward, Indianapolis, Ind.
Geo. F. Miller, second precinct eighth ward, Indianapolis, Ind.
Jos. Neimeyer, second precinct eighth ward, Indianapolis, Ind.
Gil. Dietch, first precinct ninth ward, Indianapolis, Ind.
Joe Dunn, first precinct ninth ward, Indianapolis, Ind.
Jno. Langsdale, first precinct ninth ward, Indianapolis, Ind.
Hy. Derbecker, first precinct ninth ward, Indianapolis, Ind.
Chas. Haugh, first precinct ninth ward, Indianapolis, Ind.
R. O. Johnson, second precinct eleventh ward, Indianapolis, Ind.
Jas. Curtis, second precinct eleventh ward, Indianapolis, Ind.
Louis M. Fay, first precinct twelfth ward, Indianapolis, Ind.
Jno. J. Fay, first precinct twelfth ward, Indianapolis, Ind.
Hilary Clay, first precinct twelfth ward, Indianapolis, Ind.
Jas. Mc B. Shepherd, first precinct twelfth ward, Indianapolis, Ind.
Wm. Hennessey, second precinct twenty-fourth ward, Indianapolis, Ind.
Chas. Doublehoff (N. Y. store), Indianapolis, Ind.
Wm. Broderick, second precinct twenty-fifth ward, Indianapolis, Ind.
Thos. Lacey, Indianapolis, Ind.
Ned Reed, Indianapolis, Ind.
Wm. Hindle, Indianapolis, Ind.
W. A. Thompson, Indianapolis, Ind.
Aldophp Seidensticker, Indianapolis, Ind.
Gabriel Smuck, Indianapolis, Ind.
Dr. W. B. Fletcher, Indianapolis, Ind.
Jno. J. Curtis, Indianapolis, Ind.
Dr. Augustus Green, Indianapolis, Ind.
Wm. A. Sullivan, Indianapolis, Ind.
Lewis Theime, Indianapolis, Ind.
Jno. Roeder, Indianapolis, Ind.
Earl Reid, Indianapolis, Ind.
Jas. Deery, Indianapolis, Ind.
Jno. L. Bramerman, Indianapolis, Ind.
Tim. O'Brien, Indianapolis, Ind.
Jno. Stanton, Indianapolis, Ind.
——— Parker, Indianapolis, Ind.
J. L. Faught, Indianapolis, Ind.
Emanuel Bruce, Indianapolis, Ind.
——— Thrush, Indianapolis, Ind.
Elwood Sands, Indianapolis, Ind.
Dan'l Burton, Indianapolis, Ind.
Chas. Pease, Indianapolis, Ind.
Wm. Gerber, Indianapolis, Ind.
Jno. Ried, Indianapolis, Ind.
Geo. C. Stacey, Indianapolis, Ind.
Milton C. Jacobs, Indianapolis, Ind.
D. Webb Thayer, Indianapolis, Ind.
Dr. C. T. Corliss, Indianapolis, Ind.
D. Minick, Indianapolis, Ind.
Jno. Mahorny, Indianapolis, Ind.
Thos. McGee, Indianapolis, Ind.
Albert Farley, Indianapolis, Ind.
Jno. Condon, Indianapolis, Ind.
Ed. Tettenbrock, Indianapolis, Ind.
Will Lyburn, Indianapolis, Ind.

Jno. Porter, Indianapolis, Ind.
York Crowley, Indianapolis, Ind.
Gus. Goulder, Indianapolis, Ind.
Pat. McMahon, Indianapolis, Ind.
Patsy Deran, Indianapolis, Ind.
Butsch McDonald, Indianapolis, Ind.
Wm. E. Read, Indianapolis, Ind.
Smith H. Myers, Indianapolis, Ind.
John Schley, Indianapolis, Ind.
Levi P. Harlan, County Court House.
Danl. A. Lemon, Indianapolis, Ind.
W. W. Spencer, Indianapolis, Ind.
Frank P. Woollen, Indianapolis, Ind.
Jas. M. Cropsey, Indianapolis, Ind.
Jno. Welber, Indianapolis, Ind.
Wm. Schultz, Indianapolis, Ind.
Peter Uhl, second precinct third ward, Indianapolis, Ind.
Jno. McGee, second precinct third ward, Indianapolis, Ind.
Dan. Morunger, first precinct fifth ward, Indianapolis, Ind.
Hy. A. Watters, second precinct fifth ward, Indianapolis, Ind.
Jno. Landers, first precinct sixth ward, Indianapolis, Ind.
Chauncey Aldrich, second precinct seventh ward, Indianapolis, Ind.
Martin Breen, third precinct seventh ward, Indianapolis, Ind.
Jno. Sheirer, first precinct eighth ward, Indianapolis, Ind.
Jno. Helm, second precinct eighth ward, Indianapolis, Ind.
Joe. Deitch, first precinct ninth ward, Indianapolis, Ind.
Chris. Gumph, second precinct ninth ward, Indianapolis, Ind.
Joe. Staub, first precinct tenth ward, Indianapolis, Ind.
Geo. Stout, first precinct eleventh ward, Indianapolis, Ind.
Joe. Becker, second precinct eleventh ward, Indianapolis, Ind.
J. L. Jones, third precinct eleventh ward, Indianapolis, Ind.
Simon Burite, first precinct thirteenth ward, Indianapolis, Ind.
Wm. Johnson, second precinct fourteenth ward, Indianapolis, Ind.
Danl. Vollmer, first precinct fifteenth ward, Indianapolis, Ind.
Geo. Watters, second precinct fifteenth ward, Indianapolis, Ind.
Roman Oehler, first precinct sixteenth ward, Indianapolis, Ind.
Jas. McHugh, second precinct sixteenth ward, Indianapolis, Ind.
Patk. McDonald, third precinct sixteenth ward, Indianapolis, Ind.
And. Oehler, first precinct seventeenth ward, Indianapolis, Ind.
Jno. Maloney, second precinct seventeenth ward, Indianapolis, Ind.
Ed. F. Buscher, first precinct eighteenth ward, Indianapolis, Ind.
Peter Zimmer, second precinct eighteenth ward, Indianapolis, Ind.
Hy. Hahn, first precinct nineteenth ward, Indianapolis, Ind.
Daniel A. Kirk, second precinct nineteenth ward, Indianapolis, Ind.
Wm. F. Piel, third precinct nineteenth ward, Indianapolis, Ind.
Jno. Maple, second precinct twentieth ward, Indianapolis, Ind.
Albert Duckett, second precinct twenty-first ward, Indianapolis, Ind.
Chas. Ott, first precinct twenty-first ward, Indianapolis, Ind.
Hy. Stolte, first precinct twenty-second ward, Indianapolis, Ind.
Lorenz Schmidt, first precinct twenty-third ward, Indianapolis, Ind.
Will Browning, first precinct twenty-fourth ward, Indianapolis, Ind.
Geo. Foster, second precinct twenty-fifth ward, Indianapolis, Ind.
T. B. Thornberg, Landersdale, Morgan County, Indiana.
G. W. Garrison, Maywood, Marion County, Indiana.
Jno. Wilson, Acton, Franklin Township, Marion County, Indiana.
Wm. Pentecost, Acton, Franklin Township, Marion County, Indiana.
W. F. Goodwin, Gallendel, Franklin Township, Marion County, Indiana.
Jessie Avery, New Augusta, Pike Township, Marion County, Indiana.
Thos. Watts, Traders' Point, Pike Township, Marion County, Indiana.
Jno. Wright, New Augusta, Pike Township, Marion County, Indiana.
Luther Johnson, Malott Park, Washington Township, Marion County, Indiana.
Jno. Pierson, Wayne Township, Marion County, Indiana.
John Johnson, Wayne Township, Marion County, Indiana.
Hy Pence, Wayne Township, Marion County, Indiana.
Carl Von Hake, Clermont, Wayne Township, Marion County, Indiana.
Isaac Grube, Southport, Perry Township, Marion County, Indiana.
Dr. Whitereach, Glenn's Valley, Perry Township, Marion County, Indiana.

Thos. M. Elliott, Lawrence, Lawrence Township, Marion County, Indiana.
C. B. Wadsworth, Castleton, Lawrence Township, Marion County, Indiana.
Geo. W. Stanley, Oaklandon, Lawrence Township, Marion County, Indiana.
Hy. Geisel, Centre Township, Marion County, Indiana.
Geo. Scahak, North Indianapolis Township, Marion County, Indiana.
Julius C. Brunnell, North Indianopolis Township, Marion County, Indiana.
Abe Newland, Cumberland, Warren Township, Marion County, Indiana.
Hy. Gibson, Irvington, Warren Township, Marion County, Indiana.
Dr. Long, Irvington, Warren Townsnip, Marion County, Indiana.
Robert White, North Indianapolis, Centre Township, Marion County, Indiana.
Orville Gross, Brightwood, Marion County, Indiana.
Hy. Gimber, Marion County, Indiana.
Patk. Conlen, Miller's Block, North Illinois street, Indianapolis, Ind.
And. J. Gibbons, 36 Yandes street, first precinct first ward, Indianapolis, Ind.
Geo. Miller, 123 Columbia avenue, second precinct first ward, Indianapolis, Ind.
Wm. Carson, 300 Yandes street, third precinct first ward, Indianapolis, Ind.
Chas. W. Bridges, 320 Ash street, first precinct second ward, Indianapolis, Ind.
Jas. Hyland, 882 North Mississippi street, first precinct third ward, Indianapolis, Ind.
Chas. P. Hutchinson, 691 North Tennessee street, second precinct third ward, Indianapolis, Ind.
Geo. Goodale, 35 Camp street, first precinct fourth ward, Indianapolis, Ind.
Jno. Sheridan, 430 West North street, second precinct fourth ward, Indianapolis, Ind.
Lewis C. Walters, 501 North Mississippi street, first precinct fifth ward, Indianapolis, Ind.
Luke Walpole, 410 North Illinois street, second precinct fifth ward, Indianapolis, Ind.
Edgar A. Brown, 36½ Washington street, first precinct sixth ward, Indianapolis, Ind.
Peter Deery, 147 Park avenue, first precinct seventh ward, Indianapolis, Ind.
Danl. O'Brien, corner Ash and Cherry, second precinct seventh ward, Indianapolis, Ind.
Jerry E. Casey, 174 Dorman street, third precinct seventh ward, Indianapolis, Ind.
Wm. M. Spencer, 156 Davidson, first precinct eighth ward, Indianapolis, Ind.
Joe Neimeyer, 225 North Pine, second precinct eighth ward, Indianapolis, Ind.
Saml. Bell, 322 East Washington, second precinct ninth ward, Indianapolis, Ind.
Jno. G. Payne, 225 East Vermont, first precinct tenth ward, Indianapolis, Ind.
Ross Clark, 100 East Washington street, first precinct eleventh ward, Indianapolis, Ind.
Jno. J. Fay, 230 North Tennessee street, first precinct twelfth ward, Indianapolis, Ind.
Harvey Solomon, South Penn street, first precinct twelfth ward, Indianapolis, Ind.
Isadore Deitch, 241 North West street, first precinct thirteenth ward, Indianapolis, Ind.
Thos. Kearney, 206 West Washington street, second precinct thirteenth ward, Indianapolis, Ind.
Thos. L. Stout, 446 West Michigan street, second precinct fourteenth ward, Indianapolis, Ind.
Jno. Crosby, Indianlo, first precinct fifteenth ward, Indianapolis, Ind.
Jos. Wambaugh, 201 South Illinois street, third precinct sixteenth ward, Indianapolis, Ind.
Geo. Seidensticker, 27½ South Delaware street, first precinct seventeenth ward, Indianapolis, Ind.
Jno. C. Purdy, 274 South Pennsylvania street, second precinct seventeenth ward, Indianapolis, Ind.
Wm. H. Eden, 123 East South street, first precinct eighteenth ward, Indianapolis, Ind.
Chas. F. Ruckerfeldt, 34 Fletcher avenue, first precinct twentieth ward, Indianapolis, Ind.
Isaiah Korig, 213 Fletcher avenue, second precinct twentieth ward, Indianapolis, Ind.
Jno. W. Carleton, 401 Lexington avenue, first precinct twenty-first ward, Indianapolis, Ind.
Joseph Wagner, 207 Virginia avenue, first precinct twenty-second ward, Indianapolis, Ind.
Morris Finn, 33 Daugherty street, second precinct twenty-second ward, Indianapolis, Ind.
John Barry, 368 South Delaware, first precinct twenty-third ward, Indianapolis, Ind.
Fred Huffer, 505 Madison avenue, second precinct twenty-third ward, Indianapolis, Ind.
C. Fred Kissel, 24 West McCarty, first precinct twenty-fourth ward, Indianapolis, Ind.

Jas. Johnston, 94½ West Washington street, second precinct twenty-fourth ward, Indianapolis, Ind.

Jno. Higgins, 678 South Meridian street, third precinct twenty-fifth ward, Indianapolis, Ind.

Pierce Norton, Indianapolis, Ind.
Frank McDonald, Indianapolis, Ind.
Wm. E. Niblack, Indianapolis, Ind.
Conrad Baker, Indianapolis, Ind.
John Coburn, Indianapolis, Ind.
Byron K. Elliott, Indianapolis, Ind.
Chas. Webber, 200 South Meridian street, Indianapolis, Ind.
Saml. E. Rauh, Indianapolis, Ind.
W. C. De Vay, Indianapolis, Ind.
W. B. Burford, Indianapolis, Ind.
Austin H. Brown, Indianapolis, Ind.
C. B. Wing, Cincinnati, Ohio.
Franklin Landers, Indianapolis, Ind.
Robert Campbell, Indianapolis, Ind.
W. R. Myers, Indianapolis, Ind.
Wm. Wesley, Woollen, Indianapolis, Ind.
H. C. Adams, Indianapolis, Ind.
John Carlon, Indianapolis, Ind.
William F. Fish, Indianapolis, Ind.
Frank L. Gates, Indianapolis, Ind.
John P. Frenzel, Indianapolis, Ind.
Joseph E. McDonald, Indianapolis, Ind.

The said depositions to be used as evidence at the hearing and in the trial of the above-entitled cause and contest, by and for the said contestor. The taking of said testimony will be adjourned from day to day until the same is completed.

Dated this the 13th day of December, 1883.

WILLIAM E. ENGLISH.

I acknowledge service of the above and foregoing notice.

STANTON J. PEELLE.

SATURDAY, *December* 15, 1883.

The parties met pursuant to adjournment, and the contestant commenced his rebuttal testimony, as follows:

Mr. WILSON. We offer the following agreement in evidence this morning.

Mr. PEELLE. I admit that.

It is agreed: That the agreement offered herewith, between William E. English and Stanton J. Peelle, is correct as to the time of commencing to take depositions on the part of the contestant in rebuttal; and, by agreement, the further taking of these depositions is adjourned until Monday, Dec. 17th, 1883, at 9 a. m.

The agreement will be found attached hereto.

WILLIAM E. ENGLISH
vs.
STANTON J. PEELLE.

Agreement.

In consequence of the necessary absence of contestant's counsel on account of a death in his family, and at the same time to accommodate the contestee in taking his seat at the approaching session of Congress, it is mutually agreed, by and between the parties above named, that the further taking of testimony in said cause is hereby postponed until December 14th, 1883; and it is further mutually agreed that the said contestant shall have ten (10) days from and after said December 14th, 1883, within which time to take such testimony in rebuttal as may be admissible in law, beginning December 15, 1883.

Indianapolis, Indiana, November 28th, 1883.

WILLIAM E. ENGLISH.
STANTON J. PEELLE.

MONDAY, *December* 17, 1883—9 a. m.

The parties met pursuant to adjournment.

MILTON C. JACOBS, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON:

Question. Your name, age, and residence.—Answer. Milton C. Jacobs; age, 37; residence, Indianapolis, Ind.

Q. What is your occupation?—A. Sign-painting.

Q. How long have you resided in this State?—A. In the State about twenty-seven years.

Q. How long have you lived in Indianapolis?—A. I have been here all the time. My residence has been here all the time. Of course I have been out of the city off and on.

Q. You are a Democrat in politics?—A. Yes, sir.

Q. Were you in the city of Indianapolis on the day of the Congressional election in November, 1882?—A. Yes, sir.

Q. Where were you?—A. At the eleventh ward polls.

Q. At the engine-house?—A. Yes, sir.

Q. Do you know Mr. Ross Cleark?—A. Yes, sir.

Q. Do you know Mr. O. H. Hasselman?—A. I do; yes, sir. I know Mr. Hasselman by seeing him; just a casual acquaintance. I know him to be Mr. Hasselman.

Q. Did you hear any conversation or conversations between Mr. Clark and Mr. Hasselman on the day of that election at that precinct?—A. Yes, sir; I did.

Q. State what it was.—A. In the morning it was. Mr. Hasselman fetched up a bundle of tickets, and Mr. Clark got hold of some of them, and he saw them, and he exclaimed that they were an illegal ticket.

Q. Whereabouts was it that he exclaimed that?—A. On the chute as you went up to vote. He got up on there, in front of the window, and exclaimed that it was an illegal ticket, and Mr. Hasselman then held the tickets up and shook them—a bunch of them—and says, "Yes, the scheme was gotten up to beat the Democrats."

(Objected to as not being rebuttal of anything brought out by the contestee, and simply cumulative evidence.)

Q. Was he joking or in earnest?—A. He appeared to be in earnest. I would consider that it was in earnest.

Mr. WILSON. In answer to the objection heretofore made, the contestant desires to state, in the spirit of fairness, that Mr. Hasselman stated that he had no such conversation——

Mr. PEELLE. I object to the quotation of testimony; that shows for itself.

Mr. WILSON (continuing). With Mr. Clark; and at the time, upon cross-examination, a question was put to Mr. Hasselman if he did not make a statement of that character, and in substance that statement, in the presence of Milton Jacobs and others, and Mr. Hasselman said he did not.

Q. I call your attention to five tickets marked as exhibits to the cross-examination of Mr. Henry C. Adams, Nos. 8, 9, 10, 11, and 12, respectively——

Mr. PEELLE. To which I object, for the reason that the contestant instructed the notary in this case not to allow any of the exhibits, or any portion of the testimony taken in his case, to go out of his office; and that, in pursuance of that, he refused to allow me to take any of the exhibits, or any portion of the testimony, whatever, from his office.

Mr. WILSON. In answer to that the contestant says that the statement was made to the stenographer not to allow the original evidence to be taken out of his office, or out of his control; in the making of which statement we had no reference to copies and did not pretend to deny anybody the right to have copies, nor did we say or insist that the original evidence and the original exhibits could not be produced by the stenographer, and had, at the time consumed by Mr. Peelle in making out his case in answer to the contestant's. What was meant was that the evidence could not be carried away from the stenographer; and, at no time have we said or stated that in the examination or cross-examination of witnesses the contestee should not have the benefit or use of the exhibits offered by the contestant.

Q. I will call your attention to those exhibits, and I will ask you if those are the tickets Mr. Hasselman had there, or like them; is that the kind of ticket?

(Objected to for the reasons stated.)

A. Yes, sir; that is the ticket.

Q. Was that the only conversation had between them?—A. The only one I took any particular attention to. Of course they were bantering backwards and forwards all day.

Q. Do you recollect what transpired in those bantering conversations?—A. No, sir.

Cross-examination by Mr. PEELLE:

Q. Where do you reside?—A. 12½ North Delaware street; in the "Langsdale" block
Q. What precinct did you vote in?—A. At the engine-house in the eleventh ward.
Q. Were you painting that day?—A. No, sir; I worked at the polls.
Q. What time did you go to the polls?—A. Before they opened in the morning.
Q. Were you challenger?—A. No, sir; I was peddling tickets.
Q. The conversation that occurred between Ross Clark and Mr. Hasselman you spoke of is a conversation similar to conversations occurring at the polls; jocular bantering back and forth?—A. I do not know; I do not think I ever heard anything of that kind before in reference to tickets.
Q. You do not think Mr. Hasselman made that remark in a bantering tone? You think that he was in dead earnest?—A. Yes, sir; he acted that way.
Q. He said right out that that was a scheme?—A. Yes, sir.
Q. And he meant just what he said?—A. He appeared to.
Q. And there was no fun about it?—A. No, sir.
Q. How many were around there at that time?—A. There was a good many.
Q. Fifteen or twenty?—A. Yes, sir; there was fully as many.
Q. Was Moses McLain there?—A. I did not notice him. I saw him there, but I do not think he was there at that time. I did not see him. I saw him afterward.
Q. Did you see Robert E. Smith there?—A. No, sir; I did not.
Q. You do not remember that?—A. I saw Bob there along in the forenoon.
Q. Was Ott. Hasselman there at that time?—A. Yes, sir.
Q. Why do you recollect that?—A. Because of this wrangle.
Q. Was Joe Robinson there?—A. I do not know Robinson.
Q. Do not you know him?—A. I know Joe Roberts, but not Robinson.
Q. Was he there that day?—A. I did not see him.
Q. When did you see him there?—A. I saw him probably about two weeks ago. Joe Roberts, the attorney, is the one I mean. I do not know the man you had reference to.

MILTON C. JACOBS.

GEORGE C. STACEY, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON:

Question. Your name, age, and residence?—Answer. George C. Stacey; I am 26 years old; I room at room 25, Talbott & New's block, in this city.
Q. What is your business?—A. I am passenger brakeman on the I., B. & W. Ry.
Q. How long have you lived in this city?—A. About 22 or 23 years.
Q. Were you in this city on the 7th of November, 1882, at the time of the Congressional election?—A. Yes, sir.
Q. Where were you that day?—A. I was at the polls; I had charge of the wagons.
Q. What precinct?—A. First precinct eleventh ward.
Q. At the engine-house?—A. Yes, sir.
Q. Do you know Ross Clark?—A. Yes, sir.
Q. And Ott. Hasselman?—A. Yes, sir.
Q. Were they there that day?—A. Yes, sir.
Q. Did you hear any conversation between these gentlemen?—A. Yes, sir, I did; two or three times, if not more.
Q. State what that conversation was.—A. It was in regard to the heavy spring-back ticket that the Republican party was using that day. Mr. Clark got up at the edge of the chute where he was and made the remark that that was an illegal ticket, and Mr. Hasselman remarked that that was a scheme gotten up to beat the Democratic party.

(The contestee objected to this evidence as not being rebuttal of any evidence brought out by him, and that it is simply cumulative evidence on the part of the contestant.)

The WITNESS: This was two or three or four times during the morning.
Q. Was Mr. Hasselman in earnest or was he joking? What was his manner?—A. His manner would denote that he was in earnest I should think. Of course I cannot say whether he was in earnest or not, but if he had been speaking to me I should have taken it that he was in good earnest.
Q. You say there were two or three conversations.—A. Yes, sir; if not more.
Q. I will ask you did you hear Mr. Ross Clark make this statement to Mr. Hasselman: That the Republican ticket was unfair, because it impaired the secrecy of the ballot-box and prevented colored men and others from voting the Democratic ticket; and did not Mr. Hasselman say, in reply to that, "That is what the ticket was designed for; anything to beat the Democrats?"

(Objected to as not being rebuttal of any evidence brought out by the contestee, and simply cumulative upon the part of the contestant.)

A. I do not know that those words exactly were used, but I remember that Mr. Clark—

not only with Mr. Hasselman, but during the day speaking about it several times; that their ticket was so that parties, even at the door or window of the chute, could tell what ticket was being voted by the size and thickness of the ticket. I know that there were several conversations. I have spoken of it myself quite often, and he and I were working together that day.

Q. I ask you whether or not there was such a conversation between Mr. Hasselman and Mr. Clark?—A. That was the continuation of the argument I was speaking about first. When Mr. Hasselman said it was a scheme he took one of the tickets out of a bunch and had one in his hand at that time, and said, "Anything to beat the Democratic party."

Cross-examination by Mr. PEELLE:

Q. What is your politics?—A. I am a Democrat.

Q. How long have you known Ross Clark?—A. About eight or nine years.

Q. Do you room with him?—A. No, sir.

Q. Do you room near him?—A. About a square apart. He lives on Delaware street and I live on Pennsylvania.

Q. You said a while ago that he could find you any time.—A. He knows where I am, and I go to see him.

Q. You are intimate friends?—A. Yes, sir.

Q. You had charge of the wagons that day?—A. Yes, sir.

Q. What was the business of the wagons?—A. Wherever I would find that there were people that day to be brought to the polls, if I was busy around the polls myself, I would send some one with the wagon to bring them; and if I had leisure time—especially during the last part of the day—I got in the buggy and went after them.

Q. How much of the time were you away from the polls?—A. On business of that kind, I should think probably at least two hours during the day.

Q. And, notwithstanding that, you heard two or three conversations between Mr. Hasselman and Mr. Clark about those tickets?—A. Yes, sir; I did.

Q. Hasselman was in dead earnest all the time?—A. I thought he was. I could not say, of course, whether he was or not.

Q. What do you think about that?—A. If he had been talking to me, I would think he was in good, square earnest.

Q. How many were there present at that time?—A. I cannot say exactly. I should think there was somewhere between eight and twenty people.

Q. Hasselman was not in fun, but he was in earnest when he made the statement that that was a scheme gotten up to beat the Democrats?—A. Mr. Clark was talking very severely about the tickets, and his words were in a very animated way, and they both got to talking pretty sharp, and I should think it would be pretty near what they thought about it.

Q. How long have you been running on the road as a brakeman?—A. About sixteen months.

By WILSON:

Q. Did the Republicans have any one there looking after the voters and sending after them with vehicles on that day?—A. I cannot say that they did. Of course there were several men around the polls with tickets. Yes, now I do remember that there were Republican wagons there and men there hustling around pretty lively.

By Mr. PEELLE:

Q. How do you refresh your memory on that subject?—A. I remember one party they went after and they got fooled. I went after him afterwards and got him.

Q. You looked at Ross Clark before you made that answer?—A. No, sir.

By Mr. WILSON:

Q. Did you hear any conversation between Mr. Clark and Mr. Yohn that day?—A. Yes, sir; not only once, but a dozen times during the day. They were spatting, off and on, right along.

Q. What was said?—A. Ross was quarreling about Mr. Yohn looking out of the window and winking at parties; and he got up and said, "Mr. Yohn, I do not think that is right. I think you ought to stop it;" And Mr. Yohn replied to that and said he was not winking at anybody, but there was something wrong with his eyes; I do not remember what it was. And they had quite a spat about it two or three times.

By Mr. PEELLE:

Q. What did Mr. Yohn say was the matter with his eyes?—A. He either had sore eyes or there was smoke in his eyes, I don't know which.

Q. There was smoke coming in the window all the time?—A. Yes, sir.

Q. That was Mr. Yohn's statement, was it?—A. Yes, sir.

GEO. C. STACEY.

ROSS CLARK, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON:

Question. You are the same Ross Clark who testified in chief for the contestant in this case?—Answer. Yes, sir.

Q. You said you were at the eleventh ward precinct where Mr. Yohn and Mr. Hasselman and others were?—A. Yes, sir; the first precinct of the eleventh ward.

Q. You testified as to a conversation between you and Mr. Hasselman. I will ask you whether—in that conversation what was Mr. Hasselman's manner; was he joking, or did he appear to be in earnest?—A. He was as much in earnest as he could be.

(The contestee objects to this testimony as not rebuttal of any evidence offered by him, and as being cumulative evidence on the part of the contestant.)

Mr. WILSON. In answer to Mr. Peelle's objection, I wish to say that the question was asked Mr. Hasselman, on cross-examination, "Did not Ross Clark make the charge in your presence on the day of the election in 1882, at or near the election precinct and in the presence of Doctor Corliss, Webb Thayer, George Stacey, and Milton Jacobs, that the Republican ticket was unfair, because it impaired the secrecy of the ballot-box and prevented colored men and others from voting the Democratic ticket; and did you not say in reply to that, that it was just what the ticket was designed for—anything to beat the Democrats?" In answer to which Mr. Hasselman said: "Well, I believe I remember Ross Clark making a remark very similar to that in regard to the negroes, and I answered him jestingly, anything to beat the Democrats was fair, or something to that end, all in good humor, and in order not to take what he was saying as charges, because we did not want to have any trouble, and he was pretty hard to get along with."

Mr. PEELLE. In reply to what Mr. Wilson has said, I will say that the cross-examination is not legitimate cross-examination, and was brought out by the contestant, and now he is seeking to meet what he brought out on a cross-examination that was not legitimate cross-examination.

Q. Was his manner jesting or not?

(Objected to as leading.)

Q. What was his manner?—A. I will say that his manner was very much in earnest indeed; as much so as it could have been; he was mad.

ROSS CLARKE.

AUSTIN H. BROWN, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON:

Question. What is your name?—Answer. Austin H. Brown.

Q. You are the same Mr. Brown that has been examined before in this case?—A. Yes, sir.

Q. You were examined by Mr. Peelle in the course of his case, were you not?—A. Yes, sir.

Q. State whether, since the examination you have had here in this case, you have heard or read the evidence given in this case by N. S. Byram, Henry C. Adams, and R. O. Hawkins on behalf of the contestee—especially with reference to the count on the vote for Congress made by you.—A. I have.

Q. I will ask you as to the way you kept the count of the vote for Congress; whether an expert could keep it correctly under the circumstances under which you made the count?

(Objected to as not being rebuttal of any evidence brought out by the contestee.)

A. An expert could keep an accurate account under the circumstances as I kept it.

Q. I will ask you whether you have had much experience in that kind of business?—A. I have had a good deal of experience ever since I was 18 years of age.

Q. State fully what experience you have had.—A. Ever since I was 18 years of age I have had a good deal to do with figures and calculations and accounts; as Treasury clerk in Washington, and I was assistant chief clerk in the Sixth Auditor's Office for the Post-Office Department, being clerk there four years, and in 1846 I was detailed to assist Jonathan Elliott in the preparation of the tables that accompanied the celebrated report of Robert J. Walker, Secretary of the Treasury, on the "Tariff," and it occupied several months, and as county auditor I had a good deal to do with making calculations in the distribution of taxes and funds and settlements with the county treasurer. I was clerk of Marion County, and, in addition to other duties, I personally—not by deputy—acted as clerk to the board of canvassers in the elections of 1876 and 1878 in Marion County, and counted the vote and tabulated the returns; and as collector of internal revenue I had considerable to do with accounts. That is about my experience.

(Objected to as immaterial and not rebuttal, being cumulative evidence simply.)

Q. State, if any, what notice or commendation of your work in 1878 was made by the Republicans of your work in that line?

(Objected to for the reasons before stated.)

A. The Indianapolis Journal complimented me very much. I have that paper here, if you wish to introduce it.

Q. You can produce that and let us see it. You may read it.

(Objected to for the reasons before stated.)

A. [Reading.] "Friday, October 11, 1878. The official canvass of the Marion County October election, 1878. The board of canvassers met yesterday in the civil circuit court room and completed the election table presented below. The session lasted from 10 o'clock in the morning until 10 o'clock at night. Austin H. Brown, the clerk, worked on the table all that time without rest, a trial which would test the endurance of any man."

Q. Were you selected by the county commissioners as an expert, to make an investigation as to the accounts of Samuel Hanway as treasurer of Marion County? And if so, state the character of the work imposed upon you, and whether the result of your work has ever been called into question since.

(Objected to for the reasons before stated.)

A. In 1877 the board of county commissioners appointed myself and one Michael Gelwick as special commissioners to ascertain the amount which Samuel Hanway, the outgoing county treasurer, should pay over to his successor. This order limited our examinations to the period between the last settlement made with the county auditor and the time of the expiration of his term of office. We commenced this investigation just before Mr. Hanway went out of office, and our report was made to the county commissioners, and he paid over to his successor the amount that we found due from him at that time. This report has never been impeached or questioned since. Subsequently there was an error discovered in this settlement, owing to an erroneous footing on a tax duplicate—that is, the settlement made with the county auditor prior to the day at which we commenced taking off collections, and which we accepted as correct under our instructions—and a suit has been instituted for several thousand dollars as involved in that one error in the footing of that one duplicate. Our report in the proceedings of the court was alluded to in the pleadings by the defendant, he claiming that the settlement that he made by virtue of our report was conclusive, and a bar to any further investigation of his accounts, but the court overruled this pleading, and the suit is still pending.

(Objected to as giving the contents of pleadings now in court, and as incompetent.)

Q. You have already said you were selected by the court to count the vote for sheriff in a contest between Lemon and Hess, so I will not ask you as to that, but I will ask you whether you were not selected as an expert to examine and report as to the amount due from Mr. Landers as treasurer to Marion County; and if so, whether your work has ever been impeached, impugned or brought into question.

(Objected to as immaterial.)

A. In April, 1872, I was appointed by the judge of the superior court as master commissioner to investigate the accounts of Jackson Landers, late county treasurer, and that report was made to the court and approved.

(Objected to as not being in response to the question.)

A. [Continued.] There never has been any question as to the items going to make up the exhibits accompanying that report, or the general correctness of it, further than the attorneys objected to some of my rulings, which objections were carried to the superior court and argument made, and I was sustained and my report approved.

Q. When you were county auditor, and again when you were county clerk and collector of internal revenue, did you, or did you not, give your personal attention to the various duties of those offices, and did not the duties require great knowledge and familiarity with figures and the kind of work you done when you kept the count between English and Peelle that you have testified to?

(Objected to for the reasons before stated.)

A. I never held any public position that I did not give personal attention to. I had deputies, but I never allowed deputies to know more of the duties of the office than I did myself, and that is the character of work such as I brought to my aid in making this count.

Q. Did you give particular attention to making a careful and accurate count of the vote in Marion County in the Congressional election in 1882, as between Mr. English and Mr. Peelle; and is that count correctly stated in the testimony you have heretofore given in this case?

(Objected to as leading, and not rebuttal, &c. Cumulative.)

A. I made a very accurate account of the vote, and it is correct as I made it.

Q. Mr. Byram has testified in this case that it is his impression that your method of keeping the count for Congress consisted only in keeping a note of the number of the Democratic tickets upon which Mr. Peelle's name appeared and the number of Republican tickets upon which Mr. English's name appeared, and the number of National tickets upon which neither of their names appeared, together with the number of Dem-

ocratic and Republican tickets which were blank as to Congress. I will ask you, is this a correct statement as to your method of keeping the count, and is that the way you did keep the count?

(Objected to as immaterial, and for the further reason that the witness testified as to the manner in which he kept the count in his examination in this case, and testimony continued in response to that is cumulative.)

A. The statement of Mr. Byram is correct as far as it goes, but it does not include all I did. In addition to the details he alludes to there, I kept a tally of the straight Republican tickets Peelle on, and of the straight Democratic tickets English on, and of the straight National tickets with Medkirk on, as well as notes in detail of the exceptions to regular straight tickets.

Q. Were you present during the whole time employed in that recount of the votes on sheriff and Congressman?—A. Yes, sir.

Q. If Mr. Byram made any count of the vote for Congressman, with what ward did he begin his count?—A. He commenced with the first precinct of the tenth ward.

Q. How many tickets had been counted by the board before Mr. Byram began his count?—A. Very near 7,000. Over 6,900, anyhow.

Q. Who counted those tickets you refer to on the vote on Congress?—A. The 6,900?

Q. Yes, sir.—A. I counted those.

Q. Did Mr. Byram, Mr. Hawkins, Mr. Adams, or either of them, count these 6,900 votes, that you know of?—A. They did not to my knowledge.

Q. If you know how Mr. Byram did keep his vote for Congressman after he commenced, please state it.—A. My recollection is, and impression is, that he kept the count of the tickets off and on. In other words, the Republican with Peelle off and English on, and the Democratic tickets with English off and Peelle on, and the Democratic and Republican tickets that had neither Peelle or English on, and with no name on, and I am not sure, but I think he kept it the same way with such Greenback tickets or National tickets as were voted with variations, and I think he kept this count from the time he commenced with the first precinct of the tenth ward to the end of the count, as near as I could tell by glancing at his book, which was some three or four feet from me.

Q. If you made any statement to Mr. Byram, or called his attention to any errors in the fourth or sixth wards, or any other ward prior to the tenth ward in your recount of the vote for Congress, please state what it was.—A. I do not think I called Mr. Byram's attention to any errors that I had discovered in the vote for Congress in the fourth or sixth wards during the progress of the count; but further along, one evening as we were about retiring, and after we had counted the vote of the second precinct in Franklin Township, I had some conversation with him in reference to the Congressional count that I had made, and in that conversation my recollection is now that I told him in the fourth and sixth wards I had found that the board of canvassers had failed to give Mr. English as many votes as he was entitled to—my impression now is that that was about thirty. English gained thirty by my recount in those two precincts. I never said to him that Peelle had gained any votes in the aggregate in either of those precincts, or both. During the progress of the count of the twenty-fourth ward I think we had some conversation on the question of Congressman, and it came up as to the aggregate vote, that is, a precinct we counted three times over because there was a less number of votes or tickets to count than there were names on the poll-list, and the question of the Congressional vote came up there, but what was said either one way or the other I do not remember.

Q. In counting the vote for sheriff how many errors did you find in the wards numbered 1 to 9, inclusive?

(Objected to as not rebuttal of anything brought out by the contestee, and for the further reason that Mr. Brown has testified that he lost the memorandum book in which he kept the count, and he had no recollection whatever as to errors occurring in any particular precinct in any particular ward.)

A. On the vote for sheriff?

Q. Yes, sir.—A. That I have figures for. It was fourteen errors—there were variations in fourteen totals on candidates for sheriff as between that and the return of the board of canvassers.

Q. Fourteen totals?—A. Yes, sir; and my impression would be that that would include fifty errors at least—in fifty distinct tickets.

Q. Did you find many errors in these wards in counting the vote for Congress?—A. I did.

Q. These wards are all north of Washington street, are they not, and all but one are Republican?—A. Yes, sir; they are all north of Washington street, and all Republican, except the eighth, which is Democratic.

Q. Did you find more errors in the wards north of Washington street than you did in the wards south of Washington street on the count of the vote on Congressman?

(Objected to.)

Q. I will change it. On which side of Washington street, in your count of the vote for Congressman, did you find the largest number of errors—north or south?

(Objected to as incompetent.)

A. My impression is, upon the north side; that is, there were more corrections upon the north side than upon the south side.

Q. If you know, you may state whether Mr. Byram, in keeping the count that he says he kept from the tenth ward on of the vote for Congressman, made a comparison at that time of his count of each precinct with the return of the votes of such precinct made by the board of canvassers?—A. He did not make any general comparison, but a few times he did.

Q. Did you make such comparison of the recount of the vote for Congress?

(Objected to for the reasons stated before.)

A. I did, in every case. Do you wish me to state the character of those returns? I can.

Q. What returns do you mean?—A. The comparison I made was not with the sheet of the board of canvassers, but with the election officers' returns.

Q. I believe you testified to that in chief.—A. Yes, sir.

Q. If in the course of the recount of the votes for sheriff and your recount of the votes for Congress you compared results at the end of the count of each precinct, or any precinct, with Mr. Byram, you may state it.—A. I never made any such comparison but once, and he then asked me how I had the vote and I gave him my figures. I never asked him for his.

Q. Was that on sheriff?—A. On Congress. We always compared on sheriff every time. I think I testified to that in chief.

Q. No; I do not think you did.—A. I mean as to the sheriffalty.

Q. Was there any recount of the ballots because of a discrepancy between the votes for Congressman, as you found it in any precinct, and the vote as Mr. Byram found it in any precinct?—A. No, sir. What we did we did voluntarily—at least I did voluntarily—in regard to the vote for Congressman, and we were commissioned to count for sheriffalty, and of course any application to recount for Congress would not have been entertained, and no such application was made, nor was such recount made by the board.

Q. You did make such recount on the vote for sheriff?—A. Yes, sir; several times.

Q. Mr. Byram, in his evidence, gave it as his impression that in making that recount 25 or 30 Republican tickets were found that had Mr. Peelle's name scratched off and no name for Congress. Please state what is your recollection or impression upon that subject.

(Objected to, for the reason that the witness has testified that he had no impression upon the subject.)

A. I cannot give you an exact statement about that, but my impression is, not less than 100 anyhow of that kind of tickets.

Q. Mr. Byram, in his evidence, gave it as his impression that there were 25 or 50 Republican tickets found, in making that recount, with Mr. English's name written or pasted on them for Congress. Please state what is your recollection on that subject, if you have any.

(Objected to for the reasons heretofore mentioned.)

A. My impression is that there were at least 175 tickets of that character.

Q. In keeping the count of the vote on Congressman, did you and Mr. Byram compare results or did you have any conversation as you went along as to results in the various precincts?—A. No; we had no conversation except as I remarked a little while ago.

Q. I will ask you whether Mr. H. C. Adams or Mr. R. O. Hawkins, or either of them, were in a situation during said recount to see or know of the count for Congress as it was in process of counting?

(Objected to as not rebuttal, and for the further reason that no witness has said that he was in such position.)

A. Neither of those gentlemen were in a position. Mr. Adams was closest to me and Mr. Hawkins was some distance off from where I sat; though he changed his position frequently, still he never was very close to me.

Q. Did you in the course of your recount for the vote for Congress call Mr. Adams's or Mr. Hawkins's attention to any errors you had discovered?

(Objected to as not rebuttal of any evidence brought out by the contestee.)

A. I never said anything to Mr. Hawkins about this matter at all, but Mr. Adams and I had some talk. I remember in the count of a precinct in Decatur Township, where Mr. Peelle had lost a number of votes, Mr. Adams said it was because of some feeling in regard to some post-office matter, and the same remark was made in reference to a similar loss of votes in Franklin Township—I think the Acton precinct; and when we were counting the seventeenth ward and second precinct, the ward in which I live and voted, I said to Mr. Adams, "Harry, when I come to my ticket I will show it to you, because I

would know it among thousands because of some peculiar marks upon it." I looked very carefully at every ticket and failed to find my ticket. It was not there. I said to Mr. Adams again, "Harry, they have stolen my ticket, and it is not here." The reason I am sure is, if it had been here it would not have escaped my eye, and I could very readily have identified it.

Q. Now, is that all the conversation you had with Mr. Adams?—A. Yes, sir; I told him why I would know my ticket. I said I had marked my ticket and fixed it up at home, and that I had voted for three Republicans, and for one I think a friend had furnished me a paster with mucilage on the back of it, and I wet the mucilage and put that upon the ticket; and for the next I had no paster, and I cut the name out of one of the Republican papers and put mucilage on it myself and then put it over the Democratic name; and the third name, which was below, I took a pen and scratched out the name of the Democratic candidate and wrote the Republican name on it, and such a ticket as that voted by me I said I would know anywhere. That is all the conversation I had with Mr. Adams that I remember of.

Q. Now, in the count of the vote for sheriff, did you as the count progressed keep a memorandum of the number of votes each candidate received for sheriff, and the same as to Congressman?

(Objected to as not proper rebutting evidence and as being simply cumulative evidence.)

A. I did. I kept them both in the same book, as I testified in chief.

Q. At the time or after the conclusion of the recount of the vote for Congressman made by you, did you say anything in the presence of N. S. Byram, Roscoe O. Hawkins, and H. C. Adams, or either of them, with reference to the result of your recount of the votes for Congressman as between English and Peelle which you had then made?—A. I never made any remark in the presence of Mr. Byram or Mr. Adams or Mr. Hawkins, or either of them, or to any one in their presence, at the time or at the conclusion of the count as to the result of the count which I kept, or did I give any one any figures on that day.

Q. Did you have a conversation on that day with any one as to the result of the recount you had then made of the votes for Congress in Marion County, as between English and Peelle? And, if so, you may state what was said.

(Objected to, for the reasons heretofore stated.)

A. I did; in answer to an inquiry made of me by Mr. Frank P. Woollen I said to him that Mr. English was elected by my count.

(Objected to as made in the absence of the contestee and not in the presence of those who made the count.)

The WITNESS. But I gave him no figures. On the day following I gave Mr. Woollen my figures at the Meridian Bank, late in the afternoon. This conversation I had with Mr. Woollen was in the water-closet in the rear of the room where the count was made.

Q. Did you say anything that day in the presence of Mr. Byram, or Mr. Hawkins, or Mr. Adams as to what would be the probable result of the votes for Congress as between English and Peelle should a recount be made in the future? And, if so, state what you did say and your reasons for saying it.—A. I never made any statement as to the result of the count. I may have stated, and I have an impression that I did, that I would not advise Mr. English to have a recount of the ballots, for the reason that the tickets which we had just completed counting, in my opinion, had been tampered with as to sheriff before they reached us, and what would be done in that case might be done in any other if it was necessary to accomplish a given purpose. I do not think I ever made any remark in any other connection in reference to a recount.

Q. That was in reference to a future recount?—A. Yes, sir.

Q. On your recount of the vote for Congress did you find tickets in there, in any precinct in Franklin Township or Wayne Township, or any precinct in the twenty-fourth ward in Indianapolis, or any precinct in any township or ward in Marion County, either in favor of Mr. Peelle or in favor of Mr. English, or against either of them, that you did not take into account and include in your statement of the aggregate result as shown in the paper marked Exhibit I in your original examination in chief, in which you made Mr. Peelle's majority over Mr. English in Marion County to be 541?

(Objected to as immaterial and as not rebuttal of any evidence brought out by the contestee, and for the further reason that the evidence is cumulative, being the same testimony or testimony in substance given by the witness.)

A. I would say in a general way that every error which I found for or against Mr. Peelle or Mr. English was included in my count, and taken into consideration in arriving at the conclusion at which I have arrived at and stated in my exhibit, which you have referred to there.

Q. I will ask you what would have been Mr. Peelle's majority for Congress over Mr. English in Marion County, according to your count, if you had taken the vote of the second precinct in Franklin Township and the second precinct in the twenty-fourth ward

as actually returned by the board of canvassers in Marion County instead of your own count as to those two precincts?

(Objected to for the reasons stated heretofore.)

A. It would have been 24 less. Of course, whatever mistakes I made there I gave him the benefit of in the aggregate.

Q. If you can offer any explanation of the errors discovered in Franklin Township and the twenty-fourth ward, please state if you know how they occurred.

(Objected to as not rebuttal of any evidence brought out by the contestee.)

A. I do not think I can state distinctly in regard to that matter, or have even an impression.

Q. Mr. Byram stated in his evidence here that it was his impression that during your count of the vote for Congressman you called his attention to an error in the fourth or sixth wards of 9 or 10 votes in Mr. Peelle's favor. I ask you what you recollect about that, if anything, and did you make such a statement?—A. I have never stated what I said in regard to that matter. I did not call his attention at the time the count was going on, but afterwards, before retiring one evening, I told him that the errors I found were in Mr. English's favor; that the board of canvassers had given Mr. Peelle at least 30 votes more than I found he was entitled to according to my count in those two precincts. That is my impression now and my recollection.

Q. You are a Democrat, I believe?—A. Yes, sir.

Q. And voted for Mr. English?—A. Yes, sir; I voted for Mr. English—that is, I attempted to do so. I know my ticket was short when we counted them, and I did not include that in my count.

Q. You did not include your ticket in counting that ninety-nine votes?—A. No, sir; I did not, because it was not there.

Q. That would have made a difference, would it not?—A. I think so.

Q. I wish to call your attention to a written statement of Mr. Byram's here, and I do not know how I can better ask the question than to read it in sections. It reads as follows: "In the contested election case of Daniel A. Lemon vs. James W. Hess, for the office of sheriff of Marion County, Indiana, I was one of the commissioners appointed by the judge of the circuit court of said county to recount the votes cast on the 7th day of November, 1882, for said Lemon and Hess for sheriff, respectively, and while performing that duty I voluntarily kept the count of the votes cast at said election for Stanton J. Peelle and William E. English, respectively, candidates for Congress from the seventh Congressional district of Indiana." Now, you heard that statement; he says he counted the votes on Congress. Is that correct?

(Objected to, for the reason that the statement has only been given partially.)

A. Any statement there that assumes that he counted the entire vote for Congress is incorrect.

Q. "All the ballots cast at said election, except those from the second precinct of the twelfth ward of the city of Indianapolis as returned by the several officers of said election, passed through my hands, and according to the count made by me, allowing 29 votes as returned by the election officers of the second precinct of the twelfth ward of the city of Indianapolis, Mr. Peelle received 12,974, and allowing 192 votes as returned from the said twelfth ward, Mr. English received 12,207 votes, making a majority for Mr. Peele of 767." I will ask you whether all the ballots cast at said election, with the qualifications named as read, passed through Mr. Byram's hands and were counted on the recount of the vote for Congress.—A. All except that second precinct of the twelfth ward passed through Mr. Byram's hands, but he kept no count of the vote for Congress until the first precinct of the tenth ward was reached.

Cross-examination by Mr. PEELLE:

Q. You said you gave those figures the next day after the conclusion of the recount for sheriff to Mr. Woollen. Where did you take those figures from?—A. I told him in a general way that I had made my count and gone over my memorandum-book and made up a statement that showed there was a difference of 99 votes, as stated.

Q. Did you give the figures from memory, or simply from the statements you had made out?—A. From memory.

Q. That was the next day?—A. That was the day after.

Q. Was that before or after you made your statement?—A. It was after I had made out my statement.

Q. You gave it to him from memory?—A. Yes, sir.

Q. Did he put it down?—A. I do not know whether he did or not. I do not know anything about it. He asked me the question as to what the difference was, and I said my statement showed he got 99 less votes than the board of canvassers gave him.

Q. That is all you said to him?—A. Yes, sir.

Q. You stated that you did say to Mr. Byram and to Mr. Hawkins and to Mr. Adams

that you should not advise Mr. English to have a recount?—A. I do not think I ever said any thing to Mr. Hawkins.

Q. Who was it, then—to Mr. Adams?—A. Mr. Adams may have been present. I am of the impression that if I did speak at all on the subject that is about what I said, because I did say that there, and they possibly heard it.

Q. Did you say anything about the reason why you would not do it?—A. Yes, I did.

Q. What did you say to them?—A. I said that those ballots had been manipulated as to the sheriff, as I was satisfied, and before another recount could be had the same parties could manipulate them again if it was necessary to arrive at a given conclusion.

Q. You stated that to Mr. Adams?—A. I did not say I did.

Q. To whom?—A. Either Mr. Byram, and possibly Mr. Adams was present, but I stated it in the room there.

Q. Was that at the conclusion of the count?—A. No, sir; I think not. I think it was about the time this Franklin Township which we were discussing was on.

Q. That was before the count had concluded?—A. The count was practically concluded.

Q. You deny having made any statement at the conclusion of the count to these gentlemen, do you?—A. Yes, sir; most positively, as to the result of the figures that I had arrived at.

Q. You say you are an expert in the counting of ballots in the recount of that vote?—A. I did not say that. I say I claim to have a knowledge of figures sufficient to enable me to keep a correct and accurate count.

Q. What errors was there in any of the precincts prior to the tenth ward in Mr. English's favor?—A. My impression is that in the fourth and sixth wards, according to my recollection, the errors aggregated 30 votes, at least, in favor of Mr. English.

Q. What do you base that on?—A. I base that on my recollection.

Q, When you were examined before you could not state any errors in any of those wards.—A. Not in detail.

Q. Do you remember the number of votes in Mr. English's favor in any one of those nine wards?—A. The aggregate—no, sir; I do not pretend to.

Q. Do you remember what difference the errors would make in favor of or against Mr. Peelle or Mr. English in any precinct?—A. No, sir.

Q. You give it as a mere impression?—A. Yes, sir; I said so.

Q. You said there was some errors in the count on the vote for sheriff from the first to the ninth ward?—A. Yes, sir.

Q. What was the difference; in whose favor was the aggregate difference?—A. I could not say about that.

Q. Don't you know that there was an aggregate difference of 2 votes in favor of Mr. Hess up to the ninth ward inclusive?—A. That is possibly true. I could not say. There were errors in nearly every precinct we handled. That is the truth about it.

Q. You stated that you have an impression now that there was probably 175 Republican tickets upon which Mr. English's name appeared?—A. The best of my impression is there was at least that number.

Q. Why could you not have given that in your evidence before you were asked about that?—A. I was not asked for my impression; I was asked to state positive facts, which I could not do.

Q. I asked you myself before if you had any recollection upon that subject, or could give any impression, and do you remember that you declined to do so?—A. I do not think you asked me for my impression. I know there was a good many, but not so many as there was on the other side.

Q. You say the ticket you voted down there at your precinct in the seventeenth ward you fixed up at your house?—A. Yes, sir.

Q. How far do you live from the polls?—A. I live about three blocks from the polls.

Q. When you fixed up the ticket what did you do with it?—A. I went to the chute and showed it to Tom Farley, a Republican friend of mine, and he saw me vote it.

Q. What did you do with it when you fixed it?—A. I put it in my vest pocket, and carried it to the polls and voted it. I showed it to a Republican gentleman in this city before I voted it, and he saw me vote it.

Q. Did you say anything to Mr. Adams about that ticket before that count commenced?—A. No, sir; further than he knew I was going to vote for a certain man. I called his attention to that, and that is the way that happened to come up.

Q. You did not run across that ticket in that box?—A. No, sir; I spoke about it during the count, and expected to find it.

AUSTIN H. BROWN.

JOSEPH E. MCDONALD, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON:

1. Question. I believe you testified in this case in the beginning?—Answer. Yes, sir; with reference to the general character of the tickets.

2. Q. I will ask you if you know Austin H. Brown; and, if so, how long have you known him?—A. Yes, sir; I have had a personal acquaintance with him since the fall of 1849—you may say since December, 1849. I met Mr. Brown first in Washington when I went there as a member of Congress from the eighth district in this State. At that time he was a clerk in the Sixth Auditor's Office connected with the Post-Office Department, and we were boarding at the same house a good part of that session. A part of the time he occupied the same room with me. I received an injury early in the session, and he came in as company and as a friend, and occupied the room with me most of that winter. I have known him very well ever since. He was then, I should think, probably 18 or 19 years old. I know he was not of age at the time. He continued there until his father became the owner and editor and proprietor of the Sentinel here, and then he resigned his place and came back to Indianapolis to go into the Sentinel office. He was with his father in that office during the time that his father was editor. My acquaintance with him has continued ever since, and quite intimately since I have lived in this city, which has been since the spring of 1859. We have met very frequently.

3. Q. He was a resident when you came here?—A. Yes, sir.

4. Q. And you have known him, you say, intimately?—A. I have known him intimately since I formed his acquaintance in December, 1849.

5. Q. I will ask you what Mr. Brown's reputation is for truth and veracity in this community?—A. I think it is as good as anybody's; first rate.

6. Q. I think you testified in your evidence in chief in this case that you went to the second precinct of the seventeenth ward.—A. I do not remember of testifying to that effect, but that is true. I was at one precinct of the seventeenth ward in the afternoon of the day of the election. I think I probably went to both precincts. I started out for the purpose of visiting the wards in the southern part of the city, having been around to most of the polling places in the northeastern part of the city in the forenoon, and after dinner I started out to drive to the different polling precincts in the southern part of the city, and I stopped on my way down at the ninth ward a short time. I had not been at that ward in the forenoon, and I stopped as I went down in the afternoon.

7. Q. What was your position as to that campaign?—A. I was chairman of the Democratic State central committee, and also chairman of the executive committee.

8. Q. Now I will ask you if when you went to either precinct there in the seventeenth ward you had any conversation there with reference to swearing in voters? If so, state fully what you said and what was said at that precinct, if you recollect.

(Objected to as immaterial, and for the further reason that the question does not disclose with whom he had a conversation, if any one.)

Mr. WILSON. I state here as to the admission of the evidence that the witnesses for the contestee from the second precinct of the seventeenth ward have testified to alleged conversations of Senator McDonald, in the language of the statement made at that precinct concerning swearing in voters, and we have a right to call for the entire conversation.

A. I will state at one of the precincts in the ninth ward I met John Frenzel, who was a member of the executive committee and treasurer of our State central committee, and who had been on a committee acting in concert with the county central committee to see about qualifying voters that might be challenged, and I learned from him who in the seventeenth ward was expected, or had been, or had been spoken to about qualifying such voters as might be challenged, as we understood there were quite a number of voters in that ward who were employés of some machine shops in the western part of the city across the river, and he gave me the names.

9. Q. Do you recollect that name?—A. No; it is a German name.

10. Q. Was it Schoettle?—A. It was some such name. It was a German name. When I got down to that precinct of the ward I found trouble there about the votes of certain parties being received and inquired about this man, whose name had been given me by Mr. Frenzel, to know if he would file an affidavit to qualify a voter who was then challenged, and Mr. Pierce Norton, whom I found there—whether he came before me or after, I do not know—took a blank affidavit and had it filled up and went to the voter to have it signed and sworn to before a notary public, as I understood. I did not know the man, but I understood he was a notary public; and Norton and myself, and this voter, whom I did not know, but I remember to be a young man, and the witness who had signed the affidavit, this German, started up to the poll to have this man's vote presented. We went up through the chute, and when the voter got to the window the affidavit was presented and his vote, and the inspector asked the witness something about this man or what he knew of him and what his name was, or something of that kind,

and the German not answering to his satisfaction, the vote was refused. I then turned to see who had interposed the challenge. I felt satisfied that this person who was tendering his vote was a legal voter. I understood he had just come across from the shops with quite a number of others who had been at work during the forenoon and had adjourned to come over in the afternoon to vote, and there was nothing about them to indicate that they were not legal voters and nothing to show that there was any attempt on their part to put in illegal votes. I turned to see who it was had made the challenge, and a person standing off at the right was pointed out to me as the person, and I asked the question. I said, "Do you know that this man is not a legal voter? I do not want any man to vote here who is not a legal voter, and unless you have some knowledge that he is not a legal voter I suppose you would hardly challenge him;" and he said: "No, I do not know he is not a legal voter, and I do not know that he is; but if he puts it in he is to put it in according to law," and he spoke in a very brusque sort of a way; and I said: "This man has complied with the law." By that time the German witness, who had filed his affidavit, seemed to be a little inclined to back out. He did not understand what was going on, or did not seem to very well. He was growing somewhat timid, and he was backing out of the chute, and in the mean time parties on the outside were saying: "Put them out! Get them out of the way!" or words of that kind were passing around, and we got out of the chute and I did not hear what the inspector said, but finally it resulted in the vote being refused. That much I clearly understood. Not being able to talk with this man in his own language, I then told my son Frank, who was with me in the buggy, to drive back to the ninth ward and bring down Mr. Frenzel to see if he could not get a better understanding with this person and unlock this trouble about the votes; and about the time Frenzel came there—I remained until he did come, and soon after he came I went away. The person that I spoke to I did not know, but I had the impression he belonged to the police force—that is, the person pointed out to me as the one who made the challenge, but I do not know that. He spoke up quite brusquely, and seemed quite determined that this man should not vote.

11. Q. You made your statement, did you, in the presence of the gentlemen standing around the chute?—A. Oh, yes, sir; the conversation took place while I was in the chute, and Judge Norton was in the chute, and the man whose vote we were presenting and the witness—we four were there.

Cross-examination by Mr. PEELLE:

12. Q. He then told you to clear out of the chute, so that others could pass up to vote?—A. Yes, sir; they got impatient.

13. Q. It was in order to enable others to pass up the chute to vote?—A. They did not want that affair to stop the vote any longer.

14. Q. Do you know who that man was that was challenging?—A. I do not.

15. Q. Did you examine the affidavit?—A. I am very confident I did. It was written by Pierce Norton. I recollect of his bringing the affidavit up after he had filled it up. It was a printed form.

16. Q. You do not know who the man was that was offering to vote?—A. No, sir.

17. Q. Do you know where he lived?—A. Nothing except what I was told there.

18. Q. You do not know whether he was a legal voter or not?—A. No, sir; except what I was told there, and that was that he was from the workshops on the other side of the river and boarded in that ward.

19. Q. All you know about it is what was told you by those persons?—A. Yes, sir.

20. Q. Personally you have no knowledge upon the subject?—A. Personally, I have no knowledge of the parties at all.

Re-examination by Mr. WILSON:

21. Q. You say that Judge Norton drew up the affidavit?—A. Yes, sir.

22. Q. You think you saw it after it was written?—A. Yes, sir. It was a printed form, and you are all familiar, of course, with the printed forms of affidavits. He used a form for the voter to be qualified to and a form for his witness and they were filled up and sworn to.

Recross-examination by Mr. PEELLE:

23. Q. You did not pretend to read the affidavit at all?—A. No; I do not think I read it, but there was no question arose at the polling place by the officers of the election or the inspector who did most of the talking, so far as the parties interested were concerned, as to the regularity of the affidavit.

24. Q. But simply that he was not a legal voter, that was all.—A. That this witness did not have a sufficient knowledge of him or was not able to recall his name, or something of that kind. He questioned the information of the witness.

25. Q. He was swearing him in on a guess?—A. The question was the information of the witness, and I said to him that the affidavit was what the law required.

26. Q. I will ask you this, if the inspector did not ask that man who was vouching for this voter whether or not he knew him?—A. It is possible he did.

27. Q. And if he did not tell him he did not know anything about him, and he did not know him at all?—A. He could not give him his name; I remember that.

28. Q. Did not he say he did not know the man?—A. No; I do not remember that he said he did not know the man. He was a German, and I did not understand him very well myself.

29. Q. And the inspector refused to receive the vote after he had questioned the man who had vouched for him?—A. Yes, sir.

30. Q. Is it not a fact that the reason he gave for refusing was that the man that swore him in knew nothing about him?—A. He was not satisfied with the man's information. I think I said to him, if the man is satisfied to make the affidavit he could make it anywhere else as well as to come here.

31. Q. And when the German ascertained the difficulty he began to back out and became a little timid?—A. Yes, sir; he was hesitating.

32. Q. That was after the inspector had questioned him, was it not?—A. Well, I think it was. There was some pulling and hauling there.

33. Q. Such as is usual at polls?—A. It was more than usual. I have not seen that much at many of our polls here.

34. Q. No trouble there and no fighting?—A. No fights.

35. Q. No row?—A. No row.

Questions by Mr. WILSON:

36. Q. The affidavit was offered to the inspector?—A. Yes, sir; certainly.

37. Q. And he declined to accept it?—A. I think he took it in his hands, and perhaps held it while he asked this man some questions; but I am not certain about that, and it is my impression that the inspector had the affidavit in his hands; but as to that I think Judge Norton would probably know better than I would, because he was forward of me. I was the last one in the chute. There was nothing at all to indicate that this man was trying to put in an illegal vote that would strike me.

Questions by Mr. PEELLE:

38. Q. Do you remember of making the statement that a man would be satisfied to swear in a vote if some other man who knew him told him he was a legal voter?—A. I said he was not bound to have knowledge of the party at all; that he——

39. Q. Sworn in upon the reputation of some other man who knew him?—A. Such information as satisfied him. I said that the witness must be satisfied, of course, that the voter had resided in the precinct the time the law prescribed, and that he has resided sufficiently long in the State to become entitled to citizenship, and if he is satisfied of those facts he can make the affidavit, but he is not bound to have a personal knowledge of when the man came into the State and a personal knowledge of just how long he had been in that precinct, but it must be satisfactory evidence.

40. Q. Was that statement made by you before or after you went out of the chute?—A. I am not certain.

41. Q. Was it made before?—A. Perhaps it was.

42. Q. And was it not after that information was given by you that the man became timid and declined to swear him in?—A. No; this was after the vote had been refused that I made the statement.

43. Q. It was after the questions had been asked?—A. Yes, sir.

44. Q. And you said that the witness ought to be satisfied from some information?—A. I said no man, or very few men, could tell when a man came into the State if he had come in a short time before the six months, and he is not bound to know just the day he came into the State or county, but he must have satisfactory evidence.

45. Q. That he is a legal voter?—A. Yes, sir; and if he has satisfactory evidence or seemed willing to make the affidavit I think the law is complied with. I think that is what I said.

46. Q. I will ask you, then, if that was not said in the presence of the man who was intending to vouch for the voter?—A. I think so.

Questions by Mr. WILSON:

47. Q. That was made after the vote was refused?—A. Yes, sir.

48. Q. And you say he became timid?—A. Yes, sir.

49. Q. From what cause was it that he became timid?—A. I am not able to judge. I saw he could not talk with me or do anything, and the next thing that occurred to me, after having left Frenzel a short time before and Mr. Frenzel having given me his name, was to send up for him to come down, because I knew he could talk to him in his own language and could probably get these things straight. There was quite a number of votes that seemed to be depending upon whether this man could vote or not, and I had

a very strong impression that they were qualified voters and legal voters, and I did not see anything at all to intimate that they were not.

Questions by Mr. PEELLE:

50. Q. Who seemed to be taking an active part in securing votes being sworn in—I mean Democrats down there?—A. I do not recollect any one that was active about it.

51. Q. You say there was no German there that could talk German?—A. None that I know.

52. Q. Then the people that were getting that man to swear in votes were not German, were they, but people that could not talk the language?—A. I do not know whether they could or not; I do not know about that.

Question by Mr. WILSON:

53. Q. He spoke the language?—A. Yes, sir.

Mr. PEELLE. And understood it?

The WITNESS. Yes, sir; I suppose he understood it.

J. E. McDONALD.

FRANK P. WOOLLEN, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON:

Question. State your name, age, residence, and occupation.—Answer. Frank P. Woollen; 32 years old; residence, Indianapolis, Ind.; and cashier Meridian National Bank.

Q. How long have you known Mr. Austin H. Brown?—A. Since about the spring of 1873; ever since I have been in the city.

Q. What is his general reputation for truth and veracity in this community?—A. I consider Mr. Brown's reputation as good; excellent.

Q. Did you have any conversation with Mr. Brown after the recount was had on the vote for sheriff with reference to any recount he may have made on the vote for Congress that took place in November, 1882?

(Objected to as immaterial and as being hearsay, and for the further reason that it is not rebuttal of any evidence brought out by Mr. Peelle.)

Mr. WILSON. They have sought to impeach Mr. Brown by showing that he has made contradictory statements. We claim the right under the law to sustain the witness, Mr. Brown, by showing that he made statements to third parties similar to those he has testified to.

Mr. PEELLE. I will state that no witness in this case, up to the present time, except Mr. Brown, has testified to having any conversation with Mr. Woollen about the recount, and it is therefore simply in support of their own witness, as made a few moments ago upon an immaterial point.

A. I was a witness to the recount, but I was not present when the count was completed. It must have been some 2 or 3 o'clock in the morning, probably later than that, that I went home. I went back in the morning, next day about noon, to witness the signing of the papers, and I was present when all that was done, and while there I had a conversation with Mr. Brown. We were in the water-closet. I knew, of course, that he was taking the vote on Congress as he went along, and in talking it over I asked the question as to what the result was, and he said his count showed that Mr. English was elected, and not Mr. Peelle. That is what I heard.

Q. Did you say it was the day they finished the recount and made the certificate?—A. They finished the recount some time during the night after I left.

Q. Monday morning?—A. Yes; and it was on that day.

Q. They were in the same room?—A. Yes, sir; just before the papers were all arranged. We were there some two or three hours, to my recollection.

Mr PEELLE. Do you mean before they were signed?

The WITNESS. Whether the papers had been signed or not I do not know, but my impression is that it was before the papers were signed, and there was a good deal of trouble in preparing the exact return. My recollection is that Mr. Brown wrote out one, and after reading it over Mr. Byram, or some one, objected to some clause in it, and they changed it around, and we were there quite a while, but I do not know how long, and I think it was probably during this time that this question came up to be discussed. The water-closet was right adjoining the room.

Q. That return was on sheriff?—A. Yes, sir.

Q. Did you have a conversation afterwards with him on the same subject?—A. Yes, sir; my recollection is we talked the matter over about the recount of the sheriff several times. I do not know how often, but two or three, and possibly more.

Q. Did he make any statement in any subsequent conversation as to the recount of Congress?—A. Yes; my recollection is that he stated that he had figured it up and it was a fact what he had stated up there to me.

Q. Do you know when Mr. Byram commenced his count for Congressman? Did he commence with the beginning?—A. No, sir.

Q. Do you know what ward he commenced with?—A. No, sir; I do not know that. I recollect that it was in the afternoon of the second day, or something like that. That is my recollection.

Q. Do you know when Mr. Brown commenced to keep his recount?—A. He commenced with the first precinct, of the first ward.

Q. Do you know of any one else except Mr. Brown who kept a count on Congress of all the votes?—A. No, sir; I do not think any one else did.

Cross-examination by Mr. PEELLE:

Q. You did not know when Mr. Byram commenced?—A. My recollection is it was probably in the afternoon or evening of the second day.

Q. You do not know what memorandum he had made prior to that time, do you, on the vote for Congressman?—A. I do not think he kept any. I am satisfied he did not. If he kept any before that I have no recollection of it, and I had no knowledge of it. It was carried on in the room there, and I sat at one side of the table and they on the other, and I could readily see what they were doing and they could see what I was doing.

Q. You were Democratic clerk on that board?—A. Yes, sir.

Q. You are a Democrat?—A. Yes, sir.

Q. And you were not very convenient to where the commissioners were?—A. The table sat in the middle of the room, and Mr. Byram sat opposite to me and Mr. Brown at his side and a little to the left.

Q. How far were they from you?—A. Just the width of the table.

Q. Ten feet?—A. Oh, no; probably three and a half feet.

Q. It was your business to keep a tally of the votes when they were called and to pay no attention to anything else, and that was all you were selected for; simply to keep tally as clerk?—A. One of the reasons that I was requested to go on that board was that our folks were satisfied——

Q. I will ask you if you did not work there simply as a clerk?—A. I was going to give you what I was there for.

Q. I am asking you if you were not selected as a clerk or as a watcher?—A. Whatever the term was.

Q. You acted as a clerk, in fact?—A. I kept tally.

Q. Was Mr. Joe Perry the Republican who kept tally?—A. Yes, sir.

Q. He kept tally right by you?—A. Yes, sir.

Q. Smith Myers was a Democrat in there as a watcher?—A. Yes, sir.

Q. And Mr. Lemon was there all the time?—A. Yes, sir.

Q. Didn't Mr. Lemon and Smith Myers both make complaints about Mr. Brown attempting to keep the vote on Congress at the same time he kept the vote on sheriff?—A. I do not recollect about Mr. Smith Myers objecting, but Harry Adams did.

Q. Did Mr. Lemon?—A. I am not certain about Mr. Lemon. I know this: that I was there expecting to get through much sooner than I did, and I went there against my will, to a certain extent, and I know it delayed us somewhat in keeping this count; but I do not think anything was said about it until probably the evening of the second day.

Q. Was Mr. Lemon very much out of humor?—A. He was out of humor a great many times. I do not recollect whether it was in reference to that or not.

Q. Wasn't he out of humor in reference to Mr. Brown attempting to keep the count, and is it not a fact that he was out of humor?—A. I do not know. He probably was.

Q. I will ask you if it is not a fact that Smith Myers said it was impossible to keep a ount correctly and keep both of them?—A. I do not recollect of hearing Smith Myers aying that.

Q. He was present all the time, wasn't he?—A. Smith Myers?

Q. Yes, sir.—A. Yes, sir.

Q. And Mr. Lemon was there all the time?—A. Yes, sir; I think he was there all the time the voting went on. I do not think a vote was counted that he did not witness.

Q. You say you never remember of any figures Mr. Brown gave you in that conversation a day or two subsequent to the conclusion of the count?—A. I do not know. He may have given me figures, but I do not recollect.

Q. You do not recollect what was said?—A. No, sir; except simply he had made his calculations and figured it up and it showed as he thought or he knew. The figures confirmed his belief, or something of that kind; I do not know what it was, now.

Mr. WILSON. Was not the objection made to Mr. Brown's keeping a count on the vote on Congress because he was giving so much attention to the vote on Congress?—A. That was all the objection I heard; that it was taking up so much time, and time that we ought to spend in getting through there.

F. P. WOOLLEN.

PIERCE NORTON, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON:

Question. What is your position?—Answer. I am judge of the criminal court of this county.

Q. You are over 21 years of age?—A. Yes, sir; I am 33 years of age.

Q. How long have you resided in this city?—A. I came here in the spring of 1873.

Q. Do you know Austin H. Brown?—A. Yes, sir.

Q. How long have you known him?—A. I guess I have known him since I came here.

Q. Do you know his general reputation for truth and veracity in this community?—A. Yes, sir.

Q. What is it?—A. Good.

Q. Were you in this city upon the 7th of November, 1882?—A. Yes, sir.

Q. Did you attend the Congressional election held on that day?—A. Yes, sir.

Q. Were you at the second precinct of the seventeenth ward on that day?—A. Yes, sir.

Q. If you were present there and heard a conversation between Senator McDonald and any one else, or any statement made by him publicly as to the rights of parties to swear in voters, you can state so and the circumstances under which that statement was made.

(Objected to as hearsay and immaterial.)

A. I can state what I said myself and give the substance, I think, of what Mr. McDonald said at the time. About between 3 and 4 o'clock, and perhaps after 4 o'clock, I heard there was some trouble in the seventeenth ward, and I went there, as I was a candidate on the ticket myself at that time and there was trouble in getting in votes; and I went there, and at that time the inspector was refusing to receive votes that had been sworn in; that was generally stated in the crowd and also by the inspector himself; and to test that matter there was a man who was challenged. I cannot remember his name now, but I had a freeholder and a resident of the ward make an affidavit, Mr. Chris. Schoettle, and I said we will see whether this man will refuse this ballot; I filled out the affidavit myself, not only of the voter but of the freeholder, and Mr. McDonald and myself, together with that man and with the freeholder who made the affidavit, went in chute, and I said to the inspector, now here is a legal voter and he has qualified as required by law, and I offer now this, his own affidavit, supported by that of a freeholder; and the affidavits were in due form of law, and he declined to receive it; Mr. McDonald then tried to explain to them what the law was, and that this affidavit filled all the requirements of the law.

Q. And that voter was rejected?—A. That voter was rejected, together with a number of other voters. He declined to receive the votes when they were supported in this way.

Q. Did you see any policemen there?—A. Yes, sir.

Q. Did you see any policemen challenging?—A. Mr. Crane was challenging and Mr. Splann; whether he challenged any while I was there I do not recollect, but these officers were both taking an active part in the election, and they ordered me out of the chute at the time I was there.

Q. Ordered you out?—A. Yes, sir; I explained to them that I was there in the interest of the voter, and there was a general cry to put them out, when Mr. McDonald and myself were both in the chute.

Q. And you got out?—A. Yes, sir; I did not get out until the vote was refused and I saw there was no opportunity of getting it in. We were not forced out by any cries of that kind at all.

Q. What became of Mr. Schoettle?—A. He was there. Whether he went away or not I do not know, but I found out they would not take his affidavit, and we could not do anything and we had to go. There were a number of voters there who could vote, and a party who was willing to make the affidavits for them and a number he had made affidavits for that they would not receive.

Cross-examination by Mr. PEELLE:

Q. Did you see the inspector refuse any vote there that day?—A. I did. He refused this voter who was in the chute with Mr. Schoettle, Mr. McDonald, and myself.

Q. That was the voter for whom you had made out the affidavit?—A. Yes, sir.

Q. Did you see any other rejected there that day by the inspector?—A. There were several refused, but I could not state who they were.

Q. Did you see them?—A. Yes, sir.

Q. Before or after that?—A. It was before that.

Q. This man Chris. Schoettle you spoke of had sworn that voter in?—A. Yes, sir; he had.

Q. Did the inspector, when he went up to present that affidavit, ask him some questions as to whether or not he knew anything about that man?—A. I believe he undertook to interrogate him as to whether he knew him personally or something of that character.

Q. And did not Mr. McDonald make the explanation that a man was not justified in swearing in a vote upon the representation of some one else he knew, but he must have satisfactory evidence that the man was a voter?—A. I do not recollect just what Mr. McDonald's language was on that occasion, but I think McDonald said to him this: that this man has complied with the law and that is as far as you can go.

Q. Did he not say that a man who swore in a vote should have sufficient evidence from some source that the man was a legal voter?—A. Possibly he did. I do not know.

Q. And was it not after that that Mr. Schoettle backed out?—A. No, Mr. Schoettle did not back out.

Q. Did he not decline to swear in that vote, and did not he take back the affidavit himself?—A. No, sir; he did not. The man gave it back. The inspector would not take it. He says, "I won't receive it," and handed it back.

Q. And Mr. Schoettle took the affidavit?—A. I do not know about that. It is possible it was rejected.

Q. After that did not the man who swore him in—Mr. Schoettle—become a little bit timid on the subject?—A. I think not.

Q. And the cries of "Get out of the chute!"—wasn't that to enable others to get there to vote?—A. I do not know whether it was or not. There was great confusion there, and the police seemed to have charge of the polls there, as far as I could discover.

Q. What do you mean by that?—A. I mean they were hallooing and talking and challenging and making a great racket.

Q. Who were challenging?—A. Mr. Crane was challenging for one.

Q. Was he on duty that day?—A. I do not know about that, but he was recognized as a policeman. I knew him well, and Captain Splann was about the chute.

Q. Was he challenging?—A. I do not know that he was.

Q. What was his conduct there?—A. He seemed to be taking part in it.

Q. What part was he taking?—A. I can hardly say what part he was taking any more than he was there and interested in it, and seemed to be discussing it.

Q. What other policemen were there?—A. I think there was some one else there, but I do not know who it was. I knew those men very well.

Q. They were all you know as being there?—A. Yes, sir.

Q. How many people were there at that precinct at that time?—A. I could not give you an idea of that. I suppose there were one hundred there at the time I was there. I judge that, although I did not look at it with a view of determining the number.

Q. Did you see any policeman there do anything outside of the line of his duty as a policeman?—A. I suppose that would depend entirely on a man's idea of what a policeman's duties are. They were taking quite an active part in appearance—as I would do myself when I was challenging—and I think that is pretty tolerably active.

Q. State any one you saw taking part other than for the purpose of keeping order and quiet, and keeping the chute open, as it was their duty to do.—A. They were not manifesting any disposition to keep order when I was there. The burden of their work was to keep out Democratic voters so far as I could discover.

Q. Who did that?—A. Mr. Crane, more especially than any one else, and he seemed to be seconded by Captain Splann, who was standing there.

Q. You do not know whether he was on duty that day or not?—A. I do not know whether he was or not.

Q. You think there were one hundred at the polls?—A. It is possible. I do not know about that. I should judge so.

Q. There was not any trouble there—no fighting?—A. No, sir; none at all.

Q. No riot?—A. No, sir. These men were challenged and they would step outside and endeavor to get some one to swear them in.

Q. How many were objected there that had been sworn in?—A. I do not know. I cannot get give you any idea about that. I heard a great deal of talk in the crowd. They said there were some 30 or 40 men kept out in that way.

Q. Do you know of your own personal knowledge of any except the one you mentioned?—A. I do not know except those 3 or 4 or 5 that were there and were challenged. They seemed to be engaged in wholesale challenging there.

Q. There were three or four or five who had been regularly sworn in that had been rejected by the inspector?—A. I do not know about that. My purpose in going into the chute was to present this affidavit, and I drew the affidavit myself and filled it up and went to Mr. Schoettle's house afterwards, and he said there would be no use in going there, because the man would not take his affidavit, and I said, "You are a freeholder and own property in this ward and have for a long time;" he said he was, and I said, "Come

along with me and we will see whether or not this affidavit will be refused;'' and they refused to receive it.

Q. Where did he live—the voter?—A. He lived there in the ward.

Q. Whereabouts?—A. I do not know.

Q. Do you know whether he was a legal voter there?—A. No, sir; I do not know except from the information I received there. There was a number of gentlemen there with whom I was well acquainted who said he was.

Q. Do you know of your own personal knowledge of any man being refused permission to vote at that precinct except the man you refer to?—A. I cannot say that I do.

Q. All the rest you have testified about you have spoken from hearsay?—A. Yes, sir; during the time I was there there was a number of them standing outside and they were German people.

Q. Is it not the rule at election precincts to exaggerate things of that kind on both sides?—A. I do not know that it is. It is a matter that is easily determined.

Q. Was Mr. Frenzel there at the time you were there?—A. I do not know. I think he came there.

Q. Did he leave while you were there or after you did?—A. I think I left him there.

Q. How long was he there during the time you were there?—A. Perhaps half an hour. I could not give you with any certainty the time he was there.

Questions by Mr. WILSON:

Q. Was Mr. Gerber, the policeman, there?—A. I think that he was. He was Crane's partner. They run together at that time, and I think he was there, but I am not sure about that.

Q. Did they have their uniforms on?—A. I think they did, but I am not sure about it. I knew them so well as policemen that my attention was not especially attracted to that.

Q. Were there any Democrats voted while you were there?—A. No, sir.

Questions by Mr. PEELLE:

Q. Were there any that offered to vote except the one you spoke of?—A. Yes, sir; there was a number offered to vote, but were challenged.

Q. This was the only one that swore in his vote that was refused that you spoke of while you were there?—A. Yes, sir; he was the only one. I paid special attention to that in order to see whether the man would refuse his vote. He had been challenged, and my attention was specially directed to that, and I thought he would not refuse the vote when the proper affidavit was made, and Mr. McDonald and myself went into the chute to see about it.

Q. They refused to receive the vote on the ground that he was not a legal voter, and the challenge was held good on that account?—A. He held the challenge; I know he renewed the challenge while I was there—Policeman Crane did.

PIERCE NORTON.

By agreement of both parties the further taking of these depositions was adjourned until Tuesday, December 18, 1883.

TUESDAY, *December* 18, 1883.

The parties met pursuant to adjournment.

SMITH H. MYERS, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON:

1. Q. State your name, age, and residence.—A. Smith H. Myers; age, 37; residence, Indianapolis, Indiana.

2. Q. How long have you lived here in this city?—A. I think about 14 years.

3. Q. Were you present at the recount of the vote in the Hess and Lemon contest for sheriff in November, 1882?—A. I was.

4. Q. In what capacity were you there?—A. I was there as one of the watchers.

5. Q. You are a Democrat?—A. Yes, sir.

6. Q. Was there a count made at that time on all the vote on Congressman between Mr. English and Mr. Peelle?—A. There was by some party.

7. Q. Who was that?—A. Austin H. Brown.

8. Q. Have you any reason to doubt the correctness or doubt the vote for Congress made by Mr. Austin H. Brown at that time?

(Objected to as immaterial.)

A. I do not know whether I could answer that. I never saw the count and I do not know what the count was or the result of it, or the footing of it, or anything about it. I did not pay any attention to it at all.

9. Q. Did you say to R. O. Hawkins or to Mr. Adams or to Mr. Byram or to any other person there that you did not think a count could be correct kept as Mr. Brown kept it on the votes for Congress? Did you make any such statement?—A. No; in point of fact I did not. I never mentioned or referred to it to anybody but R. O. Hawkins, and that was just last week or week before. He asked me if I remembered of Mr. Brown and Mr. Byram, when their counts would not agree, getting together and fixing it up to make them correspond, and I told him I did. I remember once or twice where we recounted the ballots twice or thrice over, and still their counts would vary two or three votes. Then they would get together and fix them. I told Mr. Hawkins I remembered an instance or two of that kind.

10. Q. You do not recollect of making any statement to Mr. Hawkins or Mr. Adams or Mr. Byram that the count could not be correctly kept by Mr. Brown and kept as he did on the vote for Congress?—A. No, I never talked with either of them about the correctness of the count.

11. Q. I will ask you if it is not true that the comparison you refer to, made by Mr. Brown and Mr. Byram, was in fact a comparison on the vote for sheriff as they were keeping tally themselves on the vote for sheriff?—A. No; we had several of those contests, but there was once or twice a discrepancy in their tallies as to Congressman.

12. Q. Was that in reference to Wayne Township?—A. I declare I paid so little attention to Mr. Brown's count for Congressman that I cannot say truly.

13. Q. Was it not with reference to the count in the country?—A. I could not answer that, indeed, because I disremember.

Cross-examination by Mr. PEELLE:

14. Q. You were there as watcher at the solicitation or appointment of Mr. Lemon, were you not?—A. Yes, sir.

15. Q. He was the Democratic candidate for sheriff?—A. Yes, sir.

16. Q. You stated a while ago that the count for Congressman was kept by one party, and that was Austin H. Brown. What do you mean by that?—A. What I mean by that is that Mr. Brown began keeping count for Congress when we commenced the count for sheriff, and he began at the first ward, and Mr. Byram did not commence until the next day or the second day; I do not recollect, now which. I know it was quite a while. We had counted several wards before he began.

17. Q. He counted it from the time he commenced?—A. Yes, sir; from the time he commenced until the close he counted along with Mr. Brown.

18. Q. And he and Mr. Brown, at the end of the count on the vote for Congressman, would frequently compare notes and make changes so as to correspond?—A. No; I did not say frequently, I said once or twice. Two or three times I remember there would be discrepancies in their accounts, and they recounted the ballots once or twice of the entire vote just on Congressman. I know that pretty near all of us objected to it taking so much time. We were very late at night, and all day, and we objected to consuming that much time.

19. Q. Was there not considerable objection manifested on the part of Mr. Lemon, and did not you object to Mr. Brown keeping the vote on Congressman?—A. Yes, sir; I objected to it on account of it taking up so much time, and it was something I was not brought there for.

20. Q. Did not you state it would be impossible for him to keep the vote for Mr. Lemon correctly if he undertook at the time to keep the vote on Congressman.—A. No, I did not say that.

21. Q. Did not you say that to Mr. Hawkins?—A. No, sir?

22. Q. I will ask you if within the last two or three weeks you did not state to Mr. Hawkins that it was impossible for Mr. Brown to keep a correct account in the manner in which he kept it and if you were called as a witness you would so swear?—A. No, I did not make the statement.

23. Q. What did you say?—A. The statement I made was this: He asked me if I did not remember that two or three or four times—I forget now the number of times—that Mr. Brown and Mr. Byram would disagree in their count as to the number of votes cast for Congressman, and I told him I did, and I remembered once or twice the entire vote was counted over for a certain precinct and ward, and still they could not agree, and they would fix them up and make them agree, leaving a vote or two or three. I forget the number.

24. Q. I will ask you if it is not a fact that it was impossible for Mr. Brown to keep an accurate account on the vote for sheriff and Congressman at the same time and under the circumstances in which they were making their count?—A. I do not know in regard to Mr. Brown's capacity for anything of that kind. It is a pretty difficult job, but I presume he could do it. He is an expert in this business.

25. Q. What would you say? You know Mr. Brown and you know the manner in which the count was kept there; could he keep that vote on Congressman at the time

he did keep the vote on sheriff in the way he did so as to make it an accurate account?—A. I suppose he could. I know he took time enough. He took fully as much time keeping the count on Congressman as he did on sheriff, much to my objection. I know I was complaining of it until I saw it was no use, and then I had to quit.

26. Q. I will ask you if there was not so much objection there that Mr. English, sr., had to be brought over there, and if he did not come over there?—A. No; I do not think Mr. English was over there; not to my recollection.

27. Q. Did not Mr. English come over there and hold a consultation upon the outside of the door?—A. I do not remember that he did; there were quite a number of parties came there and we had a bailiff there, and they would rap and some one would be asked for, and I do not know whether he came or not.

28. Q. What is the fact as to whether he did come or not?—A. Indeed I do not know whether he did or not.

29. Q. You do not say he did not?—A. No, sir.

30. Q. Did Mr. Lemon make any complaint about his having to pay the expenses of that contest and Mr. Brown was taking up so much time in keeping the vote on Congressman?—A. I do not remember that. He made a good many objections, and I think he was afraid his interests would not be looked after well enough.

31. Q. Did not he say that Mr. Brown could not keep his account correctly at the same time he was keeping the vote on Congressman?

(Objected to.)

A. I disremember as to that. He talked a great deal there.

32. Q. Did not he make that remark that Mr. Brown was neglecting his interests there in keeping the vote for Congressmen?—A. I do not know that he did. He did not directly, but he inferred that once or twice to me that Mr. Brown was not looking after his interests as close as he liked.

13. Q. And he was fearful that the vote on sheriff would not be kep tcorrectly in the manner in which he was keeping both counts?—A. Yes, sir; that is what he was fearful of.

Re-examination by Mr. WILSON:

34. Q. Is it not time the remarks that Mr. Lemon made that you referred to about Mr. Brown's keeping the count on sheriff were had to the effect that Mr. Brown was devoting so much time to taking such a careful count on the vote for Congress?

(Objected to as leading.)

A. That is in the main true. He said that Mr. Brown was paying much more attention to Mr. English's interests than he was to his and he was swearing about it and he was mad about it.

35. Q. You say Mr. Byram commenced on the second day?—A. I think it was. Yes, sir.

36. Q. What time in the second day do you recollect?—A. I disremember the time.

37. Q. They commenced with the returns in the city, did they not?—A. Yes, sir.

38. Q. They commenced on—what day was it, do you recollect?—A. I do not recollect the day they began.

39. Q. You commenced Thursday and you quit Sunday night or Monday morning, did you not?—A. Monday morning, I believe.

40. Q. You do not know what ward he commenced with?—A. No, I do not. It was along the ninth or tenth, somewhere along there. We had counted quite a number.

41. Q. How long have you known Mr. Brown?—A. I have known Mr. Brown ten or twelve years.

42. Q. In this community?—A. Yes, sir.

43. Q. What is his general reputation for truth and veracity?—A. I never heard it questioned.

44. Q. Then I understand you to say that Mr. Byram did not keep a complete account on the vote for Congress?—A. No, sir; he did not commence until after we had counted several wards. I know when he began keeping we all kicked, and he had to recount and handle the ballots and it took about as long again.

45. Q. I call your attention to the statement of Mr. Byram in which he says as follows: "In the contested-election case of Daniel H. Lemon and James W. Hess for the office of sheriff of Marion County, Indiana, I was one of the commissioners appointed by the judge of the circuit court of said county to recount the vote cast on the 7th day of November, 1882, for said Lemon and Hess for sheriff, respectively, and, while performing that duty, voluntarily kept an account of the votes cast at said election for Stanton J. Peelle and William E. English, respectively, candidates for Congress from the seventh Congressional district of Indiana." He says he kept account of the votes cast at said election for Stanton J. Peelle and William E. English respectively. Did he keep account of all the votes?—A. No, sir; not all of them.

46. Q. [Reading.] "All the ballots cast at said election except those from the second precinct of the twelfth ward of the city of Indianapolis, as returned by the general officers of said election, passed through my hands, and according to the account made by me, allowing 290 votes as returned by the election officers of the second precinct of the twelfth ward of the city of Indianapolis received, and so forth." Now, I will ask you when he says here, "All the ballots cast at said election, except those from the second precinct, twelfth ward, of the city of Indianapolis, as returned by the several officers of said election, passed through my hands, and according to the account made, and so forth," is that correct if it purports to say that he counted all the votes?

(Objected to as intending to interpret an instrument which speaks for itself.)

A. No; if he means to convey the idea that he counted all the votes for Congressman there it is incorrect, but the ballots passed through his hands.

47. Q. On the count of the vote for sheriff?—A. Yes, sir.

Questions by Mr. PEELLE:

48. Q. And the same ballots passed through his hands on the vote for Congress?—A. Yes, sir.

49. Q. Then that is correct as to that part?—A. Yes, sir; as to the ballots.

50. Q. All the ballots passed through his hands that were in the box?—A. Yes, sir.

51. Q. Every ballot that went through Mr. Brown's hands went through Mr. Byram's?—A. Yes, sir.

52. Q. Are you acquainted with Mr. Byram?—A. Yes, sir.

53. Q. How long have you known him?—A. I never did know him intimately. I have known him in the business here for six or eight years.

54. Q. He stands high as a merchant in this city, does he not?—A. Yes, sir.

55. Q. And so does Mr. Hawkins, does he not, as an attorney at this bar?—A. Yes, sir.

(Objected to as incompetent, irrelevant, and immaterial.)

SMITH H. MYERS.

DANIEL WEBSTER THAYER, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON:

Question. State your name, age, and residence.—Answer. D. W. Thayer; 29 years old; residence, 309 Market street, Indianapolis, Ind.

Q. How long have you lived there?—A. Twenty-nine years.

Q. Were you in the city at the Congressional election, November 7, 1882?—A. Yes, sir.

Q. What precinct, if you recollect?—A. It is up at the headquarters of the fire department; the first precinct of the eleventh ward.

Q. Do you know Mr. Ross Clark?—A. Yes, sir.

Q. Do you know Ott Hasselman?—A. Yes, sir.

Q. Were those gentlemen there at that precinct that day?—A. Yes, sir; they were.

Q. One of them was working on one side, and the other on the other in the cause of the respective parties?—A. Yes, sir.

Q. Did you hear any statement or any conversation between Mr. Clark and Mr. Hasselman in reference to the Republican ticket? And, if so, state what it was.

(Objected to as not being rebuttal of any evidence brought out by the contestee, but is accumulative on the part of the contestant.)

A. Mr. Clark spoke out when he noticed the ticket. That was very early in the morning; and he stated to Mr. Hasselman that he did not consider it a legal ticket; that it was illegal. I did not notice that myself, but Mr. Clark spoke to me afterwards about it, and Mr. Clark says "Ott, I do not think this is a genuine legal ticket;" and Mr. Hasselman spoke up and says, "Ross, you need not kick. This is a scheme us Republicans have gotten up to beat you Democrats." I was at least within three feet of Mr. Ross Clark at the time and Mr. Hasselman was upon the opposite side of the chute.

Q. Was there any further statement made by Mr. Ross Clark afterwards publicly?—A. Mr. Ross Clark afterwards got up and made that statement right in the middle of the chute.

(Objected to, for the reasons stated before.)

Q. Did you hear the conversation between Mr. Clark and Mr. Yohn that morning?

(Objected to, for the same reasons.)

A. Yes, sir.

Q. What did he say in that statement? You said he got up and made it in the chute.—A. He got up and publicly stated to Mr. Hasselman that he did not think it was a legal ticket, and that it was an illegal ticket; and he made that so a person could hear it within fifteen feet of the chute, if not farther; at least I heard it.

Q. Was that at the voting precinct, right there and then?—A. Yes, sir.

Q. At the window?—A. Not exactly at the window; but about five feet from the window perhaps.

Q. Did you hear any conversation between Mr. Clark and Mr. Yohn that morning?—A. Yes, sir. I heard Mr. Clark speak to Mr. Yohn, and he said he did not like to have him standing there and winking over at the challengers so often.

(Objected to, for the reasons before stated.)

Cross-examination by Mr. PEELLE:

Q. What did you hear Mr. Yohn say in reply to that?—A. I do not recollect.

Q. Did he not say, in reply to that, that the smoke was coming in at the window very bad and his eyes were sore, or something of that kind?—A. I did not hear him state that. There was not any smoke during the time I was there.

Q. You did not hear him say that?—A. No, sir.

Q. Where do you live?—A. 309 East Market street.

Q. What is your business?—A. Railroading.

Q. How long have you lived here?—A. 23 years.

Q. What precinct do you vote at?—A. The 1st precinct 9th ward.

Q. How much of the time were you at the 11th ward and 1st precinct?—A. I was there nearly all the time with the exception of half an hour.

Q. What were you doing over there?—A. I worked over there.

Q. In whose interest—Mr. Clark's interest particularly?—A. The Democratic party generally.

Q. You are a Democrat?—A. Yes, sir; I am.

Q. What railroad are you working on?—A. I., B. and W., Peoria division.

Q. What time in the morning did you get there, and in the afternoon?—A. I was there in the morning from quarter after eight or half-past eight until eleven o'clock.

Q. How long before the polls had been opened did you get there?—A. I do not know exactly what time the polls opened. I suppose the regular time.

Q. And they were open when you got there?—A. They had been opened some time—some little time when I got there.

Q. It was after you had got to the polls when you heard Mr. Ross Clark make this statement to which you refer?—A. Yes, sir.

Q. It was not a statement made at the time the polls were opened because you were not there?—A. Yes, sir.

Q. Mr. Hasselman was very mad, was he, and in earnest?—A. He seemed to be, in the way he expressed himself.

Q. And he was in dead earnest?—A. Yes, sir; he seemed to be.

Q. And he spoke right out?—A. Yes, sir.

Q. And 50 or 100 people at the polls?—A. I presume so, or more.

Q. At whose instance did you come up here?—A. Through Mr. Clark.

Q. Ross Clark, you mean?—A. Yes, sir.

D. W. THAYER.

MARTIN POWERS, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON:

Question. Your name, age, and residence?—Answer. Martin Powers; age, 49; residence, 277 South Pennsylvania street, Indianapolis, Ind.

Q. How long have you lived here in this city?—A. Since 1856.

Q. Were you in this city at the time of the Congressional election held November, 1882?—A. Yes, sir.

Q. What precinct and ward?—A. Second precinct, seventeenth ward. I think that is the lower precinct on South street.

Q. Was there any policemen there that day?—A. Yes, sir.

Q. Did the police do any challenging there that day?—A. Two of them done it all day.

Q. What were their names?—A. Samuel Gerber and Leonard Crane.

Q. Did they have any uniform on?—A. They had a vest on with buttons on their vest.

(This testimony was objected to as not rebuttal, and cumulative simply.)

Q. Do you know Mr. Hetherington?—A. Yes, sir.

Q. Do you know what he was doing there?—A. I think his occupation was inspector.

Q. Inspector of election that day?—A. Yes, sir.

Q. Did he refuse to take any affidavits that were offered to get in any Democratic vote, or any offer to swear them in?

(Objected to for the same reasons.)

A. He did three in my presence, that he held in his hand and shoved them out, and the men went off mad and swearing. I cannot say whether they were swearing, because they oke in German, and they were called back but would not come near the place.

Q. Did they vote?—A. No, sir.

Cross-examination by Mr. PEELLE:

Q. Who were those three men?—A. I cannot name them. They were boarding, they said, at the Mechanics' Hotel.

Q. Do you know where they were boarding?—A. At the Mechanics'.

Q. Do you know they were boarding there?—A. At Vetter's.

Q. How do you know that?—A. Mr. Vetter came up and said they were boarding there.

Q. All you know about it is what he told you?—A. He would not lie about it.

Q. You do not know whether they were living in the ward or not?—A. Yes, sir; they did. I know one of them voted there previous to that.

Q. What is his name?—A. I cannot say his name, but I know him.

Q. Where does he live?—A. Right there at Vetter's.

Q. How do you know him?—A. I seen him boarding there, and I pass there every day at times.

Q. Was he a German?—A. Yes, sir.

Q. They had papers that day?—A. Yes, sir.

Q. They had just been sworn out?—A. No, sir. This man said he had his papers a good while, and showed them.

Q. Had not the others just taken their papers out?—A. I cannot say, because Schoettle swore them in and swore that he knew them.

Q. And the votes were rejected?—A. Yes, sir.

Q. Why?—A. I could not say.

Q. Was it not because they were not legal voters?—A. No, sir; Chris. Schoettle——

Q. (Interrupting.) Were they not rejected by the inspector because he claimed they were not legal voters?—A. It must be on account of he did not want to take them in.

Q. Did he not claim they were not legal voters?—A. No, sir.

Q. They were challenged, were they not?—A. The men were all in the chute.

Q. Were they challenged?—A. Yes, sir; they were asked where they lived and all this business, and they got mad.

Q. And the original challenge was withdrawn?—A. No, sir.

Q. And the challenge was made because they were not legal voters?—A. No; they must be legal voters, they took their oaths.

Q. I am not asking you about that. I ask you if they were not challenged because it was claimed that they were not legal voters?—A. They were not challenged on that ground. They wanted to stop the votes coming in, and that was the great principle of it.

Q. They were Germans, those two, were they?—A. And there was an Italian among them that I know.

Q. He had just taken his papers out to become naturalized, hadn't he?—A. Yes, sir; and they refused him.

Q. They were taken out on the day of the election?—A. I could not say the day they were taken out.

Q. Did he not have papers there that the ink was frèsh on?—A. I could not say. I was standing there watching Mr. Hetherington.

Q. What policemen were on duty there that was challenging?—A. Crane and Gerber.

Q. Were they on duty as policemen?—A. Yes, sir.

Q. Did they have on their badges?—A. Yes, sir; the badges were on both of them.

Q. And the police coats on?—A. I cannot say they had police coats on.

Q. Don't you know they were not on duty as policemen at all?—A. Of course, they were on duty as policemen all the time.

Q. Did not they say they were not on duty as policemen?—A. No, sir; not in my presence.

Q. Did they act as policemen?—A. They threatened to arrest me.

Q. Did they act as policemen?—A. Yes, sir.

Q. Did they arrest anybody?—A. They were regular challengers there.

Q. Did they arrest anybody?—A. They would if they got a chance.

Q. Did they arrest anybody there that day?—A. They browbeat everybody.

Q. Did they arrest anybody?—A. No, sir; I did not see them arrest them, but they would if they got a chance.

Q. How do you know what they would have done?—A. I know what they would have done; I know very well.

Q. You know Captain Splann?—A. Yes, sir; he threatened to arrest me, and Crane threatened to arrest me, and I dared them to do it.

Q. There was no arrest made by the police there that day?—A. I do not know of any.

Q. There was no row there?—A. There was a row there at that time.

Q. There was no fighting?—A. I did not see any blows struck.
Q. You were there?—A. Yes, sir.
Q. Was there any fighting?—A. I could not say. There was a great many jostling around.
Q. Were you there?—A. Yes, sir; I was there watching the two voters come up the chute.
Q. How much of the time were you there?—A. All day.
Q. Was there any fighting there?—A. That I could not say.
Q. You are a Democrat?—A. Yes, sir; I am a Democrat.

Re-examination by Mr. WILSON:

Q. Did you see Senator McDonald there that day?—A. Yes, sir.
Q. Did you see Judge Norton?—A. Yes, sir; I was speaking to them both.
Q. Did you hear any conversation between Senator McDonald and either of those policemen?—A. Yes, sir.
Q. What was that conversation?
(Objected to for the same reason.)
A. Lem. Crane said he would not believe him any more than any other man around there, and he went to lay down the law to them there, and they would not listen to him.
Q. Do you know what he said in reference to the law?—A. In regard to those men coming up they said, "We will not take this man's word, or your word, or any other man's word."
Q. I understood you to say that Mr. Hetherington refused to accept the affidavits as they were offered there?—A. Yes, sir; three of them in my presence, and he shoved them out with his left hand in that way [indicating], and Captain Maloney picked them up in his hand and asked him why he done it, when the man went up and took the paper in his hand.
Q. Did you see Mr. Frenzel there?—A. I did once; I did not have any conversation with him; I was engaged in watching there close by the chute where the challenging was, watching these men.
Q. You say Captain Splann threatened to arrest you?—A. Yes, sir.
Q. What for?—A. I could not say.
Q. Were you trying to get these votes in?—A. Yes, sir; I was trying to get them in; doing the best I could.
Q. How many of them were there?—A. About twenty-seven altogether that were refused there in my presence.
Q. How many affidavits were offered?—A. I could not say positively, only these three that were refused.

Questions by Mr. PEELLE:

Q. You have no personal knowledge of only three men whose votes were refused?—A. These men, and there were over twenty-seven men went away who did not vote.
Q. Did you see them?—A. Yes, sir.
Q. Were they sworn in?—A. They came to vote.
Q. Their votes were challenged when they came up?—A. Yes, sir.
Q. And they were not sworn in?—A. There was nobody there to swear them in.
Q. Was one of three men who was rejected on an affidavit rejected while Senator McDonald was there?—A. There was one of them that was.
Q. Only these three that were rejected after being sworn in—you said that, did you not?—A. Yes, sir.
Q. One of them was rejected while Senator McDonald was there?—A. He was advocating for one—I could not say who he was.
Q. Was he one of the three men you spoke of?—A. No; there was none of them. These three came together abreast.
Q. Those were the only three that did not get their votes in that were sworn in?—A. There was something over 27 I saw.
Q. They were challenged and not sworn in?—A. All of them were browbeaten.

Mr. WILSON:

Q. And they were not sworn in?—A. I couldn't say; they were browbeaten there. That was all.
Q. Do you know what the vote is in that precinct, Democratic or Republican?—A. It always went Democratic.
Q. How was it in the last election?—A. Really I could not say.
Q. Don't you know there was a larger Democratic vote in the last election in that precinct than there had been before?—A. I do not know. I could not say. I have seen that precinct go as high as 90.

Q. Don't you know it went Democratic the last Congressional election?—A. I think it did. I could not tell how much Democratic majority.

Questions by Mr. WILSON:

Q. Was it less at this election this spring or at the election afterwards, or what is your knowledge on that subject?—A. I really could not say now.
Q. Do you recollect anything about it?—A. No; I don't now. I could not say.
Q. Have you an impression?
(Objected to as incompetent.)
A. I could not say.

MARTIN POWERS.

ROBERT CAMPBELL, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON:

Question. State your name, age, and residence.—Answer. Robert Campbell; age, 41; residence, 84 Harrison street.
Q. Were you in the city at the time of the November election, in 1882?—A. Yes, sir.
Q. Were you at the seventeenth ward, second precinct, that day?—A. Yes, sir; I was.
Q. Did you see Mr. Frenzel there?—A. Yes, sir.
Q. Did you see Captain Splann there?—A. Yes, sir.
Q. Timothy Splann is Captain Splann?—A. Yes, sir.
Q. And Mr. Frenzel is John P. Frenzel, of the Merchants' National Bank?—A. Yes, sir.
Q. State what was said in that conversation between you and Mr. Splann there that day?
(Objected to for the reason that there has been no evidence upon this subject at all.)
Q. Did you have any conversation there that day with Captain Splann with reference to any trouble with Mr. John P. Frenzel?
(Objected to as not rebuttal and as being simply accumulative in support of the testimony of Mr. Frenzel in chief.)
A. Yes, sir.
Q. What was said?—A. I came to the polls the second time between 5 and 6 o'clock, and Splann says, "What do you think of a banker coming here in the interest of these fellows."
(Objection to any statement given by Captain Splann in the absence of Mr. Frenzel.)
A. He said he had had a racket with Frenzel.
Q. Was there any policemen challenging at that precinct that day?—A. Crane and Gerber were alongside of the chute.

(Objected to as not being rebuttal.)

Cross examination by Mr. PEELLE:

Q. Do you know whether they were on duty as policemen that day?—A. We were all on duty.
Q. Did they have their uniforms on?—A. No, sir; none of us had uniforms on.
Q. Don't you know that those two men were not on duty that day?—A. No, sir; if they were not on duty I knew nothing of it.
Q. That is all you know about it. Captain Splann said he had had a racket with Frenzel?—A. Yes, sir.
Q. He did not state anything about what it was?—No, sir.
Q. You did not hear it yourself?—A. No, sir; I came after the racket was over.
Q. He did not state what it was or anything about it?—A. No, sir.
Q. You are a Republican?—A. Yes, sir.
Q. And you are now captain on the metropolitan police force in this city?—A. Yes, sir.
Mr. WILSON. The members of that board are equally divided as to politics, are they not?—A. Yes, sir.
Mr. PEELLE. You mean they aim to be equally divided in politics?
The WITNESS. Yes, sir.
Q. They are not equally divided as a matter of fact.—A. Yes, sir; I believe they are equally divided.
Q. You came up here as a witness with John P. Frenzel?—A. Yes, sir.
Q. John P. Frenzel is the chairman of the police board?—A. No, sir.
Q. He is the Democratic member of that board?—A. Yes, sir.

ROBERT CAMPBELL.

JOHN P. FRENZEL, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON:

Question. You are the same Mr. Frenzel who testified in this case in chief?—Answer. Yes, sir.

Q. You testified in your examination in chief that you went to the second precinct of the seventeenth ward on the day of the Congressional election, in November, 1882?—A. Yes, sir.

Q. Did you have any conversation that day with Captain Timothy Splann at that precinct? And, if so, state what it was.

(Objected to for the reasons heretofore mentioned.)

A. While I was there moving about Captain Splann accosted me with the remark, "What are you doing down here?" I said I was just down here to enthuse our side of the house a little bit. That was one part of the conversation I had with him. After fifteen or twenty minutes, or probably a few more minutes, I was near him again, and he turned to me and, pulling out a pair of nippers from his pocket, he said in a threatening manner, "Do you see these things?" I said, "Yes; I guess I know my business," and he put them back in his pocket again; and that is all the conversation I had with him.

Q. Was there any police there that day?—A. Yes, sir.

Q. I will ask you whether or not if you know any voters whose votes were challenged and who were qualified by property-holders that were rejected by the inspector? I mean Democratic votes.

(Objected to for the reasons given before.)

A. Yes, sir; there was one vote of a naturalized German who was sworn in; that is, the affidavit was sworn to by a property-holder, but when he presented his vote it was refused.

Q. Do you know who prepared that affidavit?—A. I did.

Q. Did you accompany the presentation of that affidavit to the inspector?—A. I accompanied it as far as the chute.

(Objected to for the reasons heretofore given.)

Q. Why was it refused, if you know, and what was the circumstance?

(Objected to for the reasons before given.)

A. I think it was refused for the reason that the inspector claimed that the man that had made out the affidavit did not know the voter.

Q. Did he know him?—A. I think he did; at least he swore to the fact.

Q. Was the matter pressed?—A. There was no opportunity to press it under the circumstances.

Q. Why?—A. Because of the presence of these policemen and their manner towards the man who made out the affidavit and the voter.

(Objected to as not rebuttal and simply accumulative, Mr. Frenzel having sworn to the same fact before.)

Q. Captain Splann asked you why you were there?—A. Yes, sir.

Q. Did you tell him?—A. Yes, sir.

Q. What was the reason you were there?—A. My reason for going there was to encourage our Democratic men around the polls and set them right

Q. Were you requested to go there?—A. Yes, sir.

Q. By whom?—A. Joseph E. McDonald, chairman of the Democratic state central committee.

Q. Was that your ward?—A. No, sir.

Q. You were connected with that committee?—A. Yes, sir; I was a member of the executive committee and treasurer of the Democratic State central committee.

Q. You did not go down to challenge any votes?—A. No, sir.

Q. And you did not challenge any votes?—A. No, sir.

Q. Did the police challenge there that day?

(Objected to for the same reasons given before.)

A. Yes, sir.

Q. Do you know who they were?

(Same objection.)

A. Yes, sir.

Q. Who were they?—A. One policeman by the name of Crane, and one by the name of Gerber.

(Objected to as not rebuttal.)

Q. Are you any kin to William H. English?—A. No, sir.

Q. Or William E. English?—A. No, sir.

Q. I ask you that for the reason that some one has suggested that there was an impression that you were a son-in-law.—A. No, sir; I am not.

Q. You say you neither challenged or swore in any votes, and you went there at Senator McDonald's request—A. Yes, sir.

Q. Did he send for you?—A. Yes, sir.

Q. How do you know?—A. He sent his carriage with his son to the first precinct of the ninth ward, where I was.

Cross-examination by Mr. PEELLE:

Q. You said awhile ago that there was a German man whose vote was rejected and for whom an affidavit was prepared?—A. Yes, sir.

Q. Who was swearing him in?—A. Chris. Schoettle.

Q. You say he was a naturalized German. Do you mean that he had simply taken out his papers and became a citizen?—A. I could not say as to that. It might be that he had only taken out his intention papers.

Q. It was that day he took them out?—A. I could not say whether it was that day or the day before.

Q. Was not the ink still wet on the paper?—A. No, sir; not that I remember.

Q. Do you remember who it was?—A. No, sir; I do not know that I can now say.

Q. Do you know where he lives?—A. No, sir.

Q. Do you know whether he was a voter in that ward, to your own knowledge?—A. He was properly identified to me as being a voter there by responsible parties.

Q. Do you know anything about that, or about him, except what was told you that day?—A. Only what was told me by reliable parties, and I had seen the man there.

Q. That day?—A. I saw the man that day, and I had seen him before.

Q. You do not know how long he had been in this country, or how long he had been in that precinct?—A. No, sir.

Q. That was the only man's vote that was rejected that had been sworn in?—A. Yes, sir.

Q. You say at the time the inspector claimed he was not a resident?—A. The inspector claimed that Schoettle, who swore him in, did not actually know him.

Q. Did he question Mr. Schoettle as to his knowledge of the man and his residence?—A. I think he did.

Q. And it was after that that Mr. Schoettle withdrew himself, did he?—A. Mr. Schoettle left the polls then.

Q. And made no effort to swear him in after that?—A. No, sir.

Q. You know Captain Splann well, do you?—A. Yes, sir.

Q. How long have you know him?—A. I suppose I have known him for six years—five or six years.

Q. And he has been a very efficient member of the police force in this city, and bears that reputation?—A. I think not.

Q. Has he not borne a reputation of being a good policeman and an efficient officer; and did you ever know anything to the contrary?—A. Yes, sir.

Q. That instance you spoke of?—A. No, sir; not only that.

Q. In that conversation that you had there that day in which he showed you the nippers, was not that all in jest, and did you not know Captain Splann well enough to know that he meant nothing like that?—A. No, sir; I do not think I ever spoke a word to the captain before in my life until that time.

Q. You never spoke to him until that day?—A. No, sir.

Q. What were you doing just before he showed you the nippers?—A. I was moving about in the Democratic ranks.

Q. Did he say to you you were not a resident of that ward?—A. No, sir.

Q. Did he mention that fact to you that you were not a resident?—A. No, sir.

Q. Did he not think you were there challenging; and did he not so state to you?—A. You must ask Mr. Splann about what he thought.

Q. Did he not ask you if you were not there to challenge voters?—A. No, sir.

Q. You did not go away from the polls when he showed you the nippers?—A. No, sir.

Q. You stayed there right along?—A. Yes, sir.

Q. The Democrats had a majority in that precinct?—A. I think they did have a small majority.

Q. They always have in that precinct on national politics?—A. I am not well enough informed to state.

Q. Do you remember how the vote last fall compared with the vote in the spring before?—A. Our majority was larger this last election than the fall before.

Q. Your majority in the Congressional election, 1882, was larger than it was in the April election, 1882?—A. No; I think not.

Q. Do you know how it was?—A. I could not say positively.

Q. Don't you remember that the Democrats carried that precinct?—A. In the fall election of 1882?

Q. Yes, sir.—A. Yes, sir; I think they did.

Q. The Democrats had pretty general charge of the polls?—A. No, sir.

Q. Was there not a great many at the polls?—A. There was a good many there.

Q. How many were there?—A. I suppose there was at times 25 and sometimes it ran as high as 75.

Q. That is the only vote you saw that was rejected that day that had been sworn in?—A. Yes, sir.

Q. You are a Democrat?—A. Yes, sir.

Q. And are the Democratic member of the police board in this city?—A. Yes, sir.

Q. You are a German, are you not?—A. Yes, sir; but I was born in America.

Questions by Mr. WILSON:

Q. What was Captain Splann's manner?—A. His manner was rather of an angry mood, I thought.

Q. Was it excited or calm?—A. It was calm.

Q. What do you understand by the term "nippers?"

(Objected to.)

Q. What are nippers?—A. They are instruments which they use in putting around prisoners' wrists.

Q. Handcuffs?—A. Yes, sir; handcuffs.

Q. Mr. Peelle asked you whether or not the majority at that precinct at that election in 1882 was as great as it was at the spring election preceding and at the election thereafter? I will ask you as to the election held thereafter was the majority as large?—A. No, sir; it was not.

Q. Was it as large as the majority was at the spring election preceding?—A. No, sir.

Q. Do you know the amount of the difference?—A. I cannot state exactly.

Q. Was it not true that at the November election, 1882, that the public was more thoroughly worked up and there was a greater effort to bring the voters out than at any election preceding or subsequent for years?

(Objected to for the reason it is not rebuttal and that the returns will show for themselves.)

A. Yes, sir; I thought so.

Q. You say there was only one vote that you saw for whom an affidavit was offered there that was refused. Do you know whether there was voters depending upon that affidavit; and, if so, how many?

(Objected to.)

A. I thought there was a good many, and it was my impression that there must have been at least fifty or sixty that were scared off, as it appeared to me.

Q. Did you make any statement about that at the time as to the number?

(Objected to as immaterial.)

A. Yes, sir; I made a statement after the day was over, is my impression.

Q. To whom was that statement made, and what was said?

(Objected to as immaterial and not rebuttal of any evidence brought out by the contestee.)

A. It may have been to different parties, because my impression is I stated it a number of times. I would not remember. I might say I stated it to my brother, and perhaps I stated it to Mr. Seidensticker and Mr. Hood; that impression was that we had a loss of one hundred votes in the second precinct of the seventeenth ward.

Q. Was that the evening of the day of the election?—A. Yes, sir.

Questions by Mr. PEELLE:

Q. That evening or the next day?—A. That evening and the next day.

Q. Do you know of any man that did not get his vote in there that day?—A. It would not have been possible for me in that large crowd and with the amount of excitement going on there to have even identified my friends.

Q. You do not know the name of any man whose vote was not gotten in?—A. I cannot state at this distant day.

Q. What was the majority there at the city election in October last for the Democratic ticket?—A. I could not state.

Q. Then as a matter of fact you do not know what the difference was between the votes in those three elections?—A. I know there was a difference, but I cannot state the exact numbers.

Q. You do not know where the increase was, or the decrease, and at what elections there was a greater vote than there was at others?—A. I know there was a greater ma-

jority in the spring election in 1882 than in the fall election of 1882, and there was a greater majority at our last election than there was in the fall of 1882.

Q. What was the difference?—A. From what I can remember I think the difference between the last election and the November election must have been somewhere in the neighborhood of 20.

Q. Difference between the election of October?—A. The November election and this last election.

Q. About twenty?—A. Yes, sir.

Q. Then there could not have been—— What did Mr. English suggest to you just then?—A. I said I could not remember the number.

Q. Then there could not have been a loss of one hundred votes on the November election, could there?—A. There might have been, because the sentiment in favor of the Democratic ticket was very much stronger at that election than it was at last October election; the voters may have been inclined at that time because of the issues to vote the Democratic ticket, and at this time probably some of them voted the Republican ticket.

Q. Do you know what the majority for the Democratic ticket was there at the April election in 1882?—A. I do not recollect exactly.

Q. Was it 50?—A. I say I do not remember. I have not charged my memory with it.

Q. Was it 75 or 100?—A. I could not remember, as I told you.

Q. Do you know that the majority for Mr. English at that precinct in that ward in 1882 was over 60?—A. I do not know that. I do not remember it now.

Q. I hold in my hand a table published in the Indianapolis Journal, which Austin H. Brown says is a more correct table than that published in the Sentinel, and that shows that Mr. English had 62 majority in the November election in 1882; is that right or wrong?—A. I should say it was right.

Q. Can you state whether or not that would be a lesser or greater majority than was given for the Democratic ticket at the April election in 1882?—A. It is my impression it was a smaller majority.

Q. How much smaller would you say?—A. I would say from all the circumstances I observed there it was at least one hundred.

Q. At least one hundred smaller?—A. Yes, sir.

Q. Now, do you know anything about it as a matter of fact?—A. Of course I do from my impression.

Q. What was the Democratic majority down there at the April election, 1882? How much greater was the vote at the April election, 1882, than it was in November, 1882?—A. I do not remember the figures.

Q. You cannot tell?—A. No, sir.

Q. How much greater was the vote at the October election in this city at the last election than it was in 1882?—A. I do not know the figures.

Q. I ask you how much greater the vote in the April election was than it was in the November election, 1882, and you said it was about one hundred?—A. I would not state that without comparing the figures of the elections of 1882, because I do not know the figures in the one case or the other. If I knew the figures in the April election I would be able to state.

Questions by Mr. WILSON:

Q. You said in answer to Mr. Peelle's question that the number of votes at the November election in 1882 was less than the others—that the majority was less?—A. Yes, sir; that the majority was less.

Q. You say the sentiment was stronger then for the ticket than at any of the other elections. You mean stronger at the November, 1882, election than at any other election?

(Objected to.)

A. I would say that the sentiment in favor of the Democratic ticket was stronger than it was in the spring election of that year. It was certainly much stronger than it was at the last October election.

Q. So that the vote was better organized in November, 1882?

(Objected to.)

A. I thought so.

Q. What sentiment do you refer to when you say the sentiment was stronger?

(Objected to as immaterial and nothing but sentiment, and not rebuttal of any evidence brought out by the contestee.)

A The question at issue took on considerable of the prohibition character, and for that reason a large number of voters, particularly Germans, were inclined to vote with the Democrats.

Q. Who had not voted before; is not that true?

(Objected to as leading, immaterial, and not rebuttal.)
A. That is my opinion.

Questions by Mr. PEELLE:

Q. That same sentiment you refer to was greater at the April election in 1882 than it was in November, 1882?—A. I think not.
Q. Was not that question new in April, 1882, and was not that the first campaign made on the sentiment you refer to?—A. Yes, sir.

JOHN P. FRENZEL.

JOHN MALONEY, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON:

Q. State your name, age, and residence.—A. John Maloney; age, 55; residence, Indianapolis, Ind.
Q. You are the same gentleman who testified in this case in chief for the contestant?—A. Yes, sir.
Q. You testified there that you were one of the election board at the second precinct of the seventeenth ward?—Yes, sir.
Q. Do you know Mr. John Wahle?—A. Yes, sir; he is a German down there in my ward.
Q. Did you see him on that day?—Yes, sir.
Q. I will ask you his condition on that day, if you saw him, as to whether he was drunk or sober, or what?—A. He was sober when I saw him. What I call a man sober is when he is in his reasonable mind and good sense, and acted like any sober man would.
Q. You were one of the judges there?—A. Yes, sir; I was one of the judges on that board.
Q. Did the judges on that board refuse to accept any affidavit offered them?
(Objected to.)
A. Not the judges, but the inspector.
(Objected to as not rebuttal.)
Q. Did the judges refuse?—A. No, sir.
Q. I will ask you whether or not the policemen there did any challenging or interfered with the election?
(Objected to as not rebuttal, &c.)
A. Yes, sir; there was two or three there that was challenging and cautioning men as they came up to vote that they must be careful; that they did not belong to that ward.
Q. Do you recollect the names of them?
(Objected to for the reasons before stated.)
A. There was Len Crane and a partner of his.
Q. You say it was his partner?—A. Yes, sir; a man that used to be a partner with him. He was a sandy-complexioned man.
Q. Was it Robinson or Gerber?—A. Gerber was the man.
Q. Did the inspector there refuse to take any votes sworn in?
(Objected to as leading and not rebuttal.)
A. Yes, sir.
Q. How many of them?
(Objected to as leading.)
A. The man Wahle made out an affidavit that was brought in there and was rejected, and the inspector would not take them.
Q. Who would not take them?—A. The inspector.
Q. Do you know how many votes were lost by that?
(Objected to as leading and not rebuttal.)
A. About as near as I possibly could come, if you will allow me to explain what I really think, is, I suppose there would be in the neighborhood of about 100.

Cross-examination by Mr. PEELLE:

Q. Were there votes sworn in by any one?—A. There were votes sworn in, but they would not be received.
Q. How many men's votes were sworn in?—A. I am not saying what amount was sworn in, but I am speaking about the intimidation from the men, and they were threatened and they were lost; and the ignorant German or ignorant Irish, &c., that came up there, and there was even Americans——
Q. How many men were rejected that were sworn in there that day?—A. There was at least 7 or 8; very close on to that many.
Q. How many?—A. About 7 or 8 that this man Wahle came up there and signed the affidavit for, and the old man rejected that, and would not have anything to do with them at all.

Q. The other men you referred to were men who had simply been challenged?—A. They were scared off out of the chute.

Q. Were they challenged?—A. They were challenged, sir,

Q. How many were challenged and afterwards sworn in?—A. The challenger——

Q. I admonish you now to answer my questions. Were they sworn in after they were challenged, any except those you have mentioned?—A. No; those were not. They were not sworn in.

Q. You were inside of the room all day?—A. Yes, sir.

Q. You do not know where this man Wahle was during that time?—A. He was outside there. They brought him up to make some affidavits.

Q. You do not know anything about his drinking if you were upon the inside?—A. I could not tell the balance of the day, but while he was there he was sober.

Q. While you were on the board inside you do not know anything about whether Mr. Wahle drank, or if he drank anything?—A. I saw him during the time they made this rejection.

Q. I ask you the question, I ask you whether you know this man Wahle drank anything during the time you were on the board?—A. I do not; all I can tell was from the appearance, from what I saw of the man; I could not follow him right around.

Q. Did the inspector refuse to receive votes sworn in by Mr. Wahle because he was under the influence of liquor?—A. Yes, sir; that is what he said.

By Mr. WILSON:

Q. Were you in an attitude to know as much about the soberness of Mr. Wahle as the inspector?—A. Yes, sir; and more so, because I had two clear eyes and he had only one, and I could see better, and very few men can see the distance off that I can see.

JOHN MOLONEY.

W. M. HICKLIN, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON:

Question. You are the same gentleman who testified for the contestant in chief?—Answer. Yes, sir.

Q. You said in that evidence that you were at the second precinct of the seventeenth ward?—A. Yes, sir.

Q. And you were there all day, pretty near?—A. Yes, sir.

Q. I will ask you whether or not you saw there that day Mr. John Wahle, or if you know him?—A. I do not know him by name.

Q. A German who was swearing in votes there?—A. I do not know him by name.

Q. Did you see a gentleman there swearing in votes for the Democrats that day?—A. Yes, sir; I saw two.

Q. What were their names?—A. One was that saloon-keeper on the corner—Schoettle.

Q. Who was the other?—A. I think Mr. Wahle.

Q. What was the condition of those two gentlemen that were swearing in votes as to intoxication; were they intoxicated?

(Objected to as not rebuttal.)

A. They were not when they were at the polls, in my judgment.

Q. Did you see any police there that day?

(Objected to as not rebuttal.)

A. I did.

Q. Did they take part in that election?—A. They took a very active part in the election.

Q. Did they challenge any votes?—A. They challenged several votes.

Q. Were there any affidavits offered there in behalf of the Democratic voters that were rejected?

(Objected to as not rebuttal.)

Q. Were there any affidavits refused by the inspector; did he refuse to receive any affidavits as to any voters that had been sworn in?—A. Yes, sir; they did. Mr. Hetherington was one of the judges.

Q. He was inspector, was he not?—A. Yes, sir; he was inspector. He was known as one of the judges of the election. I do not know what they call them here.

Q. Did those men get in their votes whose affidavits were offered?—A. They did not, and I kicked.

Q. Do you know how many votes there were of that sort?—A. I do not.

Mr. PEELLE. What sort do you mean?

The WITNESS. Those that were actually voters, and by virtue of the police and by virtue of the intimidation of the men whom we had to swear in votes we lost a great many votes. I know that.

Q. Do you know how many?—A. No; I cannot tell how many.

Q. You mean you cannot give the exact number?—A. I cannot give the exact number. That is what I mean.

Q. Can you approximate it?

(Objected to as not rebuttal.)

A. I think if we had had a lot of men like we have out in Missouri, where I was born and raised I think there would have been fifty or sixty more votes polled there for the Democratic ticket. Democrats here—like those are in the seventeeth ward—are somewhat backward about voting, and, of course, a man like myself—I should have voted.

Cross-examination by Mr. PEELLE:

Q. Did you see any man's vote refused there who had been sworn in?—A. I did. e saw a man whose vote had been sworn in and an affidavit came there from a responsibl party that was rejected.

Q. What was his name?—A. I do not know what his name was.

Q. Do you know where he lived?—A. I do not know where he lived.

Q. Do you know whether he was a voter in the ward or not?—A. I know that one man at the chute, and that was Mr. Bryce, and he was councilman there from our ward, and a Republican and the meanest one in the ward—and he spoke out and said: "I know that man is going to vote the Democratic ticket, but he is a voter, and you ought to let him vote," and the policeman on the other side challenged him.

Q. Mr. Bryce is the meanest Republican in that ward?—A. He is the strongest Republican I know of.

Q. Is that a Democratic ward?—A. No, sir.

Q. Is not the precinct Democratic?—A. No, sir.

Q. Did not it go Democratic last fall?—A. No, sir; I tried it.

Q. Did not the whole ward go Democratic in 1882?—A. I am talking about the last time.

Q. Is it the October State election where you are talking about that the votes were rejected?—A. I am talking about the October election where votes were rejected; that ward is Republican.

Q. Mr. Wilson was asking you about the Congressional election of 1882.—A. I am aware of that, and that is what I am talking about.

Q. Do not you know that that ward went Democratic in 1882?—A. It went for English; yet it is not a Democratic ward.

Q. Did not it go for every Democratic candidate in 1882?—A. Yes, sir.

Q. Mr. Bryce has carried that ward three times for council, and is now councilman from that ward?—A. I believe he is.

Q. Do you know of another voter down there whose vote was refused after he had been sworn in other than the one you mentioned?—A. Yes, sir; I saw them sworn in.

Q. I mean men who were challenged and sworn in. How many of that kind were refused? How many of that kind were rejected by the inspector?—A. I could not say how many there were.

Q. Did you see more than that?—A. Yes, sir; I saw more than one.

Q. Did you see more than two?—A. Not sworn in according to the laws of Indiana, but men who were residents of the ward, and every one knew, would come in there with their affidavits made out in full and present it to the inspector; but they were men who had no real estate in the ward.

Q. And the challenges were not withdrawn, were they?—A. The challenges were not withdrawn.

Q. And the inspector would not receive that kind of affidavits, as the law required the affidavits to be of some one who owned real estate in the ward. Is not that the fact?—A. That is the law in this State.

Q. And it was that kind of affidavits you are referring to?—A. It is that kind of an affidavit.

Q. You say you have a personal knowledge of one man whose vote was refused after the affidavit had been made for him?—A. Two men that I know of.

Q. Was there more than two rejected after the affidavits had been made?—A. No; but there would be more men not coming to vote who had ascertained that they could not vote by being sworn in by some one who owned no real estate.

Q. As the law required?—A. Yes, sir.

Q. Then you only know of two men whose votes were rejected when affidavits properly prepared had been offered?—A. No; I do not say that. I say that I know there was any amount of men who did not come up and apply, and did not go in the chute to vote because they knew their votes would be challenged and rejected.

Q. Give me the name of some man who did not vote and did not come to the chute

because he knew that he was going to be challenged.—A. I do not know the names of the parties.

Q. You do not know the name of one of them, do you?—A. I cannot call one to mind now.

Q. All the votes that you say you saw rejected were two; is not that really so?—A. No. I saw men that I knew were voters in that ward, and I wanted them to come up and vote, and they replied if they went up there their votes would be challenged and the challengers would not withdraw them.

Q. Did you see the inspector reject any but two votes at that poll?—A. No rejection.

Q. Did the inspector, Mr. Hetherington, reject more than two votes?—A. All Mr. Hetherington had to do was to wait for the outside man to challenge. He did not challenge any votes.

Q. Did he receive any vote of any one that was offered to him?—A. I do not know whether he did or not.

Q. I mean did he refuse any vote that was offered him?—A. Not that I know of.

Q. Then, as a matter of fact, he received every vote that was tendered him by the voter?—A. Yes. But they could not get their votes into the hands of the inspector.

Q. Did you see the inspector refuse to receive a vote of any man that was a voter in that ward?—A. Well, now, I do not know what you might call refusing. I saw Mr. Hetherington stand there and reluctantly take a ticket and look at it and see the thickness of it and wait for them to parley over it, and I saw him do that, and if he thought it was a Republican vote I am satisfied he would put that vote in without stopping a minute.

Q. Did you see the inspector, Mr. Hetherington, refuse to receive the vote of any man where a proper affidavit had been made?—A. Yes. I saw him refuse to—I do not know what you call proper affidavit. I saw him refuse to take the ballot of two or more after a citizen of the ward and a resident, and he knew him to be a resident, swore that this man was a legal voter.

Q. But the man who swore him in did not own any real estate in the precinct?—A. The man I allude to now did not own any real estate in the ward.

Q. And for that reason the vote was rejected?—A. Yes, sir; and the reason why this man made the affidavit that this man was a voter was because two men who did own real estate in the ward were scared out of swearing in any more votes for fear that they might get into trouble.

Q. Did they swear in any votes?—A. They swore in one or two in the morning.

Q. What time did they leave there?—A. I think the first man we had there was this saloon-keeper.

Q. Chris. Schoettle?—A. Yes, sir; and he left there before noon.

Q. Did you see Senator McDonald there that day, or Mr. Frenzel?—A. I do not know Mr. Frenzel; I saw Senator McDonald come there.

Q. He was there about three or four o'clock in the afternoon?—A. Yes, sir.

Q. Was Mr. Schoettle there at that time?—A. Yes, sir, he was there. He made up his mind, he said, to swear in a few more votes, and Mr. McDonald came down there to assure, as I understood at the time, Mr Schoettle that he would be all right in swearing in votes that he knew to be voters.

Q. That was about three o'clock in the afternoon?—A. That was some time after dinner.

Q. Did Mr. Schoettle try to swear in any man while Mr. McDonald was there?—A. I think he did.

Q. He was intimidated in the morning and came back in the afternoon?—A. He said he knew him.

Q. You say he was intimidated in the morning, but came back in the afternoon and said he would swear in a few more votes?—A. I do not know wha the said about being intimidated in the morning. He did not say he was intimidated. He said he was not going to get into any racket to swear in a few votes.

Q. And did he not say that he was intimidated?—A. He called it a racket.

Q. And he came back there after he went away, to swear in a few more votes?—A. He came back there with a fellow he knew to be a voter.

Q. I asked you if he did not go away and come back to swear in more votes?—A. I do not believe he did, sir, to the best of my knowledge.

Q. Did not he attempt it when Senator McDonald was there?—A. The fellows tried to get him to do it.

Q. Did not he come up in the chute with Senator McDonald with an affidavit to swear in some voter?—A. Yes, sir, I believe he did; but I do not believe they got the vote in.

Q. Mr. McDonald told him he would have to have some satisfactory evidence before he swore in a vote?—A. Yes, sir.

Q. Did not Mr. Schoettle go away after that?—A. Mr. Schoettle said, "I know this

man to be a voter;" and the policeman on the other side said, "We will make it pretty hot for you if you swear that man's vote in."

Q. Did the inspector inquire of Mr. Schoettle whether he knew the man or not?—A. Yes, sir; Mr. Hetherington did.

Q. And did not Mr. McDonald say that if the man had satisfactory evidence that the man was a legal voter he was justified in swearing him in?—A. Yes, sir; I think so.

Q. And did not Mr. Schoettle go away from the chute after that?—A. Yes, sir; I think he did.

Questions by Mr. WILSON:

Q. Mr. Peelle says Mr. McDonald made the statement if a man had satisfactory evidence that a citizen was a voter that would be sufficient to swear him in; and Mr. Peelle says after he said that Mr. Schoettle went away. Did he go away because of that statement, or what caused him to go away?—A. I met him as he came out of the chute, and I says to him to swear that man in if you know him to be a voter; and he says, "I am not going to get into a racket; I am going to quit; this is the second time I have been bulldozed around here;" and he said, "It is no interest to me for the Democratic party;" and he said, "I am not going to take any chances," or words to that effect.

Q. You say the affidavit had been made out in that case?—A. I do not know whether it was in this particular case, but he was ready there to swear him in, and he was in the chute, and the question came up as to whether the man that swore the vote in was the judge of the——

Q. Sufficiency of the affidavit?—A. Yes, sir; and the residence of the man and the legality of the voter; and it was that question Mr. McDonald was called in the chute for.

Q. That was after the affidavit was made out?—A. Yes, sir.

Q. I will ask you, when you testified in chief about there being two men that were swearing in votes whose affidavits were refused, and you said they were Mr. Schottle and Mr. Wahle, did not they own property in that precinct?—A. I never examined the title, but I presume they did.

Q. When you referred in your examination by Mr. Peelle to two parties, some one else who was swearing in votes, who was that; who was the third party?—A. I do not remember now. There was only two that undertook to swear in in our precinct.

Q. When you answered Mr. Peelle's question did you have reference to only two, or to this third party?—A. Only to the two. There was only two that I know of that owned property that were expected to swear in votes that were legal voters and no more.

Q. Who were they?—A. Schoettle and this other fellow.

Q. And were they offering to swear in votes and make out affidavits?—A. Yes, sir; Mr. Schoettle swore in some in the morning—two or three. I cannot say how many.

Q. You mean Mr. Wahle when you say "the other fellow?"—A. Yes, sir; I mean Wahle. I do not think he swore in more than one or two, then he quit.

Q. Just now you said the challengers went away, in answer to Mr. Peelle's question; you mean the parties who made the affadavits, and not the challengers?—A. No; I did not say challengers.

Q. Yes, you did; you said challengers, but I suppose you meant the parties who made the affidavits.—A. I mean the parties who made the affidavits went away. Mr. Schoettle went away when Mr. McDonald was in the chute.

Questions by Mr. PEELE:

Q. You do not know anything about the condition of Mr. Wahle there that day?—A. He was sober when I saw him.

Q. Do you know him?—A. When I see him.

Q. Was you there all day?—A. Pretty near all day.

Q. Do you know whether he drank any?—A. I do not know. According to the laws of Indiana, they are not allowed to drink any on election day.

Q. Do you know whether he drank any on that day or not?—A. I do not.

Q. Mr. Schoettle is a saloon keeper down there right on the corner, across from the voting place?—A. And he is a clever, nice man, too.

Q. A Republican, too?—A. I believe he is a Democrat; a Dutch Democrat.

Q. Is he not a Republican and was he not paid there that day to stay at the polls?

(Objected to.)

A. No, sir. He is a Democrat and voted for me in the seventeenth ward for councilman. He told me he did, and they know me to be a Democrat.

W. M. HICKLIN.

By agreement of the parties the further taking of these depositions was adjourned until Wednesday, December 19, 1883.

WEDNESDAY, *December* 19, 1883.

The parties met pursuant to adjournment.

WILLIAM BUEHRIG, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON:

Q. Your age and residence?—A. My age is 38. I live at the corner of South and Pennsylvania streets, Indianapolis, Ind.

Q. How long have you lived in this city?—A. About 37 years.

Q. Were you in this city in November, 1882, at the time of the Congressional election?—A. Yes, sir.

Q. Where were you?—A. I was at the polls all day, at the lower precinct, across the street from my place.

Q. Were you in the seventeenth ward?--A. Yes, sir,

Q. You were councilman from that ward at one time.—A. Yes, sir.

Q. Where is your place of business?—A. No. 49 East South street.

Q. How far is that from the precinct?—A. Just directly opposite; a short half-square. The back part of our lot is opposite.

Q. Did you attend that precinct?—A. Yes, sir.

Q. How much of the time was you there?—A. All day. I am generally always there.

Q. Did you take any part; are you a worker there?—A. Yes, sir; I generally take that much interest in it at all elections. I have for several years, and I have been committeeman a great many times.

Q. Do you know who the inspector of the election was at that precinct?—A. Mr. Hetherington.

Q. Can you say whether or not there were any affidavits offered there for swearing in any Democratic voters; did you see any such offered there?—A. Yes, sir.

Q. What became of them?—A. Mr. Hetherington would take them and throw them to one side and not pay any attention to them.

(This testimony objected to as not rebuttal.)

Q. Were the police at that precinct that day?—A. Yes, sir. They acted as challengers that day.

(Objected to as not rebuttal.)

Q. How many of them?—A. Two of them.

Q. What were their names?—A. Mr. Crane and Mr. Gerber.

Q. They acted as challengers?—A. Yes, sir. They took the place of challengers and would refuse to let Democrats vote.

Q. What time of day was it you first noticed the inspector refusing any affidavits?—A. The first I noticed of it so particularly was about noon when they commenced and would not let any Democrats vote.

Q. Did these men vote whose affidavits were refused?—A. Oh, no; they were put right out of the chute—just pushed right out and told to get away from there.

Q. Do you know Captain Splan?—A. Yes, sir.

Q. Did you see him there that day?—A. I saw Captain Splan and Captain Campbell and many of the police.

Q. How many police?—A. Outside of Crane and Gerber, I judge there was hardly less than half a dozen there all the time, standing by the chute.

Q. Did you hear any conversation between Mr. Frenzel and any one there?—A. Yes, sir; Mr. Frenzel came down to see what the trouble was down there, and I was on the Democratic side of the chute, and I heard some one, whether it was Crane, Gerber, or Campbell, or Splan—they were standing behind there. I do not know who it was; but Mr. Frenzel was given to understand if he did not get away from there, he would be run in, or something to that effect.

(Objected to, as not rebuttal.)

Q. Do you know how many voters, on account of the refusal of those affidavits, there were, who did not vote?

(Objected to as not rebuttal; and for the further reason that counsel had announced that he was through with the witness, and the contestee had no cross-examination to make.)

A. I judge there was 100 or more. From noon on, I do not think we got in a dozen votes; in fact, I asked a dozen to vote, and they said, "What is the use? they won't let us vote." I know individual cases, of men who had lived in the ward a number of years, and they would push them right out of the chute and would not let them vote; and late in the day, when wagon loads of Democrats would come there, they would hold some Republican in the chute and keep him there; and the chute was crowded awhile before the polls closed, and parties that wanted to vote could not vote.

Cross-examination by Mr. PEELLE.

Q. Were there any affidavits made by property-holders there?—A. Yes, sir.

Q. How many men were refused to vote who had made the proper affidavit?—A. I know Mr. Schoettle made affidavits.

Q. (Question repeated.)—A. How many affidavits the inspector refused to take?

Q. Yes, sir.—A. I judge 25 or 30; somewhere along there; or more, perhaps.

Q. Who made the affidavits?—A. Mr. Schoettle made some, until they scared him off, and Mr. Wahle.

Q. How long was Mr. Schoettle there?—A. He was there off and on all day.

Q. He did not go away at all?—A. He went home.

Q. What time?—A. He lived just across the street. He would go home and come right back, or some of us would go over after him to come over, and they would get around him and intimidate him and scare him off, and he would go away again and we would go after him again.

Re-examination by Mr. WILSON:

Q. I will ask you as to Mr. Wahle. What was his condition there that day; was he drunk or sober?—A. No, sir; he was not drunk. I have known Mr. Wahle for years.

Q. You say he was not drunk?—A. No, sir.

WILLIAM BUEHIRY.

MICHAEL CLUNE, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON:

Q. How long have you lived in Indianapolis?—A. I came here in the spring of 1864.

Q. Were you in this city at the November election 1882; the Congressional election?—A. Yes, sir.

Q. Where were you?—A. In the 24th ward.

Q. What precinct?—A. The second precinct. The farthest one south.

Q. I will ask you what capacity you were acting in that day?—A. I acted as Democratic judge.

Q. How long did you stay in the room there where the ballot-box was?—A. From the time I went in, I never was out until everything was signed and sealed up and fixed up. I never was out of the room.

Q. I will ask you as to the number of votes in the ballot-box; as to how they corresponded with the number of names on the tally-sheet.

(Objected to as not rebuttal; the same witness having testified to the same fact in examination-in-chief.)

Q. Who signed the certificate that was made out there of the returns?—A. Each one of signed them. That was the instruction.

Q. Was that certificate correct?

(Objected to as not rebuttal, because the certificate speaks for itself.)

A. Yes; the certificate was all correct; that is, you mean the tally-sheet and tickets, &c.; do I understand you?

Q. Did the number of tickets that you took out of the box and put in the bag, and sealed up, correspond with the number of votes you had on your tally-sheet?—A. Yes, sir; the ones that we registered were all correct; we had the same count.

Q. Did the number of tickets that you placed in the bag and sealed up correspond with the number of votes you certified up as voted for Congress?

(Objected to as not rebuttal.)

A. According to the number we filed on our string they corresponded exactly with the tally-sheet, as far as we knew.

Q. You mean the number you put on the string corresponded with the tally-sheet?—A. Yes, sir; the number of votes cast.

Cross-examination by Mr. PEELLE:

Q. You did not keep the tally of the votes yourself, at all?—A. No, sir; we had a clerk.

Q. You simply was the judge?—A. Yes, sir.

Q. You do not know whether the clerks gave five votes for Mr. English by mistake, or not?—A. We had clerks on both sides that I think we could rely on.

Q. But you do not know but what they might have made a mistake?—A. Of course; I have nothing to say in regard to that; we had clerks on both sides, and I thought the sheet was correct; at least there was no dispute in regard to the count.

Q. Did you look at that particularly as to the vote for Congress, or did you look at it as to the vote for the State officers, or county officers?—A. We generally took it separately.

Q. I am confining it to the vote for the State ticket and the county ticket; did they correspond with the number of names and ballots cast?—A. We had no trouble in regard to that.

Q. Do you know whether Mr. English had more votes down there than the other candidates?—A. In regard to that I cannot say now.

Q. You made no comparison yourself of the vote for Congressman with the number of names recorded?—A. No; I did not.

Q. Then, as a matter of fact, you do not know?—A. No more than I can say this, in regard to our two clerks; everything was satisfactory clear through, and every name was put down and was left there, and there was no scratching or scraping

Q. How did you ascertain that if you did not know that the number of votes corresponded with the number of names?—A. When it came to be added up everything came out satisfactory. That is the only way I know.

Q. Is it not always the rule that that comparison is made from the State officers and not from the other candidates?—A. That is something I would not be able to say.

Q. Is it not true that the clerk would take the State officers, they being less liable to changes than the other candidates?—A. I suppose when they counted them up they counted each candidate.

Q. Each candidate got the votes recorded for him, but when they came to make the comparison with the total number of votes counted with the number of names on the list, would not they look at the State officers rather than the county officers?—A. In getting it correctly, I think they examined each one.

Q. Did they examine as to Congressman to find what the vote was, in regard to the number of names?—A. In regard to taking them out separately I cannot say. There was no dissatisfaction at any time.

Q. Do you know what majority Mr. English had at that precinct?—A. I have forgotten the majorities now; I would not be able to state.

Q. Did not he have 175 majority at that precinct?—A. I would not be positive.

Q. Was it not a little less than 200 majority?—A. I would not be able to state. I could not say.

Q. Did not he have a few more votes than any other candidate?—A. That I could not say.

Q. You do not remember about that?—A. No, sir.

Q. If he had 175 majority—— A. I know they all had a good fair majority down there.

Q. That is a strong Democratic precinct, is it not?—A. Yes, sir; it is a strong Democratic precinct.

M. CLUNE.

JOHN WILSON, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON:

1. Q. What is your age?—A. I am 44 years old, passed.

2. Q. How long have you been in Indiana?—A. About 16 years next spring.

3. Q. Where do you live?—A. New Bethel, Franklin Township, Marion County, Indiana.

4. Q. Were you in that township at the Congressional election in Novnmber, 1882?—A. Yes, sir.

5. Q. What precinct?—A. Precinct number one.

6. Q. What position did you hold there?—A. I was inspector.

7. Q. You are a Democrat?—A. Yes, sir.

8. Q. You were township trustee?—A. Yes, sir.

9. Q. I will ask you how did the number of votes for the candidates compare with the number of tickets in the ballot-box; the number of votes, as you had them on the tally-sheets, compare with the number of tickets in the ballot-box in that precinct at that election at the time of closing?

(Objected to as not rebuttal.)

A. My recollection is that they were just the same.

Cross-examination by Mr. PEELLE:

10. Q. What was the vote for Congressman in that precinct?—A. I disremember.

11. Q. Do you know whether that corresponded with the number of names recorded?—A. I think it was the same.

12. Q. Do you know or have you any impression upon the subject?—A. That is my impression; that everything came out just straight.

13. Q. You arrived at that, did you not, by the number of votes counted for the State officers on account of the scratches being less there than anywhere else?—A. No, sir; if my recollection serves me right, our tickets were full.

14. Q. The number of tickets and the number of names corresponded?—A. Yes, sir.

15. Q. What the vote was for Congressman you do not know?—A. I disremember.

16. Q. And how many tickets there were with no name on for Congress you do not remember?—A. I do not think there was any. There was no ticket with no name on for Congress.

17. Q. How did Mr. English run in that precinct?—A. Mr. English ran, if my mem-

ory serves me right, about with the ticket. I could not say exactly, because I did not charge my memory with it or expect to keep it.

18. Q. That is precinct No. 1 of Franklin Township?—A. Yes, sir.

19. Q. You don't remember what the vote was for Mr. English down there?—A. No, I do not. I did know. I had it all down at home somewhere, but I disremember just now.

JOHN WILSON.

CHARLES WEEBER, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON:

1. Q. State your name, age, and residence.—A. Charles Weeber; 27 years old; I work at the Woodburn-Sarven Wheel Company, and board at the Germania House, corner of South and Meridian streets.

2. Q. Where were you on the day of the election in November, 1882?—A. I was working at the polls.

3. Q. What precinct?—A. The precinct on South street, by Bryce's bakery.

4. Q. Do you know Mr. Wahle?—A. Yes, sir.

5. Q. Was he at that precinct that day?—A. Yes, sir.

6. Q. State his condition as to sobriety that day.—A. Well, he was sober. I think I took him to be a sober man. I did not notice anything about him. I did not notice but he was sober.

7. Q. Do you know Mr. Chris. Schoettle?—A. Yes, sir.

8. Q. Was he there that day?—A. Yes, sir.

9. Q. Who was the inspector at that precinct, if you know?—A. Mr. Hetherington was one.

10. Q. Do you know whether or not any affidavits were offered in support of Democratic voters to the inspector which were refused?

(Objected to as not rebuttal.)

A. Yes, sir.

11. Q. Did you see anything of that sort—did you see any such affidavits offered?—A. Yes, sir.

12. Q. What became of them?—A. They were refused. I do not know what they done with them; but they would not accept them.

13. Q. Were there any police at that precinct?—A. Yes, sir.

14. Q. Did they take any part in the election?

(Objected to.)

15. Q. Did they or did they not do any challenging?—A. Mr. Gerber was there, and he was taking considerable part in the election and helping to challenge and working at the polls generally.

16. Q. Anybody else?—A. I forget now. I believe Crane was there. There were policemen there off and on all day. Mr. Gerber was there, though, and he was working. He was standing with the deputy sheriff—Conway, I believe, is his name—at the side of the chute.

Cross-examination by Mr. PEELLE:

17. Q. Did you ever attend an election down there before?—A. Yes, sir.

18. Q. How many times?—A. I have attended the elections there every time they have had an election for about five years.

19. Q. There are always police at the polls to preserve order at times of election?—A. Yes, sir; there was always some there.

20. Q. Who was that man whose vote was refused, after he had been sworn in and an affidavit had been made for him?—A. I do not recollect who the gentlemen were; I know there was some refused, and I do not know how many.

21. Q. How many were there refused?—A. I suppose there must have been five or six; I do not know.

22. Q. After affidavits were made out?—A. Yes, sir.

23. Q. Who were they made out by?—A. Mr. Schoettle made out some and Mr. Wahle made out others.

24. Q. And they were refused by the inspector on the ground that Mr. Wahle was drunk at the time?—A. Yes, sir; that is the reason they were refused by him.

25. Q. Were any of Mr. Schoettle's refused?—A. Yes, sir.

26. Q. How many?—A. Two or three.

26. Q. On what ground?—A. On the ground that he would not swear that he knew the man six months.

27. Q. Did he say he did or did not know him?—A. He knew him, but he did not know him that long.

28. Q. And Mr. Schoettle himself refused to swear him in. Did not he refuse to swear him in when he was informed that the man had to be a resident of the State for 6 months?—A. He went there to swear him in, but Mr. Hetherington told him he

could not accept any affidavit unless he knew him six months, and he did not know any better.

29. Q. Did not he tell him that he had to know he was a voter to swear him in, and did not he tell him he did not know the man, and did not the inspector refuse to receive the affidavit of Mr. Schoettle afer Mr. Schoettle said he did not know the man?—A. He refused one that way, but he refused more because he did not know him six months.

30. Q. Was Mr. McDonald down there during the day?—A. Yes, sir.

31. Q. Did not Mr. McDonald say there, that Mr. Schoettle, to swear in a man, ought to have satisfactory evidence that he was a voter?—A. Yes, sir.

32. Q. And did not Mr. Schoettle after that refuse to swear that man in?—A. He refused to swear some man in.

33. Q. That particular man that was in controversy when Mr. McDonald was in the chute, and did not Mr. Schoettle after that controversy refuse to swear that man in?—A. Yes, sir.

34. Q. Did not he go away after that?—A. Yes, sir.

35. Q. Did not he go back afterwards?—A. No, sir; not that I remember of.

36. Q. Do not you remember of his coming back about 3 o'clock in the afternoon?—A. No, sir.

37. Q. And making some affidavits?—A. Not for the same man.

38. Q. But for other men?—A. Yes, sir.

39 Q. And he was there off and on all day?—A. Yes, sir.

40. Q. Swearing in voters?—A. Yes, sir.

41. Q. His affidavits were not all refused?—A. No, sir.

42. Q. Some of them were accepted?—A. Yes, sir.

42. Q. Those that were refused were refused upon the ground that he did know the men he was swearing in well enough to know that they were voters?—A. Some men he knew, and some he did not, and he offered to swear in one man on some other man's evidence that he was a voter, but he did not know and he would not swear it.

44. Q. He offered to swear in some man on the ground that bystanders said that they knew he was a voter?—A. Yes, sir.

15. Q. But Senator McDonald said he ought to have satisfactory evidence that he was a voter, and he did not swear him in?—A. That was one of them.

16. Q. Do you know anything about the condition of Mr. Wahle?—A. I saw him there; I thought he was sober.

17. Q. Do not you know he had been drinking?—A. He had a drink or two, but he had not had enough to be intoxicated.

18. Q. He did not show it?—A. No, sir.

19. Q. How do you know he had been drinking?—A. I say he may have had a drink.

20. Q. Do not you know from his appearance and conduct that he had had a drink?—A. No, sir; not by his conduct.

21. Q. And was not the vote he attempted to swear in refused on the ground that he was intoxicated?—A. Yes, sir; it was.

22. Q. Do you know whether those policemen you spoke of took any active part in politics, or were on duty as policemen?—A. There was Mr. Gerber.

23. Q. Do you know whether he was on duty?—A. I know he is a policeman.

24. Q. He was not on duty that day, was he?—A. I do not know whether he was on duty that day or not.

25. Q. Neither he nor Mr. Crane were on duty that day, were they?—A. I do not know whether they were or not.

26. Q. Do not you know that they did not have their badges on their coats at all?—A. I do not know.

27. Q. Did not they say they were not policemen that day?—A. I did not hear they said that.

28. Q. Did they make any effort that day, as policemen, to preserve order?—A. No, sir; I think not.

29. Q. There were other policemen who were on duty that day?—A. I did not notice any one saying a word in disturbance. I did not see any policemen preserve order that day.

30. Q. There was no disturbance there?—A. There was disturbance there.

31. Q. What time?—A. During the day; quarreling off and on; not fighting, but quarreling.

32. Q. There is always some quarreling there?—A. Yes, sir.

33. Q. Was there any more that day than there had been at other elections?—A. No, sir; not exactly.

34. Q. Was there any disturbance there at all unusual that day?—A. I believe not.

35. Q. Did you see the police threaten to arrest anybody there that day?—A. I do not remember as I did.

36. Q. Did you see them order anybody away from the polls?—A. No, sir.

37. Q. Did you see them order anybody out of the chute?—A. I do not know how that was; I believe he did, but I could not say who it was, or how it was.

38. Q. The challengers frequently asked people to get out of the chute and to get out of the way of voters as they were coming up?—A. Well, yes.

39. Q. Was there anything more than that there?—A. Sometimes men would come up the chute and they would not accept their votes, and they would be quarreling there, and they done that several times.

40. Q. And when there were other men coming up to vote there?—A. Yes, sir.

41. Q. You could not tell from the appearance of things whether men were put out of the chute for any other purpose, except to let other voters in?—A. When a man would come up to vote they would argue his case, and they would make them get out of the way.

42. Q. Is it not a fact that they were told to get out of the chute so that other people could get to vote?—A. There was a good many in the evening that would not get out of the chute at all.

43. Q. Were not men standing there to vote when they were told to get out?—A. Yes, sir.

44. Q. There were men standing there waiting to get up and vote?—A. Yes, sir; along in the evening, towards the last, and about time for the polls to close, they did not order them out of there. They let them stand in there a little before six o'clock, and they would argue over some man to fool away time.

45. Q. Were any of those men challenged?—A. They could not challenge them because they could not get up far enough to vote.

46. Q. Was the chute full?—A. The chute was full, and they were up there arguing late in the evening.

47. Q. Challenged on both sides?—A. Challenged on both sides all day.

48. Q. Was there any more challenged on one side than the other?—A. I believe there was a good deal more on the Republican side.

49. Q There was more on the Republican side than the Democratic side?—A. About 2 to 1, I suppose.

50. Q. That is a Democratic precinct?—A. Yes, sir.

51. Q. And went Democratic?—A. I forget just how it went. It went Democratic, but I cannot tell how much.

52. Q. Every man, then, who was sworn in was received, you think, except five or six; I mean every man who offered an affidavit that he was a voter, or some one made an affidavit for him, was permitted to vote except five or six, you think?—A. Yes, sir.

53. Q. Can you recollect more than two—one of Mr. Schoettle and one of Mr. Wahle—can you recollect more than a single vote sworn in at the time Mr. McDonald told was there, and who left after Mr. McDonald told him what knowledge or information he ought to have before he swore a vote in; do you remember Mr. Schoettle swearing in any other man, or attempting to, whose vote was refused?—A. I believe Mr. Schoettle wanted to swear in about four votes who were refused on different grounds.

54. Q. Do you know any one of them?—A. I do not know their names.

55. Q. Do you know the name of this man Mr. Schoettle offered to swear in?—A. I do not.

56. Q. Do you know where they work—any of them?—A. I do not.

57. Q. You do not know whether they voted in that precinct or not?—A. No, sir.

58. Q. You are a Democrat?—A. Yes, sir.

59. Q. And you were working there for the Democratic party that day?—A. Yes, sir.

Questions by Mr. WILSON:

60. Q. You say that late in the evening that the chute got jammed and the voters could not get up. Were those Democratic or Republican voters?—A. I do not recollect who was in front; but there was a few fellows in front who would not get out and let the others, back, vote. I believe there was one challenged and they were fooling with him, and they had an affidavit made out and I do not know whether it was accepted or rejected; but there were some back of me that wanted to vote.

61. Q. Were those Republicans outside?—A. I think they were most of them Democratic at the rear end. There was three or four Democrats, I know.

62. Q. Do you know what was the character of the voters in the chute?—A. At the head of the chute?

63. Q. Yes, sir.—A. I cannot tell you. I know that we lost a few votes at the end that we could not get through because the chute was full.

64. Q. Mr. Peelle said to you that Senator McDonald went on and said that a man must know so and so. Did not Mr. McDonald say that a party could swear in a voter though he did not know his name if he knew he lived in the precinct? Was not that his statement? And did not Mr. McDonald say, in explaining the law, that a prop-

erty-holder could swear in a voter although he did not know his name if he knew he lived in the precinct as such and knew he was a voter?

(Objected to as leading, and for the reason that the witness has already said what Senator McDonald did say.

A. I could not say the words that Senator McDonald did say exactly, but he explained it to us there. I was standing by.

65. Q. Then you do not recollect the language that Senator McDonald did use?—A. Not exactly; but inasmuch as I understood by it he said that a man must know a man, and he could swear him in.

66. Q. Know him, or know his name?—A. Know him.

67. Q. There was an affidavit offered at that time, was there not?—A. Yes, sir.

68. Q. Was that affidavit refused?—A. It was refused.

69. Q. The affidavit was offered by whom?—A. Mr. Schoettle.

70. Q. Did not he leave after the refusal of that affidavit?—A. Yes, sir; he left.

71. Q. When was it that this trouble about refusing affidavits commenced; was it in the morning or afternoon?—A. It was in the forenoon. I could not say.

72. Q. Could you be certain?—A. I could not say.

73. Q. Are you certain about the statement you made with reference to the time this occurred—whether it was in the afternoon or forenoon?—A. I could not say what time of day it was. I was there all day.

74. Q. Do you know where Mr. Wahle lives?—A. I do not exactly know where he lives I know him when I see him, and he used to have a shop on Delaware street; that is where I got acquainted with him.

75. Q. Do you say there were only five or six affidavits refused, or that you saw only five or six affidavits refused?—A. I saw about that many.

Questions by Mr. PEELLE:

76. Q. Was you there at the polls?—A. Yes, sir.

77. Q. Right there in the precinct?—A. That is, I was around there within about a square walking up and down there.

78. Q. Do you know William Buehrig?—A. Yes, sir.

79. Q. What is his business?—A. A saloon man.

CHARLES WEEBER.

By agreement of the parties, a further taking of these depositions was adjourned until Thursday, December 20, 1883.

THURSDAY, *December* 20, 1883.

The parties met pursuant to adjournment.

THOMAS KEARNEY, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON:

1. Q. State your name, age, and residence.—A. Thomas Kearney; age, 36 years; residence, 206 West Washington street, Indianapolis, Indiana.

2. Q. How long have you lived in this city?—A. In this city, about 16 years.

3. Q. What ward do you reside in?—A. In the thirteenth ward.

4. Q. Did you reside in that ward at the time of the November election in 1882?—A. Yes, sir.

5. Q. Did you hold any position in that ward?—A. Yes, sir; I was county committeeman.

6. Q. For that precinct?—A. Yes, sir; I was county committeeman for the whole ward and appointed the committeeman for the other precinct.

7. Q. Did you attend the election there?—A. Yes, sir.

8. Q. What precinct?—A. The second precinct.

9. Q. You are a Democrat?—A. Yes, sir.

10. Q. Do you know Mr. Samuel E. Perkins?—A. Yes, sir.

11. Q. Was he there that day?—A. Yes, sir; he was there all day.

12. Q. I will ask you if you know what political ticket Mr. Perkins was working for that day?

(Objected to as not rebuttal of any evidence brought out by the contestee, and for the further reason that the question as to how Mr. Perkins voted, when he was on the stand, was asked by the counsel for the contestant, and answered by Mr. Perkins, that he voted for Mr. English and the Democratic ticket, and the question was then withdrawn by the counsel for the contestant.)

A. A mixed ticket, sir; he was working against Mr. English, and against Mr. Lemon particularly, and furthermore he was willing to trade off the whole business for a vote for Mr. Peelle.

THOMAS KEARNEY.

CHARLES A. ALBERSTNIER, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON:

1. Q. State your name, age, and residence.—A. Charles A. Alberstnier; 492 South Meridian street, Indianapolis, Indiana; 26 years of age.
2. Q. How long have you lived in this city?—A. All my lifetime.
3. Q. Were you in this city on the 7th day of November, 1882, at the time of the November election?—A. Yes, sir.
4. Q. Where were you?—A. 492 South Meridian street, in the twenty-fourth ward.
5. Q. Did you attend that election that day?—A. Yes, sir.
6. Q. What capacity did you act in?—A. Clerk.
7. Q. You are a Democrat?—A. Yes, sir.
8. Q. You were Democratic clerk at what precinct?—A. The twenty-fourth ward, second precinct.
9. Q. I will ask how the number of names on the tally-sheet and poll-book at that precinct corresponded with the number of tickets you put in the book?

(Objected to as not rebuttal.)

A. To my knowledge they corresponded when they were summed up, but there was one or two tickets thrown out in order to make it correspond; but I do not know what tickets they were, or anything of that kind.

Cross-examination by Mr. PEELLE:

10. Q. You do not know how the vote on Congressman stood?—A. No, sir; I do not remember, but I did at that time.
11. Q. You do not remember now whether there was more votes for Congress counted than there were tickets in the boxes?—A. No, sir; I do not recollect; I had it down on a piece of paper when I left the polls to tell the boys how it came out.
12. Q. Was there not five or six tickets thrown out there?—A. No, sir; there was not. There was either one or two.
13. Q. Were they not Republicans?—A. I do not know whether they were Republican or Democratic.
14. Q. Do not you know about that?—A. No, sir.
15. Q. Have you any recollection upon that subject?—A. No, sir.
16. Q. You remember nothing about how the votes stood?—A. I did then, but I do not know now.
17. Q. You are testifying not to what you know now, but what you knew then, or have been informed?—A. To what I know now.
18. Q. Then you do not know anything about it now?—A. About what?
19. Q. About how the number of votes stood with the number of ballots?—A. I said they corresponded as I summed it up.
20. Q. You said you could not tell whether there was more votes in the box for Congressman than there were ballots for Congressman?—A. That is not what I said; I said the tally sheets did not correspond with the number of tickets in the box, so we threw out one or two to make it correspond.
21. Q. On what vote?—A. I do not know.
22. Q. You do not know whether that was on the vote for Congressman or not?—A. No, sir.
23. Q. And I understood you to say you did not know anything about how the vote for Congressman stood?—A. That is correct.

Questions by Mr. WILSON:

24. Q. When Mr. Peelle asked you about how the vote for Congressman stood, did you understand him to ask you about the number of votes?—A. Yes, sir; that is what I understood.
25. Q. Were not tickets thrown out on the entire list of candidates on the ticket?—A. I do not know.

Mr. PEELLE. You still insist that you do not know how the vote for Congress stood as compared with the number of ballots?

The WITNESS. No, sir.

CHAS. A. ALBERSTNIER.

FRED. GROSSART, being first duly sworn (by the left hand), testified as follows:

Direct examination by Mr. WILSON:

1. Q. State your name, age, and residence.—A. Fred. Grossart; age, 28; residence, 214 South Meridian street; place of business, 200 South Meridian street.
2. Q. Are you a Democrat?—A. Yes, sir.
3. Q. How long have you lived in this city?—A. Since 1877.
4. Q. Were you in this city at the November election in 1882?—A. Yes, sir; I was.
5. Q. What precinct?—A. Seventeenth ward, second precinct.

6. Q. Were you there that day?—A. Most of the day; yes, sir.
7. Q. Do you know a Mr. Wahle?—A. Yes, sir; I know him.
8. Q. What was his condition as to sobriety that day?
(Objected to as not rebuttal.)
A. Well, while I see him, he was sober.
9. Q. Do you know Mr. Schoettle?—A. Yes, sir.
10. Q. Do you know whether Mr. Schoettle owns real estate there?
(Objected to as not rebuttal of any evidence brought out by the contestee.)
A. Yes, sir; he does.
11. Q. Do you know whether Mr. Wahle owns any real estate there?—A. I think he does; I would not be positive, but it is claimed by the old citizens there that he does.
(Objected to for the reason that the record is the best evidence as to the title, and for the further reason that it is not rebuttal.)
12. Q. Did you watch the vote there part of the time during the day?—A. Yes, sir; I watched pretty closely.
13. Q. Do you know whether any affidavits were offered there in behalf of Democratic voters who had been challenged?—A. Yes, sir.
14. Q. Were they accepted or rejected?—A. Rejected.
15. Q. How many that you know of?—A. While I was there, there were five or six; five, I am positive, and I think it was six, rejected in my presence while I was there.

Cross-examination by Mr. PEELLE:

16. Q. What time of day did you see Mr. Wahle?—A. I see Mr. Wahle there towards noon.
17. Q. Did you see him any during any other time?—A. No, sir; not that I know of, because I was once in awhile on one corner or on the other corner, and the greatest time I was there I saw him, in the forenoon, towards noon.
18. Q. You did not see him in the afternoon?—A. I did not see him in the afternoon.
19. Q. You do not know what his condition was in the afternoon?—A. No, sir.
20. Q. Was one of the affidavits made out rejected?—A. Yes, sir; as far as I know.
21. Q. Was it not rejected on account of his being drunk?—A. That was because the inspector claimed he was full.
22. Q. Did you see Senator McDonald down there?—A. I saw him towards evening.
23. Q. Was he there once in the chute when Mr. Schoettle had an affidavit prepared to swear a man in?—A. Yes, sir.
24. Q. And the inspector refused that affidavit?—A. Yes, sir.
25. Q. Did not he ask Mr. Schoettle whether he knew the man he was swearing in?—A. I am not positive whether he put that question to him or not.
26. Q. Did you hear Senator McDonald say that a man ought to have satisfactory evidence that a man was a voter to swear him in?—A. I cannot swear to that.
27. Q. Did you hear Senator McDonald say anything upon that subject?—A. I heard him make several remarks.
28. Q. What was the substance of the remarks?—A. The substance was there was no cause for rejection where a man was a legal voter, and could prove that he was a legal voter; and he did not see why the inspector refused Mr. Schoettle's affidavit.
29. Q. Did not he state, in the presence of the crowd, that a man to swear in another man's vote ought to know that the man was a legal voter?—A. I do not know whether he made that remark.
30. Q. Did Mr. Schoettle leave the chute before or after Mr. McDonald made that statement?—A. I would not swear to that, but I think he left after the remark.
21. Q. Mr. Schoettle left the chute after Mr. McDonald made the statement, whatever it was, he made?—A. Yes, sir.

T. C. GROSSART.

JOSEPH T. MAGNER, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON:

Q. I wish you would look at the paper I now show you and see if that is the certificate made by you to that document.
(Objected to as not rebuttal.)
A. Yes, sir.
Q. You are the city clerk of Indianapolis?—A. Yes, sir.
Mr. WILSON: I offer that as a part of the deposition of the witness.
(The document will be found attached to this deposition, as a part thereof, and marked Exhibit No. 1.)

Cross-examination by Mr. PEELLE:

Q. All that you certify to is to the number of men on the pay-roll for a certain time?—A. Yes, sir; this is simply a pay-roll.

Q. For a month?—A. No, sir; 15 or 16 days.

Q. Whether or not a particular man or another were released by their chief from duty on the day of the election; you know nothing about that?—No, sir.

By Mr. WILSON:

Q. Do you pay policemen at the end of each month, or at the middle and the end?—A. The middle and the end.

By Mr. PEELLE:

Q. Policemen are frequently excused, from various causes, that are not off the pay roll?—A. That is not in my department.

Q. Don't you know they are frequently excused from some cause, and their name still appear on the pay-roll?—A. Yes, sir; I know they are frequently excused.

Q. And they get their pay just the same, do they not?—A. No; I do not know that to be a fact.

By Mr. WILSON:

Q. You are a Republican, are you?—A. Yes, sir.

JOS. T. MAGNER.

Exhibit No. 1 *to deposition of Jos. T. Magner.—P. C. Hendricks, N. P.*

Pay-roll of the officers and members of the police force of the city of Indianapolis for the half month ending Nov. 15, 1882.

Names.	Rank.	No. of days.	Rate per day.	Amount.
			Dols. cts.	*Dols. cts.*
Rob't C. Williamson	Chief	½ month.		54 33
Rob't Campbell	Capt	15	2 50	37 50
Chris. McGregor	"	15	"	37 50
Edward W. Nicholson	"	15	"	37 50
Timothy Splan	"	15	"	37 50
Samuel Barker	Patrol	15	2 00	30 00
George W. Baxter	"	15	"	30 00
Chas. O. Britton	"	14	"	28 00
William Bacon	"	15	"	30 00
A. J. Buchanan	"	15	"	30 00
Bradley Connett	"	15	"	30 00
Worthington Clary	"	15	"	30 00
Chas. Clark	"	15	"	30 00
Jas. J. Cullings	"	14	"	28 00
G. L. Craven	"	15	"	30 00
Leonard Crane	"	15	"	30 00
Geo. W. Cheatham	"	14	"	28 00
Allen Dudley	"	9	"	18 00
Geo. H. Emory	"	15	"	30 00
Fred Fells	"	15	"	30 00
Samuel Gerber	"	14	"	28 00
Ben. W. Hartley	"	15	"	30 00
Henry Holt	"	15	"	30 00
Edward Harris	"	15	"	30 00
William Harnes	"	15	"	30 00
Allen Jester	"	15	"	30 00
A. R. Lewis	"	15	"	30 00
John Lowe	"	15	"	30 00
Gen. W. McCain	"	15	"	30 00
V. S. McMullen	"	15	"	30 00
Samuel McClure	"	15	"	30 00
John Mountain	"	15	"	30 00
Daniel M. Osburn	"	15	"	30 00
Henry Pope	"	15	"	30 00
George Prier	"	15	"	30 00
H. H. M. Patton	"	10	"	30 00
David Richards	"	15	"	20 00
William Roney	"	15	"	30 00
Webb Robertson	"	15	"	30 00
Michael Rafterry	"	15	"	30 00
John Reid	"	15	"	30 00
Joseph Sternen	"	15	"	30 00
Joseph Schmid	"	15	"	30 00
W. E. Shilling	"	15	"	30 00
G. L. K. Standridge	"	15	"	30 00
Hugh P. Stewart	"	15	"	39 00
Henry Slate	"	15	"	30 00
Benj. Thornton	"	15	"	30 00
Jno. J. Trimame	"	15	"	30 00
Albert Travis	"	15	"	30 00

Pay-roll of the officers and members of the police force, &c.—Continued.

Name.	Rank.	No. of days.	Rate per day.	Amount.
			Dols. cts.	*Dols. cts.*
Richard Wells	Patrol	14	2 00	28 00
Henry Williams	"	15	"	30 00
Jno. D. Webb	"	11	"	22 00
Jno. Weber	"	15	"	30 00
Harry Weaver	"	13	"	26 00
Asbury York	"	15	"	30 00
Thomas Fiscul	Special	15	"	30 00
Rice T. Bates	"	15	"	30 00
Henry Paul	"	15	"	30 00
Elwood Sands	"	15	"	30 00
John B. Poirier	"	15	"	30 00
Peter F. Glazier	"	15	"	30 00
Carter Temple	"	15	"	30 00
Timothy Woodruff	"	15	"	30 00
George A. Taffe	Turnkey	15	"	30 00
Horace Heston	"	15	"	30 00
A. C. Shafer	"	½ month.		25 00
Morris Donavan	Extra	1	2 00	2 00
George Allen	"	9	"	18 00
Edward McCarty	"	7	"	14 00
Daniel Gatts	"	5	"	10 00
Harry H. Wheatley	"	6	"	12 00
Samuel L. Hull	"	5	"	10 00
Eugene Saulcy		15	"	30 00
				$2,111 33

5 days allowed Patrolman Clark while disabled from pistol wound, and 6 days extra on account of election.

INDIANAPOLIS, *Nov.* 15, 1882.

I hereby certify that the terms of service and amounts affixed to the several names on this pay-roll are correct.

ROBERT C. WILLIAMSON,
Chief of Police.

Examined and approved.

JOHN R. PEARSON.
H. B. STOUT.
Board of Police.

OFFICE OF CITY CLERK:

I, Joseph T. Magner, clerk of the city of Indianapolis, hereby certify that the foregoing is a true and correct copy of the original pay-roll now on file in my office.

Witness my hand and the seal of the city of Indianapolis this 15th day of December, 1883.

[SEAL.]

JOS. T. MAGNER,
City Clerk.

OFFICE OF CITY CLERK:

I, Joseph T. Magner, clerk of the city of Indianapolis, Marion County, Indiana, hereby certify that at sessions of the common council and board of aldermen of said city said bodies made an appropriation to I. N. Pattison, city treasurer, for payment of extra police, the item of appropriation being as follows: "I. N. Pattison, city treas., for pay of 128 special policemen, for services rendered Nov. 7th, 1882, $256.00." All of which is shown by records now on file in my office.

Witness my hand and the seal of the city of Indianapolis this 15th day of December, 1883.

[SEAL.]

JOS. T. MAGNER,
City Clerk.

(Indorsed:) Exhibit No. 1. Deposition of Jos. T. Magner. P. C. Hendricks.

JOHN CARLON, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON:

Q. State your name.—A. John Carlon.
Q. Your age and residence?—A. Age, 44; residence, Indianapolis, Ind.
Q. You are the same Mr. Carlon that testified in chief?—A. Yes, sir.
Q. In that examination you testified that you had been in the printing business for a number of years?—A. Yes, sir.

Q. I call your attention to a ticket headed "Democratic ticket," and marked Exhibit No. 4, to the deposition of D. M. Ransdell, Paul C. Hendricks, notary public, and I will ask you what is the material upon which that ticket is printed?—A. That is what we call a No. 2 book paper, of light weight.

Q. I call your attention to a ticket marked Exhibit No. 3, to the deposition of D. M. Ransdell, Paul C. Hendricks, notary public, and headed "Republican ticket," and I will ask you what that material is?—A. I should say that that is a No. 1 book paper, sized and supercalendered. It might possibly be a flat paper. Yon cannot tell the difference between the two.

Q. What is flat paper?—A. Flat paper is the same as writing paper; we call it "folio," and "cap."

Q. I call your attention to a ticket headed "Republican ticket," "State ticket." for governor, Albert G. Porter; for lieutenant-governor, Thomas Hanna, and marked Exhibit C to the deposition of William Wallace, Paul C. Hendricks, notary public; I will ask you what that is?—A. I should say that paper is a thin folio writing paper.

Q. Is it a writing paper?—A. It is soiled; it is pretty hard to tell; but I should say it was about a fourteen-pound folio, or a light cap.

(Objected to as not rebuttal. The ticket was offered in evidence as a part of the deposition of the witness, and will be found attached hereto, marked Exhibit No. 1. Its admission being objected to by the contestee as not proper rebuttal.)

Q. I hand you a ticket headed "Republican ticket"; for governor, Albert G. Porter; I will ask you if that is the same material as the one I have shown you.

(Objected to as not rebuttal)

A. That is about the same. This [indicating] is a little better finished—the one you have just handed me.

Q. Is not that due to the fact that it has not been handled?—A. Very likely, that has a great deal to do with it, but this paper is about the same as the other.

Q. I hand you a ticket headed "Democratic ticket," with a flag on it, and reading: "For Governor Franklin Landers," marked Exhibit Z shown to J. A. Wildman; I will ask you what is the material upon which that is printed?—A. That is what we call No. 2 cheap book paper.

Q. I will show you a ticket headed "Democratic ticket;" for Governor Franklin Landers," with a flag on it; and I will ask you if that corresponds with it?—A. Yes, sir; that is the same paper.

(The ticket was offered in evidence and will be found attached to this deposition as a part thereof, marked Exhibit No. 2.)

Q. I call your attention to a ticket headed "Democratic Ticket;" for President, Winfield Scott Hancock, and marked Exhib t E to the deposition of William Wallace, and I will ask you what is the material upon which that is printed?—A. That is No. 2, or a cheap book paper.

Q. I hand you the ticket marked Exhibit F to the deposition of William Wallace, headed "Republican Ticket"; for President, James A. Garfield, and I will ask you what material that is printed on.—A. That is a pretty dirty sheet and it is pretty hard to tell; I should think this was a heavy book paper.

Q. I show you a ticket headed "Republican Ticket"; for President, James A. Garfield, and I will ask you, does that correspond with the exhibit just shown you?—A. No; the paper is different paper; it is a little different paper, or else this Exhibit F is dirty.

Q. Is it not true that the only difference is that one is dirty and the other is not?—A. I suppose it is the same kind of paper, only one is a little different color from the other.

Q. What sort of paper do you say it is?—A. That is flat paper; it is folio.

(The specimen was offered in evidence, and will be found attached hereto as a part of this deposition and marked Exhibit No. 3.)

Q. I call your attention to a ticket marked Exhibit No. 6 to the deposition of Henry C. Adams, Paul C. Hendricks, notary public; is that the ticket used by the Republicans in the last election?—A. I did not see anybody vote the ticket; I could not say it was the ticket that was used by them.

Q. Did you see that ticket at the polls?—A. I saw that ticket at the polls, or something similar to that.

Q. I show you Exhibit S, shown to I. S. Gordon, and marked Paul C. Hendricks, notary public; is that the Democratic ticket that was used November, 1882, at the last Congressional election?—A. Yes, sir.

Q. I ask you now to take these Democratic tickets that I have shown you—one marked Exhibit No. 4 to the deposition of D. M. Ransdell, headed for secretary of state, John G. Shanklin; one headed for governor, Franklin Landers, with a flag on it, and marked Exhibit Z to J. A. Wildman's deposition, and one marked Democratic ticket: for President, Winfield Scott Hancock, and marked Exhibit E to William Wallace's deposition, and one headed Democratic ticket, for secretary of state, Will-

iam R. Myers, and marked Exhibit S to Mr. Gordon's evidence—and I will ask you to compare them and state what dissimilarity, or what similarity, there is between the tickets as to the material upon which they are printed and their width.—A. They are paper No. 2, or a cheap quality of book paper. This (Exhibit S, referred to) is a little the best quality, but they are all the same.

Q. That is a little the best quality?—A. Yes, sir

Q. As to their relative thickness?—A. Three are about the same thickness. This [indicating] is a little lighter.

Q. The Democratic ticket marked Exhibit No. 4 is a little the lightest?—A. Yes, sir; these two [indicating] are the lightest.

Q. The Democratic ticket headed "Winfield Scott Hancock," and the Democratic ticket headed "John G. Shanklin" are a little the lightest?—A. Yes, sir.

Q. Per ream?—A. Yes, sir.

Q. The others are similar?—A. Yes, sir; only a little bit heavier.

Q. Are they or are they not the same class of paper?—A. Yes, sir; it is the same class of paper. One is a little bit heavier than the other, and it is of a little different shade. I think that is brought on from old age.

Q. I would like for you to measure the width of those tickets.—A. They are all three inches, or intended for that, I suppose; that one [indicating] is not quite three inches.

Q. That is the Winfield Scott Hancock ticket?—A. Yes, sir.

Q. How much does it lack?—A. About one-sixteenth, I judge.

Q. The Democratic ticket No. 4 to the deposition of D. M. Ransdell is three inches?—A. Yes, sir.

Q. And the Democratic ticket voted in 1882 for William R. Myers, marked Exhibit S to deposition of Mr. Gordon, is how much?—A. Three inches.

Q And the Democratic ticket with the flag at the head of it, marked Exhibit Z, is how much?—A. That is about three inches and a quarter, I should judge.

Q. Now, I call your attention to the Republican ticket, Exhibit No. 3, headed "Republican ticket, for secretary of State, Isaac S. Moore," and Exhibit C to the deposition of William Wallace, headed "Republican ticket, for governor, Albert G. Porter," and marked Exhibit F to the deposition of William Wallace, and the national Republican ticket for James A. Garfield, and marked Exhibit No. 6, to the deposition of Henry C. Adams, and I will ask you to compare those tickets as to material, and state whether there is any difference in the material upon which those tickets are printed?—A. I should say this was No. 1 sized and supercalendered book.

Q. That is Exhibit 3 to D. M. Ransdell's deposition?—A. Yes, sir.

Q. No. 6 to the deposition of Henry C. Adams is what?—A. I should judge that was a kind of a plate paper.

Q. Exhibit C to the the deposition of William Wallace, as compared with the others, is what?—A. It is about 14 pound folio. It looks to me that it is writing paper.

Q. Exhibit F to the deposition of William Wallace, as compared with the other Republican tickets, is what?—A. It is dirty; and, as I remarked before, I could not hardly tell. That looks like it was a No. 2, or some kind of book paper.

Q. The ticket, you said a while ago, was flat paper?—A. That is the other one I showed you.

Q. That was made an exhibit to your evidence?—A. The other one was—the one I said was flat paper, but different color from this.

Q. You mean the other ticket corresponding with that?—A. The other ticket the size of this; not this one.

Q. The exhibit I showed you, headed "Republican ticket," James A. Garfield for President, that specimen was made an exhibit to your evidence you say is a little different from the Republican ticket for James A. Garfield for President, which is exhibit No. F to the deposition of William Wallace?—A. Yes, sir; it seems to be.

Q. Now, as to weight and thickness, how do these Republican tickets correspond with each other?—A. These four?

Q. Yes, sir?—A. There is a great difference between the thinnest and thickest of them.

Q. How do they compare between themselves as to uniformity with the Democratic tickets, as to uniformity between themselves?—A. There is no uniformity between any of these four Republican tickets; they are all of different thicknesses, and different grades of paper.

Q. Measure the width of these four Republican tickets, and state what it is?—A. This ticket [indicating] is about one thirty-second of an inch over three inches.

Q. That is Exhibit No. 3 to the deposition of Mr. Ransdell?—A. Yes, sir.

Q. And the Republican ticket marked Exhibit No. 6 to the deposition of H. C. Adams, is what?—A. Three inches.

Q. And the Republican ticket voted for James A. Garfield, and marked Exhibit F, is how much?—A. That is about two inches and three-quarters.

Q. About a quarter of an inch less than three inches?—A. Yes, sir.

Q. And the Republican ticket marked Exhibit C to the deposition of William Wallace, is what width?—A. That is two inches and three-quarters.

Q. Now, I ask you as to the appearance and finish of the Republican tickets, as compared between themselves, and the finish and appearance of the Democratic tickets; what is the difference, if any, and how do they compare?—A. The difference in the Democratic tickets is very slight; there may be a little difference in the color, but there is a great deal bigger difference between the Republican tickets. The Republican tickets are from 14-pound folio, up to—I should judge, plate paper.

Q. What is the effect of super-sizing paper; you said that the Republican paper was super-sized?—A. That puts an extra finish on it.

Q. What effect does it have upon the appearance?—A. It has the appearance of a glossy, hard finish.

Q. I will ask you if you have examined recently a treatise published in Indiana, called "Buskirk's Practice"; have you examined it to see what kind of paper it is on?—A. Yes, sir.

Q. I ask you to look at this ticket headed "Republican ticket," marked Exhibit 6 to the deposition of H. C. Adams, and state what difference there is, if you know, between the material upon which the Republican ticket is printed and the material upon which "Buskirk's Practice" is printed.—A. This book [the book in question was handed to the witness] is printed on a good quality of No. 2 book paper, and the ticket is printed on plate paper.

Q. I ask you as to the difference in the thickness of the two?—A. There is a great deal of difference in the thickness of the two.

Q. What is the difference in the weight?—A. This paper of "Buskirk's Practice" weighs, I should think, about 60 or 70 pounds to the ream.

Q. What does that Republican ticket weigh?—A. That is 28 by 42 in size.

Q. And that Republican ticket?—A. Depends upon the size.

Q. Taking it the same size?—A. I should judge it would weigh 115 or 120 pounds—almost one-half more.

Q. You said just now that one was thicker than the other; which did you mean was the thickest?—A. I mean the ticket.

Q. Did you ever examine any of Houghten, Mifflin & Co.'s red-line publications?—A. I examined one of them; yes, sir.

Q. I will ask you what is the difference in the thickness of the paper upon which those red-line editions of the books of that firm are printed and that Republican ticket just shown you?

(Objected to as not rebuttal, and for the further reason that the book testified to by Mr. Merril has not been identified by name.)

A. This Republican ticket is a great deal thicker than the paper in that book. Looking at the book, I would judge it was a very light, super-calendered paper. I saw it at Mr. Yohn's when I came up, and it was a very thin, light paper.

Q. Calling your attention to Exhibit No. 3 to the deposition of W. O. Anderson, being the price-list of Chatfield & Woods, I ask you to look at the catalogue of sizes of their book papers; and I will ask you if book papers are sold, or if you find in the catalogue of prices there any grade of book paper of size 19 by 24?—A. No, sir; I know there is not, without looking over the catalogue. It is not in the trade, and it is not a regular size.

Q. Do catalogues agree on that subject?—A. Generally.

Q. Is book paper sold in the trade 19 by 24?—A. No, sir; not in that size.

Q. Do you know the reason of that?—A. I do not know; it is a size that is never used without——

Q. Never mind; I will not ask you any further; I know the reason, and I thought you did?—A. No, sir; I do not.

Q. I will ask you if there are not regular sizes of paper for printing books?—A. Regular sizes of paper; yes, sir.

Q. Do you know the sizes of books; what they are called in the molds?—A. No, sir; I do not. I know the sizes of the paper.

Q. What are the sizes of the paper?—A. 22 by 32, 24 by 36, 25 by 38, 28 by 42, are the book-paper sizes.

Q. Is it not true that the sizes of book paper are cut to fit, in folding, the size of the book; for example, from "octavo," "duodecimo," quarto, &c., that they cut the sheets for the sizes, in printing?—A. Yes, sir.

Q. Is there any size in the manufacture of books such that you can fold paper 19 by 24, and print on that size, that you know of?—A. No, sir; I never saw one that I know of; there may be some books.

Cross-examination by Mr. PEELLE:

Q. I hand you a specimen of ticket which was just handed you by Mr. Wilson, headed "Democratic ticket. For Governor, Franklin Landers." Is that one of the tickets used by the Democrats in this city in 1880?—A. I do not remember about that.

Q. Do you see where it is punched there with a hole in it, as being taken from the file?—A. I could not swear to it.

Q. What kind of paper is that?—A. Cheap No. 2 book paper; cheap, light paper. (Exhibit No. 4 to the deposition of the witness.)

Re-examination by Mr. WILSON:

Q. Did you ever see that ticket before, which Mr. Peelle just handed you, voted for Franklin Landers?—A. I could not say.

Q. Do you know who printed that ticket?—A. I believe I printed that ticket.

Q. I call your attention to Exhibit Z, already shown you, to Mr. Wildman's deposition, headed "Democratic ticket," with a flag on it, for Franklin Landers; do you recollect that "flag ticket," as it is called?—A. No, sir; I never saw that before to-day.

Q. Did you ever see this other ticket Mr. Peelle showed you, Exhibit No. 4 to your own deposition, headed "Democratic ticket" for Franklin Landers?—A. That kind of a ticket; yes, sir.

Q. What ticket is that?—A. That was in the year Shanklin and Landers run, two years ago.

Q. It was used in 1880, was it?—A. Yes, sir; I say Mr. Landers ran then.

Q. Did you print that ticket with a flag on it?—A. No, sir.

Q. Do you recollect what time of day you got that smaller ticket out, which is marked as an exhibit to your deposition?—A. That I could not say; it has been so long ago that I could not remember that.

Q. Do you know which ticket was used on the day of the election, principally?—A. I suppose this [indicating] must be, because I never saw the flag ticket before to-day.

Q. When you say "this ticket," you mean Exhibit No. 4 to your own deposition?—A. Yes, sir.

JOHN CARLON.

Exhibit No. 1 to deposition of John Carlon.—P. C. Hendricks, N. P.

REPUBLICAN TICKET.

STATE TICKET.
For Governor,
ALBERT G. PORTER.
For Lieutenant-Governor,
THOMAS HANNA.
For Judges Supreme Court,
3d District—BYRON K. ELLIOTT.
5th District—WILLIAM A. WOODS.
For Secretary of State,
EMANUEL R. HAWN.
For Auditor of State,
EDWARD H. WOLFE.
For Treasurer of State,
ROSWELL S. HILL.
For Attorney-General,
DANIEL P. BALDWIN.
For Superintendent of Public Instruction,
JOHN M. BLOSS.
For Reporter of Supreme Court,
FRANCIS M. DICE.
For Clerk of Supreme Court,
DANIEL ROYSE.

CONGRESSIONAL TICKET.
For Representative to Congress, Seventh District,
STANTON J. PEELLE.
For Prosecuting Attorney, Nineteenth Judicial Circuit,
NEWTON TAYLOR.

COUNTY TICKET.
For Judge Superior Court,
LEWIS C. WALKER.
For Sheriff,
HENRY C. ADAMS.
For Treasurer,
JOHN L. MOTHERSHEAD.
For Recorder,
JACOB L. BIELER.
For Coroner,
ALLISON MAXWELL.
For County Surveyor,
HERVY B. FATOUT.
For Joint Senator Marion, Shelby, and Hancock Counties,
SIMEON T. YANCEY.
For Senators,
WILLIAM B. FLETCHER.
GEORGE H. CHAPMAN.
For Joint Representative Marion, Shelby, and Bartholomew Counties,
NELSON B. BERRYMAN.
For Representatives,
THOMAS McSHEEHY.
VINSON CARTER.
JAMES S. HINTON.
JOHN W. FURNAS.
ISAAC N. COTTON.
For County Commissioner.
JOHN H. SMITH.

(Indorsed:) Exhibit No. 1, John Carlon's deposition. P. C. Hendricks, N. P.

Exhibit No. 2 to John Carlon's deposition.—P. C. Hendricks, N. P.

*DEMOCRATIC TICKET.**

For Governor,
FRANKLIN LANDERS.
For Lieutenant-Governor,
ISAAC P. GRAY.
For Judge of the Supreme Court, Third District,
JOHN T. SCOTT.
For Judge of the Supreme Court, Fifth District,
JOSEPH A. S. MITCHELL.
For Secretary of State,
JOHN G. SHANKLIN.
For Auditor of State,
MAHLON D. MANSON.
For Treasurer of State,
WILLIAM FLEMING.
For Attorney-General,
THOMAS W. WOOLLEN.
For Superintendent of Public Instruction,
ALEXANDER C. GOODWIN.
For Reporter of the Supreme Court,
AUGUSTUS N. MARTIN.
For Clerk of the Supreme Court,
GABRIEL SCHMUCK.
For Representative to Congress, Seventh District,
CASABIANCA BYFIELD.
For Judge of the Superior Court,
MYRON B. WILLIAMS.
For Sheriff,†
DANIEL A. LEMON.†
For Treasurer,
RICHARD J. CONNER.
For Recorder,
SAMUEL B. CORBALEY.
For Coroner,
THOMAS J. FOULDS.
For Surveyor,
ALEXANDER A. JOHNSTON.
For Joint Senator, Marion, Hancock and Shelby,
ANDREW HAGEN.
For Senators,
JOSEPH W. NICHOL,
WILLIAM B. FLETCHER.
For Joint Representative, Marion, Shelby and Bartholomew,
GEORGE REYER,
For Representatives,
LEWIS JORDAN,
EDWIN TAYLOR,
ROMUS F. STUART,
THOMAS K. BARRETT,
JOHN W HOLCOMBE.
For Commissioner—First District,
JOHN WILSON.

(Indorsed:) Exhibit No. 2, John Carlon's deposition. P. C. Hendricks.

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* Across cut of American flag.
† In scroll.

Exhibit No. 3 to deposition of John Carlon.—P. C. Hendricks, N. P.

REPUBLICAN TICKET.

National Candidates.

JAMES A. GARFIELD for President.
CHESTER A. ARTHUR for Vice President.

Presidential Electors or the State at Large.

DAVID S. GOODING.
JOHN R. COFFROTH.

District Electors.

1st Dist.—HENRY C. PITCHER.
2d Dist.—JOHN C. BRIGGS.
3d Dist.—BARTHOLOMEW H. BURRELL.
4th Dist.—GREENE DURBIN.
5th Dist.—FRANCIS T. HORD.
6th Dist.—DAVID W. CHAMBERS.
7th Dist.—OLIVER J. GLESSNER.
8th Dist.—JOHN E. LAMB.
9th Dist.—FRANCIS JOHNSON.
10th Dist.—DAVID D. DYKEMAN.
11th Dist.—JAMES F. McDOWELL.
12th Dist.—ANDREW ELLISON.
13th Dist.—WOODSON S. MARSHALL.

(Indorsed:) Exhibit No. 3 to deposition of John Carlon. P. C. Hendricks, N. P.

Exhibit No. 4 to deposition of John Carlon.—P. C. Hendricks, N. P.

DEMOCRATIC TICKET.

For Governor,
FRANKLIN LANDERS.

For Lieutenant Governor,
ISAAC P. GRAY.

For Judge of the Supreme Court, 3d District,
JOHN T. SCOTT.

For Judge of the Supreme Court, 5th District.
JOSEPH A. S. MITCHELL.

For Secretary of State,
JOHN G. SHANKLIN.

For Auditor of State,
MAHLON D. MANSON.

For Treasurer of State,
WILLIAM FLEMING.

For Attorney-General,
THOMAS W. WOOLEN.

For Superintendent Public Instruction,
ALEXANDER C. GOODWIN.

For Reporter of the Supreme Court,
AUGUSTUS N. MARTIN.

For Clerk of the Supreme Court,
GABRIEL SCHMUCK.

For Representative in Congress, 7th District,
CASABIANCA BYFIELD.

For Judge of the Superior Court,
MYRON B. WILLIAMS.

For Sheriff,
DANIEL A. LEMON.

For Treasurer,
RICHARD J. CONNER.

For Recorder,
SAMUEL B. CORBALEY.

For Coroner,
THOMAS J. FOULDS.

For Surveyor,
ALEXANDER A. JOHNSTON.

For Joint Senator, Marion, Hancock, and Shelby Counties,
ANDREW HAGEN.

For Senators,
JOSEPH W. NICHOL.
WILLIAM B. FLETCHER.

For Joint Representative, Marion, Shelby, and Bartholomew Counties,
GEORGE REYER.

For Representatives,
LEWIS JORDAN.
EDWIN TAYLOR.
ROMUS F. STUART.
THOMAS K. BARRETT.
JOHN W. HOLCOMBE.

For Commissioner First District,
JOHN WILSON.

(Indorsed:) Exhibit No. 4 to deposition of John Carlon. P. C. Hendricks, N. P.

JOHN J. CURTIS, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON:

Q. Your name, age, and residence.—A. John J. Curtis; age 27; residence 39 Ash street, Indianapolis, Ind.

Q. What is your politics?—A. I am a Republican.

Q. What is your business?—A. I am connected with Bowen, Stewart & Co., booksellers and paper dealers, and I have charge of the paper department there.

Q. I call your attention to a ticket marked Exhibit No. 1, to the deposition of John Carlon and headed "Republican ticket," for governor Albert T. Porter, and I will ask you to please state what that ticket is printed upon?

(Objected to as not rebuttal.)

A. I would call that a cheap flat paper.

Q. What is flat paper?—A. Flat paper is writing paper; paper finished for writing on with ink.

Q. I call your attention to Exhibit No. 4 to the deposition of John Carlon headed "Democratic ticket," for governor Franklin Landers. Tell me, please, what material that ticket is printed on?—A. That is No. 2 book—a cheap grade of book paper.

Q. I call yonr attention to Exhibit No. 2 to John Carlon's deposition headed "Democratic Ticket," with a flag on it, and for Franklin Landers for governor, and I will ask you what material that is printed on?—A. I would call that a book paper.

Q. What number; do you know?—A. It is a better grade than the other; I do not think it comes for a better grade than No. 2 paper, though.

Q. I call your attention to a ticket headed "Democratic Ticket," John G. Shanklin, and marked Exhibit No. 4 to the deposition of Mr. Ransdell, and I will ask you what material that is printed upon?—That is No. 2 book.

Q. What is Exhibit S to Mr. Gordon's deposition headed "Democratic Ticket?"—A. That is a book paper.

Q. What grade would you say that was?—A. With the ticket folded up that way it is pretty hard to tell whether it is a No. 1 or a No. 2. I would call that a good grade of No. 2. It should be perfectly smooth to tell.

Q. I call your attention to a ticket headed "Democratic ticket" for Winfield Scott Hancock, marked Exhibit E to the deposition of William Wallace; I will ask you what is that material, if you know, upon which that ticket is printed?—A. That is book paper.

Q. Do you know the number of that; could you tell what number of book paper that is?—A. I cannot tell, it is so soiled. It looks like a good No. 2.

Q. I hand you a ticket headed "Republican ticket," and marked Exhibit F to the deposition of William Wallace, and voted for James A. Garfield for President and Chester A. Arthur for Vice-President; what is the material on which that ticket is printed? And I also hand you Exhibit No. 3 to the deposition of John Carlon headed "Republican ticket," national campaign, James A. Garfield, and you can compare the two; one of them is fresh and the other is soiled; and I hand you this ticket marked Exhibit No. 3 to the deposition of D. M. Ransdell, for secretary of state Isaac S. Moore.—A. I believe I would call that a flat paper. This sample is so folded that I would have to compare them to see if they were the same ticket.

Q. And I now hand you the ticket marked Exhibit No. 3 to deposition of D. M. Ransdell, for secretary of state, Isaac S. Moore, and Exhibit 6 to the deposition of Henry C. Adams, headed "Republican ticket," for secretary of state, Emanuel R. Hawn, and I will ask you to take the Republican tickets you just looked at, and state what difference there is, if any, in the bulk and quality of those four tickets; and in specifying, please name them as Exhibits so and so. I ask you as to the bulk and thickness of these tickets, how do they differ?—A. There is considerable difference in the paper used.

Q. How about it as compared with the Democratic tickets—the four which I have shown you; is there more difference between the Democratic tickets or more difference between the Republican tickets, respectively?—A. There is more difference in the weight of these Republican tickets; they vary in weight.

Q. How do the Republican tickets compare as to uniformity in width?—A. There are two of them about the same width, and there is a little over one-eighth of an inch difference between one of them and the others.

Q. Two of them correspond substantially in weight?—A. Yes, sir.

Q. As to the finish—the sizing—how do they compare?—A. Two of them are a flat paper finish.

Q. What is a flat paper finish?—A. An extra hard finish to use for writing paper, to write with ink.

Q. That gives it what is popularly termed a glazed finish?—A. Yes, sir.

Q. What two are those?—A. Exhibit No. 3.

Q. That is, the national ticket for Garfield for President?—A. Yes, sir.

Q. And the State ticket for Governor Porter in 1880?—A. Yes, sir.

Q. Now, I ask you to take up these Democratic tickets, and compare the finish and the weight of the tickets to each other, and state what difference there is. I hand you four Democratic tickets already shown you, being the Democratic tickets headed "for Hancock," and the ticket for William R. Myers in 1882, and the ticket for Shanklin in 1878, and the Democratic ticket for Landers in 1880. I will ask you to compare those as to finish and weight, and say what disparity or uniformity there is.—A. These tickets are all book paper; they do not vary very much in weight.

Q. How about the finish?—A. The finish is about the same. There is a difference in color, because they have been run by different mills.

Q. Is that the result of time or is it the result of the original color?—A. That is the original color.

Q. Is it a shade or tint in the difference, or what is the difference?—A. They are all run for white paper, but there are different tints in what we call white paper.

Q. There is a difference in the tint of those papers?—A. Yes, sir; none of them would be called tinted paper; they are all white paper, but run by different mills.

Q. Do you know the size in which book paper is sold?—A. Yes, sir; I buy the book paper for the firm.

Q. What are the book paper sizes, according to the catalogue as you buy them?—A. 22 x 32, 24 x 36, 25 x 38, and 28 x 42; those are the common sizes.

Cross-examination by Mr. PEELLE:

Q. Book paper may be cut in any size that is ordered, may it not?—A. Yes, sir.

Q. You are only speaking of the common sizes?—A. Yes, sir; the sizes we carry in stock.

Q. The size of book paper depends upon the size it is ordered, does it not?—A. A mill will make any size you want.

Q. How long have you been down there in Bowen, Stewart & Co's establishment in connection with the paper business?—A. I have been in the house 11 years, and I have had charge of the paper business about seven years.

Q. Are you in the employ of Mr. English in getting out the programmes for his theater?—A. Not in his employ; I have the privilege of putting the programme in his house for the space I give him in the programme.

Q. You have a contract for printing the programme for the English opera-house?—A. There is no contract.

Q. You get it out?—A. I publish it.

Q. You say you are a Republican?—A. Yes, sir.

Q. You voted for Mr. English at the last election, did you not?

(Objected to as incompetent and irrelevant.)

Q. You voted for Mr. English at the last election, did you not?—A. I did not.

Q. Have you not so stated since the election?—A. Not that I remember of.

Q. Did you not so state to Mr. English himself?—A. I guess not.

Q. You say you did not vote for him?—A. I did not vote for him; no, sir.

Questions by Mr. WILSON:

Q. You said a mill would make any size of book paper; but for books do they make paper 19 x 24, and do they keep that size for books, and do you find any such size in the catalogue of prices, 19 x 24? And in that connection I ask you to look over the price-list of Chatfield & Woods.—A. That is not a regular book size at all. We could not cut that out of regular size book paper at all. If it was 18 by 24 it would be half a sheet of book paper. It comes very near being half a sheet.

Q. Did you ever buy any book paper for books 19 x 24?—A. No, sir.

Q. Look at Chatfield & Woods' catalogue, which has been already referred to, and look at the book paper, beginning with page 9, and state whether there is any size 19 x 24.—A. No; there is no size 19 x 24.

Q. My attention has been called to the fact that I did not ask you the quality of this ticket headed "Republican ticket" "For secretary of state, Isaac S. Moore," and marked Exhibit No. 3 to the deposition of D. M. Randsell; did you state what that ticket was made out of?—A. I call that a No. 1 book.

Q. Did I ask you to compare this ticket with the rest of them?—A. I do not think you did.

Q. What is that ticket headed: "Republican State ticket, For secretary of state, Emanuel R. Hawn," and marked Exhibit No. 6 to the deposition of Henry C. Adams?

(Objected to as not rebuttal.)

A. I have seen a book paper as heavy as that. This is more of an imitation of the eastern plate paper.

Q. Mr. Peelln asked you just now something about a contract with Mr. English; does Mr. English pay you any salary for work you do for him?—A. He pays me nothing for it.

Q. Has Mr. English any control over that advertisement, or any interest in the profit of that advertisement?—A. No, sir.

Questions by Mr. PEELLE:

Q. You have to get his permission to get out the program for his theater?—A. Yes, sir.

Q. This Republican ticket voted in 1882 at the Congressional election—you say you have seen book paper as heavy as this?—A. Yes, sir.

Q. Have you not a number of books on heavier paper in stock?—A. Yes, sir; but they are made on eastern plate mostly.

Q. You say this is a plate paper, and imitation of eastern plate?—A. It is not as good as eastern plate; I do not know where it is made. It would pass as a cheap plate paper and it could be sold as a book paper.

Q. Is it not more likely to be sold as a book paper?—A. I do not buy enough of it to answer that positively.

Q. Bowan & Stewart are not engaged in the publication of books?—A. No, sir; we only job the paper. We publish a few things.

Q. You have books down there with this kind of paper, in your establishment, heavier than that?—A. Yes, sir.

Q. And a finer finish?—A. Yes, sir.

By Mr. WILSON:

Q. Are there many books printed on eastern plate paper or few? How is that?—A. There are not many books published on plate paper; they are all fine illustrated books, mostly for cut work.

By Mr. PEELLE:

Q. Have you any books down there printed on paper heavier than this Republican ticket voted at the Congressional election in 1882?—A. Yes, sir; we have.

Q. Without any illustration whatever, and simply the printed matter, on heavier paper than that?—A. We have some subscription books called "padded" books.

Q. Is not the recent work of Emerson, the Riverside edition, on heavier paper than that?—A. I could not answer that without comparing it.

Q. Have you ever examined that paper?—A. I have noticed it, but not closely. I do not think it is heavier, but it is heavy paper, though.

Q. Is it any thicker than that?—A. It is not a hard finish; it may be thicker; but I would have to have them together.

By Mr. WILSON:

Q. What do you mean by "padded"?—A. It is a book without much printing in it, and in order to sell it well they make a thick volume of it by using thick paper.

Q. Are there many books of that kind?—A. Not many; generally subscription books to sell to farmers are made that way.

Q. Is it not true that most of those books are intended for illustrated books that they use that paper for?—A. On plate paper?

Q. Yes, sir.—A. It is used for fine books and illustrated books.

J. J. CURTIS.

By agreement of all the parties the further taking of these depositions was adjourned until Friday, December 21, 1883.

FRIDAY, *December* 21, 1883.

The parties met pursuant to adjournment.

WILLIAM F. FISH, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON:

Q. State your name, age, and residence.—A. William F. Fish; age, 39; residence, Indianapolis, Ind.

Q. How long have you lived here?—A. Since 1859.

Q. What are your politics?—A. I am counted a Republican; a Republican scratcher sometimes.

Q. What is your business?—A. Printer.

Q. How long have you been in that business?—A. All my life, since I was 12 years old.

Q. You are connected with the Sentinel Company I believe; the Indianopolis Sentinel?—A. Yes, sir.

Q. What is your position in that company?—A. I am superintendent of the mechanical department.

Q. In that department do you have the handling and buying of paper?—A. Yes, sir.

Q. I call your attention to the ticket headed "Republican ticket," "For secretary of state, Isaac S. Moore," and marked Exhibit No. 3. to the deposition of D. M. Ransdell, and I will ask you what is the material upon which that ticket is printed?

(Objected to as not rebuttal.)

A. I would call that book paper. It may be flat. I would think it was a flat paper.

Q. About what would be the weight of that paper in sheets 25x38?—A. That paper would not come that size. In 17x22 it would be about 22 pounds.

Q. What would be the weight of it if it is cut 25x38, if in the size you have named it would weigh 22 pounds?—A. About 40 pounds; 40 to 45 pounds.

Q. I call your attention to a ticket headed "Democratic ticket," "For secretary of state, John G. Shanklin," and marked Exhibit No. 4 to the deposition of D. M. Randsell, and I will ask you what material that ticket is printed on?—A. If I was going to print on it I would call it Pittsburgh news.

Q. What would be the weight of that in sheets 25x38?—A. About 30 pounds.

Q. I call your attention to a ticket headed "Republican ticket" "For governor, Albert G. Porter" and marked Exhibit C to the deposition of William Wallace, and also a ticket marked Exhibit No 1 to the deposition of John Carlon, headed "Republican ticket," "For governor, Albert G. Porter," and I will ask you to look at those and state what material they are printed on?—A. I should think No. 1 was No. 1 book-paper.

Q. About what weight?—A. 25 x 38, 40 pounds, I should think. It is a hard finish.

Q. What do you mean by that?—A. A slick surface and highly calendered.

Q. How about sizing. Is it sized or supersized?—A. I think that was sized.

Q. What is the difference between that and the Exhibit C to the deposition of Mr. William Wallace; are they or not the same tickets with the difference in the handling of them?—A. I should think they were the same ticket.

Q. I call your attention now to a ticket headed "Democratic ticket," "For Governor, Franklin Landers," with a flag at the head, and marked Exhibit C, shown to J. A. Wildman, and I will ask you what material that is printed on?—A. I would think that was newspaper. It may be a No. 3 book.

Q. What would you say would be the weight of that, in sheets 25 x 38, per ream?—A. From 40 to 45 lbs.

Q. I hand you ticket headed "Democratic ticket," "For President, Winfield Scott Hancock," and marked Exhibit E to the deposition of William Wallace. It is somewhat used, but I will ask you what is the quality of the paper upon which that is printed?—A. Ordinary book paper.

Q. What is ordinary book paper?—A. A cheap book paper, a little better than news and No. 3.

Q. What would be the weight of that, in sheets 25 x 38?—A. 40 to 45 lbs.

Q. That ticket is aged and used?—A. Yes, sir; it is almost news; it is very soft.

Q. I will ask you to look at this ticket, headed "Republican ticket, national candidates, James A. Garfield for President," and marked Exhibit F to the deposition of William Wallace, and I will ask you to state what material that is printed on, and I also call your attention to Exhibit 3 to the deposition of John Carlon, headed "Republican ticket," "James A. Garfield," and I ask you to compare them, and state if they are on the same material, and, if so, what material it is?—A. I should think they were different.

Q. You think they are different?—A. It seems to me so.

Q. Is not the difference due simply to the handlling and to the usage and rubbing, &c.?—A. I think not. I think the paper is different.

Q. What is the difference? What is the one that is marked as Exhibit F?—A. I should call that a heavy book paper.

Q. What grade?—A. No. 2.

Q. What would be the weight of it, 25 x 38?—A. I should think 75 pounds.

Q. What is the other, Exhibit No. 3 to John Calon's deposition?—A. It is a little harder finish book paper, perhaps 60 lbs. to the the ream, No. 1.

Q. Now, for the purpose of comparison, I call your attention to the ticket headed "Democratic ticket," Exhibit S, shown to I. S. Gordon, and I will ask you to state what that material is?—A. That is ordinary book paper.

Q. What grade?—A. No. 2.

Q. Do you recollect what election that was used at?—A. Two years ago, I suppose.

Q. In November, 1882?—A. Yes, sir.

Q. I will show you a ticket headed "Republican ticket," State ticket, "For secretary of state, Emanuel R. Hawn," and marked Exhibit 6 to the deposition of Henry C. Adams, used in the election of 1882, and I will ask you to state what that ticket is printed on, and what is the material?—A. Have you any one that I can tear the corner of?

Q. Yes, sir; I think we have (handing witness a piece of paper).—A. I would think that is plate paper.

Q. I will ask you if you know what is the weight of that Democratic ticket that was used in November, 1882, sheets 25 x 38?—A. 40 to 45 pounds.

Q. What do you say is the weight of that Republican ticket used at the same election, sheets of the same size?

(The contestee objected to all the questions and answers in reference to the ticket voted at the Congressional election in 1882 as not rebuttal, being simply cumulative on the part of the contestant.)

Mr. WILSON. For the purpose of comparison. It is impossible to make a sensible comparison without ascertaining the weights and qualities.

Mr. PEELLE. I reply that the questions of the weights, having already been gone into in the making of his case-in-chief, he cannot now go into it.

A. I should think that is from 80 to 100 lbs. to the ream. I do not know the size in which that was cut, but it feels like 80 to the ream, from that to 100.

Q. I will ask you if you know the size in which book paper is cut and what size they are catalogued in the catalogue of prices of book paper?—A. I could give you a great many sizes from memory. The ordinary size is 25 by 38.

Q. Is there any size 19 by 24 of book paper?—A. No, sir; not unless it would be a very peculiar book.

Q. Have you a catalogue in your hands?—A. Yes, sir.

Q. What catalogue is that?—A. The J. M. Butler Paper Company, of Chicago. If I may be allowed to state in regard to the testimony concerning book paper, I would say that in making a book we have paper cut the proper weight, and we have it made in sheets just to fit the book, and sometimes 24 by 36 and sometimes 23½ by 34.

Q. I will ask you to look at pages 16, 17, 18, and 19, which I believe cover the book papers in that catalogue which you have spoken of, and say if there is any book paper there size 19 by 24.

(Objected to for the reason that the book shows for itself.)

A. No, sir.

(The catalouge was put in evidence, and will be found attached to this deposition, as part thereof, and marked Exhibit No. 1.)

Q. I will ask you to look at the plate papers, and see if there is any plate 19 by 24?—A. Yes, sir.

Q. The first one at the head of the list, is it not?—A. Size 19 by 24. There are 5 weights.

Q. Suppose you take a ream of paper, size 19 by 24, and it weighs 30 pounds, what would be the weight of the same paper in size 24 by 24? Could you approximate?—A. 24 by 24 and 19 by 24?

Q. Yes, sir. What is the ratio of the increase there?—A. Not over 5 pounds to the ream in that difference. That is only 5 inches of the narrower width, and 480 sheets would make it not over 5 pounds.

Q. If the paper 19 by 24 weighs 40 pounds per ream, what would be the weight of 25 by 38 per ream of the same paper? Do you know that? I ask for information.—A. You take that paper and suppose you flat it out 25 by 38.

Q. Yes, sir.—A. I think it would make an ordinary book paper 45 pounds to the ream.

Q. I ask you to look at No. 1 sized and calendered plate, headed "19 by 24 inches," and say whether that is of the same quality; and it reaches 24 by 28, and the 19 by 24 is marked 40, and the other is 80; is that the ratio of the increase usually?—A. I should think that was about right.

Q. I will ask you to compare the Republican tickets between these and state what similarity there is of bulk and thickness; whether they are similar or dissimilar in appearance, quality, and width—the same tickets I have shown you a while ago.—A. They are dissimilar.

Q. To what extent?—A. To a great extent.

Q. Take the Democratic tickets which I have shown you and I will ask you the same question.—A. They are similar, except some are on news and some are on book, I should think. I might contradict myself; but three of them are on book paper and one on news.

Q. Is the news inferior or a good quality?—A. Ordinary news, I should call it—No. 1 news.

Q. Is the book a good or poor quality?—A. Ordinary.

Q. How does it compare in point of similarity with the Republican tickets as between themselves?—A. I could not say that they would compare.

Q. Are they more similar or less similar as compared between themselves than the Republican tickets as between themselves?—A. They are less similar.

Q. The Republican tickets are less similar?—A. The Democratic tickets are more alike than the Republican tickets.

Q. Are those Democratic tickets on plain white paper, as known in the trade, or what are they?—A. I would suppose they were once. There are two of them faded.

Q. Are the Republican tickets plain white paper; I showed you before them?—A. They would pass as plain white paper, except the one I designate as plate paper.

Q. I ask you if you were to take the Democratic tickets I show you now for Frank-

lin Landers and the Republican ticket for Porter, and they were both used, as the contestee says, at the same election, and take those and hold them; and then show you the tickets, one headed "Republican ticket" and the other "Democratic ticket," that have been already shown to you, the one for Isaac Moore and the other for Shanklin, and they were also used at the same election, as the contestee says; and I show you the two tickets that you have already looked at, used in November, 1882, the Democratic and Republican tickets, which you have seen; and I also show you the two national tickets used in the national campaign, and I ask you are there any two tickets there as easily distinguished as the two tickets used in November, 1882, at the Congressional election, which I now show you, when folded as voters ordinarily fold them and hold them in their hands when they go to vote?—A. Are they as easily distinguishable—what, of those you gave me, as the two?

Q. Yes, sir; the ones used in November, 1882.

(Objected to as not rebuttal.)

A. Those two tickets are easily distinguishable and these [indicating] are not.

Q. You mean those two Republican tickets used in the Congressional election in November, 1882, are easily distinguished, and the two voted in 1878 are not?—A. I would think not, except in the fading of the color.

Q. That is a faded color?—A. Yes, sir.

Q. Take the other two tickets, the Republican Presidential ticket and the Democratic Presidential ticket, and compare those as when folded?—A. They are distinguishable.

Q. Are they as easily distinguished as those tickets used at the November election, 1882?—A. No, sir; I think not.

Q. Now, take the tickets you have there voted for Governor Porter and Frank Landers, and fold them, and I will ask the same question, by way of comparison with the two tickets used November, 1882. Fold them as the voter ordinarily folds them and holds them in his hands.—A. They are not so easily distinguishable.

Q. The two tickets voted for Porter and Landers are not so easily distinguished as the two used at the November election, 1882?—A. I should think not.

Q. I ask you to look at this Exhibit W to the cross-examination of Henry Salsbury, and I will ask you to state what is the material of that?—A. Ordinary book paper.

Q. What would be the weight per ream in sheets 25 by 38?—A. 45 pounds.

Q. Look at Exhibit X to the cross-examination of Henry Salsbury, and state what that is.—A. I should call that No. 1 news.

Q. What would be the weight of that in sheets 25 by 38?—A. 35 pounds.

Q. I call your attention to the specimen marked "shown to C. L. Devine, Philadelphia." What is that?—A. That is blotting-paper.

Q. Is it plain white blotting-paper?—A. Yes, sir.

Cross-examination by Mr. PEELLE:

Q. You are now employed by the Indianapolis Sentinel?—A. Yes, sir.

Q. John C. Shoemaker is the president of that concern, is he not?—A. Yes, sir.

Q. You are in his employ?—A. Yes, sir; I am in his employ.

Q. I hand you ticket marked Exhibit No. 4 to the deposition of John Carlon, and I will ask you to take that ticket, and I also rehand you the ticket marked Exhibit C to the deposition of J. A. Wildman, being the Democratic ticket, with the flag on, "For governor, Franklin Landers," and voted at the same election as the first ticket I handed you, in 1880, and I will ask you to examine those two tickets, and state whether or not those two are distinguishable?—A. They are, sir.

Q. Are they not more so than these tickets voted at the Congressional election in 1882 and more readily distinguishable, whether folded or unfolded?—A. They are as to the size.

Q. When folded and being voted, would they not be more readily distinguishable than the tickets voted at the Congressional election in 1882?—A. They would if the width was observed.

Q. Compare the Democratic ticket marked Exhibit 4 to the deposition of John Carlon with the ticket which I now hand you, marked Exhibit C to the deposition of William Wallace, being the Republican tickets voted for Governor Porter in 1880, and state whether or not those two tickets cannot be more readily distinguished at the polls when folded and in the hands of the voter than the tickets voted at the Congressional election in 1882?—A. They would as to the width, but not as to the bulk.

Q. How much difference is there in the weight between the ticket "No. 4," voted for Frank Landers—the smallest ticket—and the ticket voted for Governor Porter in 1880?—A. I should not think there was any.

Q. In the tickets, I mean?—A. I should think they were twice as heavy.

Q. How much difference is there between the weight and bulk of the tickets voted at the Congressional election in 1882—the Republican and Democratic tickets?—A. I should think the Republican ticket was twice as heavy.

Q. Then the difference in the weight between the ticket voted at the Congressional

election in 1882 and those voted at the State election for governor in 1880 is about the same. Is that correct?—A. No; I said in these two there was a difference there.

Q. The Republican and Democratic tickets voted at the Congressional election in 1882—the Republican ticket would be twice as heavy as the Democratic ticket?—A. Yes, sir.

Q. And the Republican and Democratic tickets voted at the State election for governor in 1880, the Republican ticket is twice as heavy and large?—A. Yes, sir; it is twice as large.

Q. Is it not as long again, and considerable wider?—A. Yes, sir.

Q. Are not the tickets voted at the Congressional election in 1882 the same length and width substantially by sight?—A. By sight they look the same width.

Q. How do you distinguish those Republican and Democratic tickets voted at the Congressional election in 1882?—A. By the material on which they are printed.

Q. And the bulk?—A. Yes, sir; if they are folded up.

Q. Would it not be more readily told on the tickets voted for governor in 1880 the same way by sight and by bulk?—A. No more so, only in a general way as to size and as to length when folded as I would vote that ticket.

Q. Could you not more readily distinguish that Democratic ticket voted for governor in 1880 from the Republican ticket than you could the Republican from the Democratic ticket voted at the Congressional election in 1882?—A. No, sir.

Q. Why?—A. Because these are bulkier.

Q. Is there not more difference in the bulk of these tickets voted for governor in 1880 than between the tickets voted in 1882, when folded as men ordinarily fold them when voting?—A. No, sir.

Q. You say the difference in the weight of them is about the same?—A. Yes, sir; about the same.

Q. Is that Republican voted in 1882 on paper?—A. Technically it is.

Q. Is it plain white paper?—A. It might be called plain white paper.

Q. If it were unruled is it not plain white paper, and comes in sheets as paper ordinarily comes?—A. No, sir; if a person would come into the office and attempt to sell me that paper as plain white paper and show me that sample in a sheet—it would be handed to me as one full sheet of paper—I would readily see that it was not and could not be ordinary plain book paper.

Q. Do you understand simply that plain white paper must be book paper?—A. No, sir.

Q. That is paper, is it not?—A. Yes, sir.

Q. Is it not plain white paper?—A. Yes, sir.

Q. Does not that make plain white paper?—A. That makes plain white paper.

Q. Is there any such thing known in trade as plain white paper?—A. There is always a distinguishing word. Before you would say plain white paper you would say plain white plate paper, plain white book paper, plain white plate paper, or plain white news paper.

Q. The same term that is applicable to news and flat paper is applicable to plate paper?—A. Yes, sir; except that plate-paper does not come in colors ordinarily.

Q. It is usually white?—A. Yes, sir; and used for plates.

Q. Then is it not more likely to be plain white than the other?—A. Yes, I should think it was for that reason.

Q. Do you know what western plate-paper is?—A. I could not say that I do.

Q. Is there any such thing in this catalogue as western plate-paper? I mean the catalogue you presented a moment ago from the Chicago house.—A. It is not indexed in this catalogue.

Q. Can you find anywhere such a thing as western plate-paper in that catalogue?—A. No, sir; they give the manufacturer's name.

Q. Simply as plate-paper?—A. "Plate-paper made by."

Q. Can you tell what kind of plate-paper they make?—A. No, sir; I never heard of them.

Q. Did you ever see any western plate-paper?—A. No, sir; not that I am aware of

Q. You do not know what western plate-paper is?—A. No, sir.

Q. Do you know the difference between western plate-paper and book-paper?—A. I would know the difference between plate-paper and book-paper.

Q. The western plate-paper?—A. No, sir; I do not think I would.

Q. If there is any difference between western plate-paper and book-paper you do not know it?—A. No, sir.

Q. Take that Republican ticket voted at the Congressional election in 1882 again. Have you not seen books printed on paper as heavy as that?—A. Yes, sir; I think I have.

Q. Have you not printed them at the Sentinel Company frequently?—A. No, sir.

Q. Have you not bound books there in which the printed matter is heavier than that?—A. No, sir; I think not.

Q. On heavier paper than that?—A. No, sir.

Q. What is the heaviest paper, size 25 by 38?—A. That we have used?

Q. I am not asking you what you use in that question. What is the heaviest book-paper?—A. I presume you could have it made as heavy as you would like, but for ordinary use 100 pounds is an excess.

Q. Is there any number one sized and supercalendered 120 pounds to the ream, size 32 by 44?—A. Yes, sir; but that is a large size.

Q. Would that be heavier paper than that paper?—A. No, sir; it would not be as heavy.

Q. As heavy as that Republican ticket?—A. Yes, sir.

Q. There is No. 1, sized and supercalendered, on page 16 of this catalogue, 25 by 38, 100 pounds; would that be heavier than that?—A. No, sir; it would not be so heavy.

Q. Do you say that paper, size 25 by 38, weighs over 100 pounds to the ream?—A. Yes, sir; this paper, size 25 by 38, I should think would weigh 150 pounds.

Q. Suppose it only weighs 80 pounds to the ream, that size?—A. It would be a smaller size.

Q. Suppose it weighed 50 pounds, size 19 by 24; what would it weigh 25 by 38?—A. Not more than 50 and 45.

Q. Ninety-five pounds?—A. Yes, sir; it would weigh 45 to 50 pounds to the ream, 25 by 38.

Q. What do you mean by that?—A. If this 19 by 24 weighs 100 pounds or 120 pounds to the ream——

Q. No, sir; I say if that paper, size 19 by 24, weighs 50 pounds per ream, what would that same paper weigh, size 25 by 38?—A. It would weigh very heavy; 150 pounds at least. If you take that same paper and increase the width, and let the thickness remain, it would weigh 150 pounds.

Mr. WILSON. You mean the Republican ticket of 1882?

The WITNESS. Yes, sir.

Q. You think it would go three times heavier 25 by 38 than 19 by 24?—A. I do not know the weight of it.

Q. I give you the weight of it. Suppose it weighs 50 pounds, 19 by 24; what would it weigh 25 by 38, and I ask you to figure that up and see if you are not mistaken about that and see if it would not weigh less than 100 pounds to the ream.—A. The difference in the sheets would be 6 inches one way and 14 in the other, and it would hardly go 150, but it would go 100; Ishould think 100.

Q. Then there is book paper, size 25 by 38, that weighs 100 pounds or more per ream?—A. Yes, sir; it could be made any weight desirable.

Q. In the catalogue you have presented there is book paper that weighs that?—A. I do not know, sir.

Q. Take it and see if there is not a book paper of that size, 25 by 38, that weighs 100 pounds per ream.—A. Yes, sir; they so catalogue it.

Q. They do not pretend to catalogue anything there except the sizes that are commonly used?—A. I think not.

Q. Those are the common sizes of book paper in that catalogue?—A. One hundred pounds to the ream is unusual.

Q. Those are the common sizes that are in there?—A. Yes, sir.

Q. And the common weight of book paper—that is, it is not such paper as is cut to order or made to order, but simply such sizes as are kept in stock?—A. They keep this in stock.

Q. Did you examine these tickets before you went upon the stand as a witness?—A. Yes, sir; I have seen them, and examined them.

Q. When did you examine them?—A. To-day; I have made it a custom, being in the printing business, to preserve tickets as they came out from election to election, and have, perhaps, 5 or 6 years back. I keep them for samples—all the tickets I get hold of in the city. We printed this ticket ourselves.

Q. Which one; that Democratic ticket No. 4, to the deposition of John Carlon?—A. Yes, sir; it seems to me I printed it at the Sentinel Company.

Q. Do you know who printed the Democratic ticket with the flag on it?—A. Yes, sir.

Q. Who?—A. It was printed by William Mitchell, at Greenfield.

Q. At whose instance was that printed, if you know?—A. I do not know, sir.

Q. It was used by the Democrats here in that election in 1880, was it?—A. Yes, sir.

Q. William Mitchell is the editor of the Hancock Democrat, is he not, in Hancock County?—A. Yes, sir; I might add it is also my business to look after these jobs, and I found out he printed them, because I did not get the job; I wanted them for my own company. I printed those tickets used in that election by order of Mr. Brown—I refer to the small ticket. My understanding is, we printed them for the city and county, and they were printed for the State outside; but I do not know anything about that, as I was not on the inside.

Questions by Mr. WILSON:

Q. What is the ordinary weight of book paper; I mean by that what is the weight of book paper that is ordinarily used by the manufacturers of books?—A. There is more 25 by 38 than any other size.

Q. What weight is that ordinarily?—A. 45 pounds.

Q. And is 100 pounds to the ream an exceptional weight?—A. I never printed but one book in my experience on 100-pound paper.

Q. Where was that printed?—A. Here.

Q. How many books have you printed or had to do with?—A. I could not tell you.

Q. Many of them?—A. Lots of them.

Q. So it is an exception when a book is printed on paper 25 by 38, weighing 100-pounds?—A. Yes, sir; I only remember of one being printed at the Sentinel office in my experience on 100-pound paper.

Q. What sort of a book was that?—A. It is called the History of Indiana. We have hundreds of them.

Q. Is it illustrated?—A. Yes, sir; it is published by Morrow & Co., in the Vance Block.

Q. That is the only one in all your experience, and you have been in business a long time, that you ever printed, or had anything to do with the printing of, that was on 100-pound paper?—A. Yes; it was ordered for 100-pound paper, I remember very well.

Q. How many pages were there to the book?—A. There was probably 800 pages; somewhere along there.

Q. You stated that that ticket used at the election in 1880 by Porter and Landers—the smaller one marked as an exhibit to Mr. Carlon's evidence—was printed by you at the order and instance of Austin H. Brown?—A. I think that is correct.

Q. Has the Sentinel Company a job office connected with it?—A. Yes, sir.

Q. Does it do job work?—A. Yes, sir.

Q. Mr. Peelle asked you if you knew what western plate-paper was, and if you knew the difference between western plate and book, and you said you did not know the difference. Do you know that there is a difference?—A. No, sir; I do not.

Q. You do not know anything about western plate?—A. No, sir; on the word "Western" I do not.

Q. But you know there is a difference between plate paper and book paper?—A. Yes, sir.

Q. You say that the Republican ticket is technically white paper. Is it not true that white blotting paper is white paper technically?—A. Yes, sir; but you have to put in the word "blotting" to make it other than white paper.

Q. When you speak of plate-paper as white you have got to put in the word "plate" to distinguish it?—A. Yes, sir.

Q. And plate paper is catalogued as plate paper?—A. Yes, sir.

Q. In that sense I ask you if the exhibit shown to C. L. Devine, marked "Philadelphia," if you would not call that, in that technical sense, plain white paper; in the technical sense in which you say the plate paper is plain white paper?—A. My answer would be on that as I answered the other.

Q. By the other you mean as to the Republican ticket voted in November, 1882?—A. Yes, sir; I would not call it plain white paper.

Q. Would you call the Republican ticket plain white paper?—A. No, sir.

Q. State what is the difference between that Democratic ticket for Franklin Landers, marked Exhibit 4, to the deposition of John Carlon, and the Democratic ticket with the flag at the head of it and the Democratic ticket used at that election which I have already shown you; what would be the difference in the weights of those two tickets when they were of the same size, 25 by 38 to the ream?—A. About 5 pounds to the ream, I should judge.

Q. So the difference in the weight and bulk referred to was owing to the difference in the size of the tickets—the difference which you have testified to was a difference in the size of the two tickets?—A. Yes, sir.

WM. F. FISH.

Exhibit No. 1 to deposition of W. F. Fish.—P. C. Hendricks, N. P.

(Omitted. See original, page 2511.)

AUSTIN DAUGHERTY, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON:

Q. State your name, age, and residence.—A. Austin Daugherty; age, 39; residence, Acton, Marion County, Indiana.

Q. Were you in your township in this county in November, 1882, at the time the Congressional election took place?—A. Yes, sir.

Q. Were you at your precinct?—A. Yes, sir.

Q. What precinct was that?—A. We call it the Acton precinct and it is known as No. 2, Franklin Township.

Q. How many voting places were there at that election in that township?—A. Two only.

Q. What capacity did you act in on that day?—A. Judge of the election.

Q. As Democratic judge?—A. Yes, sir.

Q. Who was inspector?—A. Jonas Hamlin.

Q. I ask you if you recollect—I do not ask you for the numbers—but if you recollect the relationship between the number of tickets that you put in the box and sealed up according to law, when you got through with your count, and the number of names on the tally sheet and pool-book; did they correspond or was there a difference?—A. They corresponded exactly; I know from the fact that we counted them. They were counted in my presence, and probably I counted them myself.

Cross-examination by Mr. PEELLE:

Q. Was the comparison of the vote on the State candidates or county candidates?—A. Oh, no. We counted the tickets and in footing up the tally—we always did that—we counted the tickets on the string to see that they corresponded with the votes cast with the candidates on the tally sheets.

Q. I asked you whether your comparison was on the State candidates, or whether it was on the county candidates; you do not pretend to say you compared the number of tickets voted with the names on the tally sheet with the names of the candidates?—A. No, sir; I do not remember that, but I remember we took the names—for instance on sheriff, or any particular one, and of course in the tally sheet we give the exact number of votes cast for any one candidate, and there were three candidates, I think, and we went through and we counted the tickets to see that there was as many tickets as there were votes cast.

Q. On what candidates?—A. I do not remember that we designated any particular one.

Q. Did you make any comparison on Congressman?—A. Yes, sir; I think we did.

Q. How many votes were there for Congressman?—A. As near as I can remember there was about 300 in our precinct, all told.

Q. What was the total vote in that precinct, all told?—A. About 300; I do not recollect exactly.

Q. You do not recollect what the vote was on Congressman?—A. No, sir; I do not.

Q. You say now you compared the number of votes counted for Congressman with the number of tickets registered on the poll-list?—A. We counted the tickets and compared them with the names registered on the poll-list.

Q. Did you do that as to Congressman?—A. I did not say we did.

Q. You could not tell whether the number of votes counted for Congressman corresponded with the number of names registered?—A. Yes, sir; I can tell. I know in looking over the tally-sheet that was one of the items. I do not know as we had any specific point in it, but they were entirely alike.

Q. Did you make any comparison at all on the vote for Congressman?—A. No, only in a general way; just this way: We compared the number of ballots with the names on the pool-list.

Q. Didn't you go to the State candidates because there was less scratching there than anywhere else?—A. No, sir; I do not think we did. In fact, whenever a man cast his vote they registered his name, and when we got through with the tally we counted up the number of names on the tally-sheet and then we counted the ballots, and they corresponded exactly.

Q. You mean the number of tickets?—A. Yes, sir.

Q. Corresponded with the names registered on the pool-list?—A. Yes, sir.

Q. But as to whether or not the number of votes for Congressman corresponded with the number of names registered, you do not remember?—A. I would not like to state whether they did or not.

Q. All you did was to compare the number of ballots with the number of names registered?—A. Yes, sir.

Q. And they corresponded?—A. Yes, sir.

Q. And you do not know anything about the difference between the number of votes counted for Congressman and the number of names registered?—A. I know this, that there was no discrepancy. I know that, because it was of considerable interest to us; but it seems to me that there was one ballot where Mr. English's was off and nothing to show for it. I know we talked on the subject, and, it seems to me, in that way; but I would not like to be right positive.

Q. Was that all the ballot?—A. That was in that shape?

Q. Yes, sir.—A. I think that one of the sheriff's was about in the same fix.

Q. Do you say that there was but one ticket there with the name of English scratched off?—A. No, sir; I did not say that.

Q. I mean with Mr. English's name scratched off and no one voted for ?—A. Yes, sir; I think there was; I am not positive.

Q. Was there any ticket there with Mr. Peelle's name scratched off and nobody voted for?—A. I do not remember that there was; I think not.

Q. You cannot remember but the one ticket?—A. I just remember the circumstance of talking about it among ourselves; that there was but one ticket, and it run in my mind that it was Mr. English's name that was scratched off; I may be mistaken, but I think not. I never charged my mind with it, and I did not think I would be called upon.

Q. Were there many tickets there with the name of Peelle scratched off and the name of Mr. English pasted over?—A. No, sir; I think the Republican ticket was generally pretty straight.

Q. Was there many tickets there with the name of Mr. English scratched off and the name of Mr. Peelle pasted over?—A. I believe there was a few, but very few.

Q. Were there more Democratic tickets with Mr. English's name scratched off, and Mr. Peelle's pasted over, than there were Republican tickets with the name of Mr. Peelle scratched off and Mr. English's pasted over?—A. That I could not say, but I do not believe that any of the Republican tickets were scratched; I think they all voted for Mr. Peelle; that is my judgment.

Q. How many scratched tickets were there in there with Mr. English's name on?—A. That I could not say.

Q. I mean Democratic tickets with Mr. English's name scratched off?—A. I say that to the best of my recollection there was a ticket with his name scratched of with pencil.

Q. And nobody voted for?—A. Yes, sir.

Q. How many were there with his name scratched off and Mr. Peelle voted for, on the Democratic ticket?—A. I could not say how many; there was some.

Q. How many?—A. I would not undertake to say because I have never thought anything about it. In fact, I never thought anything about that election until this morning.

Q. How many Greenback tickets was there for Congressman?—A. I think about three; I think there were three Greenback votes cast, but as to my designating special officers, I could not do it. I paid no attention to it, and I do not remember.

Q. Do you mean to say there was only three Greenback votes at that precinct?—A. Yes, sir; I would not be right positive of that; I know there was one election where we only had one.

Q. What was the vote cast there for secretary of State; for Mr. Myers, for instance?—A. It is near 300 as I can get it, as anything else.

Q. For the Democratic candidate?—A. I do not recollect; I did not charge my mind with it.

Q. Was there any difference between the votes cast for the Democratic candidates there?—A. Oh, yes; there was considerable difference. It was enough to notice it at any rate. For instance, some of our voters would vote a little differently. Some few Democrats voted for the Republican sheriff.

Q. The Greenback votes were voted for the Greenback candidate for Congress?—A. No, sir; I do not say so.

Q. Do you know who they were voted for?—A. No, sir.

Q. And there were only three?—A. I did not say that. I think there were only three. I know it was a little ridiculed there for it was such a trivial vote.

Q. Do you know whether Mr. English's vote there was more or less than the Democratic candidate for secretary of State?—A. No, sir; I do not recollect. My opinion is Mr. English was slightly behind the Democratic ticket there.

Q. That is, the other Democratic candidates had more votes than he had?—A. Not exactly that way, but he fell a little behind what we call the Democratic vote.

Q. How did Mr. English's vote correspond with the other candidates?—A. I think he run a little behind. I do not mean of all the others, for I didn't notice that particularly, but slightly behind some; what we call our Democratic vote.

Q. I am not speaking about former elections.—A. I am not talking about former elections.

Q. I ask you about the difference between Mr. English's vote and the vote for the other candidates.—A. I cannot give it to you. I think he run slightly behind the ticket, but it was few, to the best of my recollection.

Q. If Mr. Meyers, the Democratic candidate for secretary of State, received 172 votes, and Mr. English's name was scratched off of one Democratic ticket, and there was no one voted tor, and a few Democratic tickets in there with his name scratched off and Mr. Peelle's name pasted over, how many votes would you say Mr. English had in that precinct for Congress, compared with the secretary of State, who had 172 votes?

(Objected to.)

A. I could not give any number. I took off a little memorandum, simply to refer to in speaking to my neighbors.

Q. Did Mr. Peelle's vote run up with the other candidates on the Republican ticket?—A. I think he did.

Q. Did he run ahead?—A. If Mr. English ran a little behind, he would run a little ahead. That is my impression.

Q. That he ran a little ahead?—A. The way I want this evidence in is not that he had a majority over him, but I think Mr. English ran a little behind the ticket, and Mr. Peelle had a gain.

Q. Mr. Peele ran a little ahead of the Republican ticket, and Mr. English ran a little behind the Democratic ticket?—A. That is the way I have it in my mind.

Q. If the Democratic candidate for secretary of State in that precinct received 172 votes, and the Democratic candidate for treasurer of State 172, and the auditor of State 172, and Mr. English received 183 votes, would not you say there was something wrong there?

(Objected to as not competent.)

A. I can only say, as I stated awhile ago, that it was my impression that Mr. English was slightly behind on what we call the Democratic vote. I have told you that. I do not recollect just how it was, but I know it was an impression that it was that way; and I am only giving my impression now. As I told you, I do not recollect.

Questions by Mr. WILSON:

Q. You say that it is your impression that Mr. English ran a little behind the ticket. Is that anything more than an impression?—A. No, sir; it is not.

Q. Do you testify as a matter of knowledge, or simply an impression?—A. It is simply an impression, that I may be erroneous in, because it has been just in my mind, for really I have forgotten it.

Q. Would that impression be as strong proof in your mind as the certificate you filed?—A. No, sir; the certificate I signed is the best evidence, unless it has been tampered with.

Q. You say at that precinct there was about three Greenback voters?—A. Yes, sir; that is my impression. I think I can name the persons.

Q. If at that precinct Judge Niblack got 194 votes and Judge Howk got 194, both of them Democratic candidates, and Napoleon B. Taylor got 192 and Judge Norton got 193, and Daniel A. Lemon got 183 votes, all Democrats, and Joseph Loftin got 193 votes, and Mr. English got 183 votes—every one of these I have named ran over 183—is that what you mean?—A. That is exactly what I mean. I think he had a few less votes than some of the other candidates. I know it was a matter talked of or remarked about that there was something of that kind at that time.

Q. Your statement had reference to the fact not that he did not have as many votes as Mr. Myers, the Democratic candidate for secretary of state, which was 172, but that he had some less than some of the other candidates?—A. That is it, exactly. That is what I am trying to express, and what I what to express; that he ran behind some of the rest on what we call the Democratic vote. That is what I want to express.

Q. You call it the Democratic ticket; you mean some of the rest?—A. Yes, sir.

Q. Do I understand you to say furthermore that you did notice the vote on Congress at that precinct?—A. Not specially more than the balance, to see that the returns were right.

Q. And you say the vote for Congress and the number of tickets put into the box corresponded with the number of votes at that precinct on the vote for Congress?—A. Yes, sir.

Q. You are certain about that?—A. Yes, sir.

Q. You are emphatic?—A. Yes, sir; I am emphatic that there was as many votes as there was names, but even what I have spoken about it is but an impression now, and how I came by it I do not know unless it was true.

Q. You stated to Mr. Peelle that you thought it was an impression that you testified that Mr. Peelle's name was on a very few Democratic tickets?—A. My impression is it was, sir.

Q. That is an impression?—A. Yes, sir. Well, I could go a little further than that. I am pretty certain that I saw his name on Democratic tickets, but they were very few.

Questions by Mr. PEELLE:

Q. Do you remember that there were 18 votes cast there for Mr. Medkirk on the Greenback ticket?—A. No, sir; I do not remember the number of votes for Mr. Medkirk.

Q. As a matter of fact, there were 18 votes returned by you from that precinct for Mr. Medkirk for Congress, and assuming that now to be true, as shown by the exhibit in the certificate which I have put in evidence to the deposition of Mr. McLain, as clerk of the circuit court of this county, and assuming that to state the vote for the Democratic supreme court judges and Mr. Lemon and the other gentlemen that Mr.

Exhibit No. 1 to cross-examination of Austin H. Brown, also being Exhibit No. 1 to deposition of Austin Doherty.—P. C. Hendricks, N. P.—Result of the election in Marion County.—The official returns of the votes cast by wards and precincts in Marion County, on Tuesday, November 7, 1882.

| Wards and precincts. | Secretary of State. | Auditor of State. | Treasurer of State. | Attorney-General. | Clerk Supreme Court. | Superintendent Public Instruction. | Judges Supreme Court. | | |

Wilson mentioned as having received 194 votes, were they not indorsed by the Greenback party in this county and voted for at that precinct?—A. I do not believe I unstand that question.

Q. Don't you know that the Democratic party was indorsed by the Greenback party in this county, and Mr. Lemon among the rest?—A. Yes, sir.

Q. And the supreme court judges?—A. I know there was some of the Democrats indorsed.

Q. Was not that the case with the entire Greenback ticket for sheriff?—A. I do not know.

Q. Is it not a fact that Lemon and Hess were the only two candidates voted for at that precinct for sheriff?—A. I think they were.

Q. Is it not true that Mr. Lemon was indorsed by the Greenback party in this county?—A. Yes, sir; I think so.

Q. Is it not true that the Democratic judges were indorsed?—A. Yes, sir; to the best of my recollection, they were.

Q. State if Judge Norton, the candidate for the criminal circuit court, was not indorsed by the Greenback party in this county, and the Greenbackers had no candidate against him?—A. I believe his name was on the ticket, and I believe there were different parties on it.

Q. Was there any candidate for the supreme court judgeship voted for there by the Greenbackers except the Democratic candidates?—A. I do not remember about that at all. What were the names of the candidates?

Q. Zollars was one of the Democratic candidates that was indorsed.

(Objected to.)

Q. Judge Howk was indorsed as one of them; is not that true?—A. I don't recollect the names.

Q. Was there any candidates voted for for the supreme court judgeship except on the Republican and Democratic tickets?—A. I don't remember whether there was or not; I took the ticket and looked it over and compared it with the Democratic and Republican ticket at the time, and I noticed they indorsed different ones, but I have forgotten who they were; I know they were judges, and I am satisfied Norton's name was on the Democratic ticket, and I think Mr. Lemon's name.

Q. Do you remember what the total number of Greenback tickets were voted in that precinct?—A. No, sir; I have only in my mind that there were three Greenback tickets.

Q. Was there not over 20 there?—A. There has been as high as 30, but a great many of them have gone over to the Democratic party and some to the Republican party. At one time they had that many, and they had a volunteer fellow on the board, but he did not receive any pay for his services.

Q. Do you remember of any Greenback ticket being in the box with the name of Mr. English on it?—A. I do not remember anything about that.

AUSTIN DAUGHERTY.

EDWARD MILL, being first duly sworn, testified as follows:

Direct-examination by Mr. WILSON:

Q. State your name.—A. Edward Mill.

Q. You are the same Mr. Mill that testified in chief in this cause in behalf of the contestant heretofore?—A. Yes, sir.

Q. You stated then that you were connected with the Cleveland Paper Co., and had been for years?—A. Yes, sir.

Q, I call your attention now to these tickets; one headed "Republican ticket," for secretary of state, Isaac S. Moore, already in evidence; also a ticket headed "Democratic ticket," for secretary of state, John G. Shanklin; also ticket headed "Democratic ticket," for governor, Franklin Landers, with a flag at the head of it; also ticket headed "Republican ticket, for governor, Albert G. Porter"; also a ticket headed "Democratic ticket, for President, Winfield Scott Hancock;" and the ticket headed "Repnblican ticket," James A. Garfield, for President; also the ticket headed "Republican ticket," for secretary of state, Emanuel R. Hawn, and ticket headed "Democratic ticket," for secretary of state, William R. Myers, all in evidence as exhibits offered during the examination and cross-examination of the contestee's witnesses, and I will ask you to compare them and state what similarity there is between the Democratic tickets, and what similarity between the Republican tickets, and whether any of those Republican tickets, prior to the one for Emanuel R. Hawn, secretary of state, could be as readily distinguished from the Democratic tickets as could said Hawn ticket from the Democratic ticket for Myers, when folded as tickets are ordinarily folded in the hands of the voter?—A. The paper in these Democratic tickets is what we should term printing paper.

Q. Is there, or is there not, a substantial difference in the paper?—A. Yes, sir;

there is a difference in them, but as paper, we call them printing paper. Exhibit S is a little heavier than the others. In these four Republican tickets there seems to be a wide difference in the heft or thickness of the paper.

Q. Describe the different kind of material.—A. The exhibit 6 is a very heavy sheet of common, also that of Exhibit F. Exhibit No. 3 is a very superior grade of paper.

Q. What sort of paper?—A. I would consider that what we should call a hard paper, writing paper of a cheap grade. Exhibit C I should term a calendered book paper. This ticket is much soiled, and rather hard to tell.

Q. What did you say Exhibit No. 6 to the deposition of Henry C. Adams was?—A. I should call that a heavy grade of common paper.

Q. Is the ticket you have in your hand the same ticket as Exhibit No. 6 to the deposition of Henry C. Adams?—A. Yes, sir; I should say it was.

Q. What sort of common paper?—A. It is newspaper, common newspaper; it is a class of paper we make for heavy posters.

Q. Did you not testify in chief that that was plate paper?—A. No; I think not.

Q. I hand you three tickets headed "Republican ticket, for secretary of state, Emanuel R. Hawn, with Stanton J. Peelle for Congress printed on them, and I will ask you, are they similar to the exhibit to the deposition, No. 6, of Henry C. Adams?—A. Yes, sir.

Q. Are any of those western plate paper?

(Objected to as not in rebuttal, and leading.)

A. Yes, sir; that is what it is.

Q. With your shaded glasses off, I will ask you to look at that Exhibit No. 6 again, and state what it is.—A. That is what we should term plate paper.

Q. I give you the ten tickets used November, 1882, and ask you to compare them together and state whether the tickets which I now hand you in pairs, being tickets used before 1882, can or cannot be distinguished when folded and in the hands of the voter as easily as the tickets of 1882?—A. Exhibit L and Exhibit C, when folded, I should not think there would be much difference; Exhibit E and Exhibit F there is some noticeable difference; there is some difference between the two national tickets.

Q. Is there as much difference when folded as between the November tickets of 1882?—A. No, sir; there is not as much difference.

Q. As to Exhibits No. 4 and 3 to Mr. Ransdell's deposition, is there as much difference between those as there is between the November tickets of 1882?—A. No, sir.

Q. Is there a book-paper size 19 x 24?—A. No, sir; not what we would call stock sizes. We carry none.

Q. Is there such a size, 19 by 24, in plate paper?—A. Yes, sir.

(Objected to as not rebuttal.)

Q. You stated a moment ago that Exhibit C to Henry C. Adams's evidence was a sort of heavy common paper, and you had your blue or colored glasses on; was that a correct statement, or was it owing to the fact that you had those glasses on?

(Objection as not rebuttal. and as leading the witness, and assuming that the glasses he had on were blue or colored.)

A. It was owing to my having glasses on; they are blue, and gave the paper a dark shade.

Q. You also said it is newspaper—common newspaper; "it is a class of paper we make for heavy posters"; what is your answer to that?—A. This is owing to the blue glasses making the paper look dark.

Q. And, with your glasses off, you stated that the exhibit was western plate paper?

(Objection; that the answer will show for itself.)

A. Yes, sir.

Cross-examination by Mr. PEELLE:

Q. Why do you wear glasses?—A. Because my eyes are weak.

Q. Do you use glasses for sight?—A. Only for reading by gas-light, and such light as we have now during the day.

Q. Can you tell plate paper by sight?—A. Yes, sir.

Q. Can you tell plate paper by feeling?—A. No, sir; I cannot; I cannot tell it by feeling and not seeing.

Q. Then it is by sight principally that you can tell plate paper from any other kind of paper?—A. I have to see it to know the quality of the stock.

Q. When that Republican ticket, marked Exhibit No. 6, was handed you, you examined it and pronounced it a heavy common paper, did you not?—A. I did, with my blue glasses on.

Q. And was not the three tickets which Mr. Wilson handed you, and which I now hand you, examined by you, and your attention called to the fact that you had previously testified concerning this paper before you answered that it was a western plate paper?—A. No, sir; I don't believe I gave any such testimony as that.

Q. After you had testified to-day that the ticket marked Exhibit No. 6 was a heavy grade of common paper, and that it was newspaper, such as you make for heavy post-

ers, was your attention not afterwards called to the fact that you had previously testified in chief in this case that that was plate paper, and you answered: "No; I think not." Is not that true?

(Objected to. The question was: "Did you not testify that it was plate paper?" His attention was not called any further than that.)

A. Yes.

Q. And was you not afterwards handed three tickets headed "Republican ticket," and your attention also called to the fact at the same time that the name of Stanton J. Peelle appeared on said three tickets for Congress; and was it not after an examination of those three tickets with the ticket marked Exhibit No. 6 that you pronounced it plate paper?—A. Yes, sir. As regards comparing the tickets by name, it was something I do not remember—that I did compare the tickets. Between the time I examined the first ticket, Exhibit 6, and that of examining the others, I discovered that I had my blue glasses on, by reason of which caused a dark reflection on Exhibit 6, which accounts for me calling it a cheap grade of paper, and something that we make for posters; afterwards, comparing the three tickets with that of Exhibit 6, I found them to be alike, the last comparison being made without the glasses.

Q. I will ask you if the tickets which you examined prior to the time Exhibit No. 6 was handed to you you did not examine them and state the kind of paper each ticket was printed on with the same glasses which you had on when you answered that ticket No. 6 was a heavy grade of common paper?—A. Part of the time.

Q. Did you or not have your glasses on when you gave your opinion as to the kind of paper this same Republican ticket was printed on when you were examined in chief in this case?—A. No, sir; ordinarily I do not examine paper with glasses; my attention was called to some figures and writing attached to it, and the light being dull caused me to put them on.

Q. What kind of paper is this piece of paper, the specimen I now hand you headed "Marion County ticket?"

(Objected to as not cross-examination; as new matter.)

A. I would say that was about the same thing as this ticket here—Exhibit No. 6 to deposition of H. C. Adams.

Q. Before you answered what this specimen was, you compared it, did you not, with the Republican ticket which you had previously examined?—A. Yes, sir; I examined that before I compared it.

Q. Did you not also see Mr. English, the contestant, compare the ticket with the specimen which I handed you?—A. Yes, sir; but it was after I had examined it.

Q. But was it not before your answer?—A. I think so.

Q. And was it not his comparison that suggested the comparison to you?—A. No, sir; not by any means.

Q. Can you read without glasses?—A. Yes, sir; ordinarily I do not use them unless it is very fine print and it is night-time. I very seldom use them in my business.

Q. What difference is there between what is known as western plate paper and book paper of like weight?—A. Plate paper is made for lithographic purposes and has a higher finish than the ordinary run of book papers. If they are both made of the same weight there cannot be any difference on that point. Plate papers are of different sizes and weights to that of the regular lines of book.

Q. Is western plate paper ever used for printing books on?—A. Occasionally it is.

Q. Is it not frequently used for fine book work?—A It is wherein cut-work or plates are used, but for the ordinary run of book printing it is not.

Q. Is it not often used for printing subscription books, and for fine book work?—A. It is used occasionally.

(Specimen shown witness, headed "Marion County ticket," offered as a part of his deposition and Exhibit No. 1.)

By Mr. WILSON:

Q. In answering to Exhibit No. 1 did you compare the names on that ticket with the names on the larger ticket, and did you notice the names?—A. No, sir; I did not notice the names.

(Offered in evidence as Exhibits No. 2, 3, and 4 to his deposition.)

Q. When I asked you the question-in-chief as to the character of Exhibit 6 to Mr. Adams's evidence, you can state about what time in the afternoon it was, and whether the gas was lit?—A. No, sir; the gas was not lit; it was about half-past four o'clock.

Q. I will ask you whether or not just before answering that question you had not come into the room from out of doors where the snow was on the ground?—A. Yes, sir.

By Mr. PEELLE:

Q. Did your coming in this room from the snow or the lateness of the hour in the afternoon or the fact of your having your glasses on have anything to do with your answer first made to Exhibit 6, or was it, as you have stated, simply that you had

your glasses on?—A. It was owing to me having my glasses on, and being a dark room.

Q. Did it, being in a dark room, have anything to do with the last answer you made as to what material that ticket was printed on after your glasses were taken off?—A. No; from the fact of not having any glasses on I had a natural sight.

Q. Was the light perfect in the room at the time or was it sufficient for you to give an intelligent answer?—A. The light was sufficient, but could have been much better.

Q. Does the Indiana Paper Company of this city, in which you are interested, as stated in your testimony-in-chief some weeks ago, sell paper to the Indianapolis Sentinel Company and to William Y. Burford of this city?—A. I believe they do.

By Mr. WILSON:

Q. You sell to the Indianapolis Journal, the Indianapolis News, and the Times?—A. We sell the News and Journal; I do not know whether we sell the Times now or not; we did at one time.

EDWARD MILL.

Exhibit No. 1 to deposition of Edward Mill.—P. C. Hendricks, N. P.

MARION COUNTY TICKET.

For Judges Superior Court—Term, 1882,
JOHN L. McMASTER.
DANIEL W. HOWE.
For Judge Superior Court—Term, 1884,
LEWIS C. WALKER.
For Judge of Criminal Court,
JAMES E. HELLER.
For Judge Circuit Court, Nineteenth Judicial Circuit,
JOSHUA G. ADAMS.
For Prosecuting Attorney, Nineteenth Judicial Circuit,
WILLIAM T. BROWN.
For Clerk,
MOSES G. McLAIN.
For Sheriff,
JAMES W. HESS.
For Treasurer,
WILLIAM G. WASSON.
For Auditor,
JUSTUS C. ADAMS,
For Recorder,
WILLIAM F. KEAY.
For Coroner,
ALLISON MAXWELL.
For County Surveyor,
HERVEY B. FATOUT.
For County Commissioner,
First District—WHARTON R. CLINTON.
Second District—FRIEDERICH OSTERMEYER.
Third District—ARCHIBALD GLENN.
For State Senator,
JOHN B. ELAM.
For Joint Representative Marion, Shelby, and Bartholomew Counties,
WILLIAM GILGOUR.
For Representatives,
RALPH HILL,
WILLIAM D. TOBIN,
WILLIAM T. FLETCHER,
DAVID B. SHIDELER,
SAMUEL A. ELBERT.

(Indorsed:) Exhibit No. 1 to deposition of Edward Mill.—P. C. Hendricks, N. P.

Exhibit No. 2 to deposition of Edward Mill.—P. C. Hendricks, N. P.

REPUBLICAN TICKET.

STATE TICKET.

For Secretary of State,
EMANUEL R. HAWN.
For Auditor of State,
EDWARD H. WOLFE.
For Treasurer of State,
ROSEWELL S. HILL.
For Attorney-General,
DANIEL P. BALDWIN.
For Clerk of the Supreme Court,
JONATHAN W. GORDON.
For Superintendent of Public Instruction,
JOHN M. BLOSS.
For Judges of the Supreme Court,
First District—WILLIAM P. EDSON.
Second District—JOHN G. BERKSHIRE.
Fourth District—JOHN F. KIBBEY.

CONGRESSIONAL TICKET.

For Member of Congress, Seventh Congressional District,
STANTON J. PEELLE.

MARION COUNTY TICKET.

For Judges Superior Court—Term, 1882,
JOHN L. McMASTER.
DANIEL W. HOWE.
For Judge Superior Court—Term, 1884,
LEWIS C. WALKER.
For Judge Criminal Court,
JAMES E. HELLER.
For Judge Circuit Court, Ninteenth Judicial Circuit,
JOSHUA G. ADAMS.
For prosecuting attorney, Nineteenth Judicial Circuit,
WILLIAM T. BROWN.
For Clerk,
MOSES G. McLAIN.
For Sheriff,
JAMES W. HESS.
For Treasurer,
WILLIAM G. WASSON.
For Auditor,
JUSTUS C. ADAMS,
For Recorder,
WILLIAM F. KEAY.
For Coroner,
ALLISON MAXWELL.
For County Surveyor,
HERVEY B. FATOUT,
For County Commissioners,
First District—WHARTON R. CLINTON.
Second District—FRIEDERICH OSTERMEYER.
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For State Senator,
JOHN B. ELAM.
For Joint Representative Marion, Shelby, and Bartholomew Counties.
WILLIAM GILGOUR.
For Representatives,
RALPH HILL.
WILLIAM D. TOBIN.
WILLIAM T FLETCHER.
DAVID A. SHIDELER.
SAMUEL A. ELBERT.

(Indorsed:) Exhibit No. 2 to deposition Edward Mill.—Paul C. Hendricks, N. P.

Exhibit No. 3 to deposition of Edward Mill.—P. C. Hendricks, N. P.

REPUBLICAN TICKET.

STATE TICKET.

For Secretary of State,
EMANUEL R. HAWN.
For Auditor of State,
EDWARD H. WOLFE.
For Tréasurer of State,
ROSWELL S. HILL.
For Attorney-General,
DANIEL P. BALDWIN.
For Clerk of the Supreme Court,
JONATHAN W. GORDON.
For Superintendent of Public Instruction,
JOHN M. BLOSS.
For Judges of the Supreme Court,
First District—WILLIAM P. EDSON.
Second District—JOHN G. BERKSHIRE.
Fourth District—JOHN F. KIBBEY.

CONGRESSIONAL TICKET.

For Member of Congress, Seventh Congressional District,
STANTON J. PEELLE.

MARION COUNTY TICKET.

For Judges Superior Court—Term, 1882,
JOHN L. McMASTER.
DANIEL W. HOWE.
For Judge Superior Court—Term, 1884,
LEWIS C. WALKER.
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JAMES E. HELLER.
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JOSHUA G. ADAMS.
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WILLIAM T. BROWN.
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WILLIAM G. WASSON.
For Auditor,
JUSTUS C. ADAMS.
For Recorder,
WILLIAM F. KEAY.
For Coroner,
ALLISON MAXWELL.
For County Surveyor,
HERVEY B. FATOUT.
For County Commissioners,
1st Dist.—WHARTON R. CLINTON.
2d Dist.—FRIEDERICH OSTERMEYER.
3d Dist.—ARCHIBALD GLENN.
For State Senator,
JOHN B. ELAM.
For Joint Representative, Marion, Shelby, and Bartholomew Counties,
WILLIAM GILGOUR.
For Representatives,
RALPH HILL.
WILLIAM D. TOBIN.
WILLIAM T. FLETCHER.
DAVID B. SHIDELER.
SAMUEL A. ELBERT.

(Indorsed:) Exhibit No. 3 to deposition of Edward Mill.—Paul C. Hendricks, N. P.

Exhibit No. 4 to deposition of Edward Mill.—P. C. Hendricks, N. P.

REPUBLICAN TICKET.

STATE TICKET.

For Secretary of State,
EMANUEL R. HAWN.
For Anditor of State,
EDWARD H. WOLFE.
For Treasurer of State,
ROSWELL S. HILL.
For Attorney-General,
DANIEL P. BALDWIN.
For Clerk of the Supreme Court,
JONATHAN W. GORDON.
For Superintendent of Public Instruction,
JOHN M. BLOSS.
For Judges of the Supreme Court,
First District—WILLIAM P. EDSON.
Second District—JOHN G. BERKSHIRE.
Fourth District—JOHN F. KIBBEY.

CONGRESSIONAL TICKET.

For Member of Congress, Seventh Congressional District,
STANTON J. PEELLE.

MARION COUNTY TICKET.

For Judges Superior Court—Term, 1882,
JOHN L. McMASTER.
DANIEL W. HOWE.
For Judge Superior Court—Term, 1884,
LEWIS C. WALKER.
For Judge Criminal Court,
JAMES E. HELLER.
For Judge Circuit Court, Nineteenth Judicial Circuit,
JOSHUA G. ADAMS.
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WILLIAM T. BROWN.
For Clerk,
MOSES G. McLAIN.
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JAMES W. HESS.
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WILLIAM G. WASSON.
For Auditor,
JUSTUS C. ADAMS.
For Recorder,
WILLIAM F. KEAY.
For Coroner,
ALLISON MAXWELL.
For County Surveyor,
HERVEY B. FATOUT.
For County Commissioners,
1st Dist.—WHARTON R. CLINTON.
2d Dist.—FRIEDERICH OSTERMEYER.
3d Dist.—ARCHIBALD GLENN.
For State Senator,
JOHN B. ELAM.
For Joint Representative, Marion, Shelby, and Bartholomew Counties,
WILLIAM GILGOUR.
For Representatives,
RALPH HILL.
WILLIAM D. TOBIN.
WILLIAM T. FLETCHER.
DAVID B. SHIDELER.
SAMUEL A. ELBERT.

(Indorsed:) Exhibit No. 4 to deposition of Edward Mill.—Paul C. Hendricks, N. P.

SATURDAY, *December* 22, 1883.

The parties met pursuant to adjournment.

WILLIAM E. NIBLACK, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON:

Q. State your name.—A. William E. Niblack.

Q. State what official position you have held in this State.—A. I am at the present one of the judges of the supreme court of the State, and was for many years a Representative in Congress from the first district in this State.

Q. Are you acquainted with Austin H. Brown, of this county?—A. I am.

Q. How long have you known him?—A. I have been acquainted with him over 30 years.

Q. Has that acquaintance been simply a passing acquaintance, or has it been such an acquaintance as gave you an opportunity to know him?—A. It has been, a part of the time, rather an intimate acquaintance; I was a member of the legislature of this State when I first became acquainted with him here at Indianapolis, and I became acquainted with his parents about the same time and became very soon recognized as rather a friend of the family, and was in consequence at Mr. Austin H. Brown's wedding, now more than thirty years ago, as I remember.

Q. If you know, you can please state what is his general reputation for truth and veracity in this community, in this city?—A. Entirely good, so far as I am aware; I never heard anything to the contrary against him; I might add, that all the time I have known him he has been always one of the leading and most prominent citizens of Indianapolis, and a man of good reputation and character in all respects so far as I am aware of or have ever heard.

Cross-examination by Mr. PEELLE:

Q. Where is your residence?—A. Vincennes, Ind.

Q. You are in this city only as your duties bring you here as a member of the supreme court, are you not?—A. For the last seven years that has been so; I was in the legislature here in 1862–'63, and had some official position that kept me here during 1863 and 1864 a great deal of the time, and I have been practicing in the supreme court and in the Federal court here and have been at Indianapolis a great deal of the time.

Q. (Question repeated).—A. For the last seven years that has been so.

Q. Do you know where Austin H. Brown resides?—A. I know where he did reside a few months ago.

Q. Whereabouts?—A. South Meridian street, as I remember.

Q. Were you ever at his house?—A. Yes, sir.

Q. How long ago?—A. About a year ago.

Q. Do you know his neighbors?—A. No; I do not.

Q. Do you know the people in the community in which he lives, or any of them?—A. No, sir; not to any extent.

Q. Is not your opinion of Mr. Brown's reputation based upon what you know of him in former years, rather than what you know now?—A. Well, to some extent it is so; I formerly knew him more intimately than I have latterly; my acquaintance with his reputation is of a very general character, and I have never had any occasion to inquire into it in any way.

Q. Do you know what his reputation is for truth and veracity in the community in which he lives?—A. I cannot say that I have any special information upon the subject; I only spoke of him from his standing and recognized position in the community in various relations; I never heard of his character for truth and veracity discussed in my life, and I have always gone upon the theory that where a man's truth was not challenged it was good—the same as a woman's virtue, where it goes unchallenged I always go upon the assumption it is good; I never inquired into it for a moment, and this is the first time the question was ever presented to me; his position has been prominent here, and I have never heard his reputation challenged.

Q. Is not that from the fact that you have not mingled with the people in the community in which he lives?—A. That may be.

Questions by Mr. WILSON:

Q. When you use the word "community" there in the question which I asked, was the community you referred to in the State?—A. I referred to the city generally.

Q. Mr. Peelle's question related, I believe, to the neighbors down on South Meridian street, as you understand it?—A. Yes, sir; I have reference to them.

Questions by Mr. PEELLE:

Q. I stated the community in which he lived; did you make the narrow bounds of the neighborhood?—A. I say, I have no special information as to the position in which

he stands in the immediate neighborhood in which he lives; when I answered the question I had reference to the city at large.

Q. What portion of the time have you been here for the last two years?—A. An average of about half the time, and then when I am here it is due to frankness to say that I mingle very little with the general community.

Q. You are constantly busy with your duties as judge of the supreme court?—A. Yes, sir; almost always so.

Q. How often have you seen Mr. Brown in the last two years?—A. I cannot answer that question; I think I have seen him every few weeks.

Q. Just seen him on the street?—A. Sometimes I would meet him on the street, or have conversations with him at offices and in other places, casually; I have not had a protracted conversation with him for a year or two, I believe.

Q. Have you ever heard any one in this city make any reference to Mr. Brown in any way?—A. Not in connection with his reputation and his character for truth and veracity.

Q. Did you in any way hear Mr. Brown discussed in connection with any matter by anybody?—A. I expect as a politician and a public man I have heard him discussed in that relation very often, and as a prospective candidate.

Q. He has the reputation of being a shrewd politician?—A. I think so.

Q. And rather an adroit one?—A. I don't know. He has the reputation of being a shrewd politician and one acquainted with the ins and outs of political matters, so far as I know. I have heard him spoken of in that respect.

WILLIAM E. NIBLACK.

JUNIUS L. WILSON, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON:

Q. State your name, age, and residence.—A. Junius L. Wilson; age, 26; residence, Indianapolis, Indiana.

Q. Do you know Mr. William O. Anderson, a witness who has testified for the contestee?—A. I did not hear him testify; I have seen him since.

Q. Do you know him?—A. Yes.

Q. Do you know his politics?—A. I understand he is a Republican.

Cross-examination by Mr. PEELLE:

Q. You are a brother of the attorney in this case—Mr. John Wilson?—A. Yes, sir.

Q. You say that you understand that he is a Republican?—A. Yes, sir.

Re-examination by Mr. WILSON:

Q. Did Mr. Anderson ever make any statement to you on that subject?—A. He did.

Q. What was it?—A. That he was a Republican.

Recross-examination by Mr. PEELLE:

Q. Why did you not state that in the first place, rather than say you understood that he was a Republican?—A. I answered the question.

(Objected to as incompetent and irrelevant as to why.)

The WITNESS. I say I answered the question as it was put to me the first time. I do not know that I am compelled to answer in any particular way, so I give a direct answer.

JUNIUS L. WILSON.

W. O. DEVAY, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON:

Q. What is your name?—A. W. O. DeVay.

Q. You are the same Mr. DeVay who has testified heretofore in this case, are you?—A. Yes, sir.

Q. You stated that you were in the paper business, and had been for some time?—A. Yes, sir.

Q. I call your attention to a specimen marked Exhibit No. 1 to the deposition of Mr. Anderson, and I will ask you to state what kind of paper that is?—A. I would call that ledger paper.

Q. I call your attention to Exhibit No. 1 to the cross-examination of Frank H. Smith, and I will ask you to state what that is?—A. I would call that plate paper.

Q. What kind of plate paper?—A. I would take it for a western plate.

Q. I call your attention to Exhibit No. 5 to the deposition of Mr. Anderson, and I will ask you to state what that is?—A. I would call that a book paper.

Q What grade of book is that?—A. I would call that a No. 2 book paper.

Q. What is its weight, 25 by 38?—A. About 60 pounds to the ream, 25 by 38, as near as I can judge from feeling it.

Q. I call your attention to a specimen shown C. L. Devine, and marked on its face "Philadelphia"; state what that is?—A. Blotting paper.

Q. What sort of blotting?—A. White blotting.

Q. I call your attention to this exhibit marked X to the deposition of Henry Salsbury, and I will ask you what that is?—A. It is a chemical print paper.

Q. What is the weight of that, sheets 25 by 38?—A. That would be from 27 to 30 pounds per ream.

Q. What is chemical print paper?—A. Print paper made under a chemical process. It is the same as ordinary print, but the process by which it is known is chemical process.

Q. Has it wood in it?—A. It is made of wood and nothing but wood.

Q. I hand you a specimen marked Exhibit W to the cross-examination of Henry Salsbury, and I will ask you what that is?—A. That is a print paper.

Q. What sort of print paper?—A. What we call a stock print paper, made of stock and wood, and a good grade of print.

Q. What is the weight of that, 25 by 38?—A. I judge that to be about 32 pounds.

Q. Are books printed on that?—A. Books can be printed on it.

Q. Is it a newspaper paper or a book paper, is what I am driving at—for what purpose is that usually used?—A. That grade paper we usually make for the better class of newspaper printing, and a low class of book printing. That is what we would call an extra print paper.

Q. I call your attention to this Exhibit V to the cross-examination of Henry Salsbury; what is that?—A. That is cloth blotting paper.

Q. What is the color of it?—A. White.

Q. I call your attention to a ticket headed "Democratic ticket, for secretary of State, John G. Shanklin," and marked Exhibit No. 4 to the deposition of D. M. Ransdell, and said to have been used in the election of 1878, and a ticket headed "Republican ticket, for secretary of State, Isaac S. Moore," and marked Exhibit No. 3 to the deposition of D. M. Ransdell, and also said to have been used in the election of 1878, and state what that Democratic ticket is printed on?—A. It is printed on print paper.

Q. What is the weight of it. sheets 25 by 38?—A. About 30 pounds.

Q. What is the finish of that Democratic ticket?—A. That is chemical print paper. All chemical print paper is sized and that gives it a smooth finish.

Q. Now, I ask you about that Republican ticket, marked Exhibit No. 3, and I will ask you to state the material upon which that ticket is printed?—A. I would call that writing paper.

Q. What would be the weight of that, sheets 25 x 38?—A. That I could not tell you. It would be only guessing at it, and that would not be of any use to you.

Q. I call your attention to a ticket headed "Republican ticket. National candidates. James A. Garfield, for President", and marked Exhibit F, to the deposition of William Wallace, and to a similar one marked Exhibit No. 3 to John Carlon's deposition, and I will ask you to look at those tickets and state what material those tickets are printed on—those are the tickets of the national campaign, and I gave you two because the exhibit to Mr. Wallace's evidence is soiled.—A. I would call that a low grade of writing paper.

Q. You mean Exhibit No. 3, to the deposition of Mr. Carlon is a low grade of writing paper?—A. Yes, sir.

Q. Now what is the other ticket, marked Exhibit F, to the deposition of William Wallace, headed "Republican ticket," for the same candidates?—A. As near as I can tell from the ticket, it is book paper. It has been well finished, but the finish is all off of it.

Q. I call your attention to a ticket headed "Democratic ticket. For President, Winfield Scott Hancock," and marked Exhibit E, to the deposition of William Wallace, and purporting to be the Democratic national ticked used in 1880; what is that?—A. Print paper.

Q. What would be the weight of that, sheet 25 by 38, a ream?—A. Thirty pounds.

Q. I neglected to ask you what would be the weight of this ticket marked Exhibit F, to the deposition of William Wallace, sheets 25 by 38; that is the national ticket.—A. It would be about 50 pounds to the ream.

Q. And Exhibit 3, to John Carlon's evidence, being the national ticket, what would be the weight of that?—A. On this kind of paper?

Q. Yes, sir.—A. I cannot tell you. It is a hard finished paper, and I cannot tell you anything about it.

Q. I call your attention now to a ticket headed "Republican ticket. State ticket. For governor, Albert G. Porter," and marked Exhibit C, to the deposition of William Wallace; and also a ticket with some names on it headed "Republican ticket" and marked Exhibit No. 1, to the deposition of John Carlon, and I will ask you to state what is the material upon which those two ticket are printed? One of them is soiled and the other is not.—A. They are both the same, are they not? You want either or both of them?

Q. Either or both of them?—A. That is supercalendered book paper.
Q. And the other is what?—A. As near as I can tell from the ticket, it is the same thing.
Q. What would be the weight of those two tickets, either of them or both of them sheets 25 by 38?—A. It would be 40 pounds.
Q. Exhibit 1, and the other would be what?—A. About the same. You can't tell what that ticket is, for the finish is all off of it.
Q. What is the character of the finish on Exhibit 1, to the deposition of Mr. Carlon?—A. A hard finish, supercalendered.
Q. I call your attentiou to a ticket headed "Democratic ticket. For governor, Franklin Landers," with a flag at the head of it, and marked Exhibit F to the deposition of David Swain, and I will ask you to state the material upon which that ticket is printed.—A. Print paper.
Q. What would be the weight, sheets 25 x 38?—A. About 30 pounds to the ream.
Q. I call your attention to a ticket headed "Republican ticket," and marked Exhibit No. 1 to the deposition of Samuel Merrill; and a Democratic ticket, marked Exhibit No. 2, to the deposition of James C. Yohn, being the tickets of 1882, and I will ask you to state what that Democratic ticket is on.
(Objected to as not rebuttal, for the reason that the witness has heretofore testified as to the quality of paper the two tickets are on.)
Q. For the purpose of comparison.—A. That is an extra grade of print or a low grade of book paper.
Q. What is the Republican ticket of the same election, November, 1882?—A. That is western plate.
Q. Now, I ask you to take the Republican tickets that I have shown you, being Exhibit 3, to Ransdell's testimony and Exhibit F to Mr. Wallace's evidence, and Exhibit No. 1 to Col. Merrill's evidence, and compare them and state whether there is an essential similarity between the tickets, or whether there is an esential difference or disparity.—A. In what way do you mean?
Q. In appearance, in finish, and in material.—A. There is some difference.
Q. What is the amount of the difference; is it small or is it great?—A. The only way you could tell would be by a close examination of the tickets.
Q. I call your attention now to the Democratic tickets you have examined, and I will ask you whether there is less or more similarity between the Democratic tickets than between those Republican tickets, as compared between themselves, as to quality, material, &c., and weight?—A. There is some difference between them.
Q. Is there as much or is there less difference between them than there is between the Republican tickets, compared between themselves?—A. Upon close examination there would be as great a difference in comparison as there is there.
Q. I ask you to take the tickets I hand you, and I hand them to you in pairs, as they were voted at the elections. I hand you two tickets headed Democratic and Republican tickets, Exhibit 4 to Mr. Ransdell's evidence, and Exhibit 3 to Mr. Ransdell's evidence, being the tickets of 1878, and I will ask you whether or not those tickets could be distinguished, one from the other, as easily as could the two tickets used by the respective parties, which I now show you, at the Congressional election in 1882?
(Objected to as leading.)
A. Was that the color of that ticket when it was printed?
Q. That ticket was used in 1878, and I think it is discolored some.—A. You mean if I had those in my hands or looked at a distance?
Q. I mean whether you could distinguish them as the voters held them in their hands at the polls, one from the other, folded; which could you distinguish the easiest?—A. If that ticket was that color when it was voted I could distinguish one as quick as I could the other by the color; if you could see the edges of this Republican ticket you could distinguish that by the weight.
Q. You mean the plate paper?—A. Yes, sir; if that ticket was that color—the Democratic ticket of 1878.
Q. I will ask you as to that Democratic ticket of 1878; as to the paper; would it discolor or fade in time?—A. From the appearance of it, it has.
Q. And it is by means of that color that you answer that question. I ask you to look at the back of that Democratic ticket used in 1878 and state if it is not faded?
(Objected to as leading.)
A. My judgment on that ticket would be that it is a faded ticket from time.
Q. If it was not faded could you tell them as easily as you could the tickets used in November, 1882?—A. No; I do not think I could.
Q. I call your attention to two tickets marked Exhibit C to the deposition of William Wallace, and Exhibit G to the deposition of David Swain, and I will ask you to compare them and say whether, when folded in the hands of the voters, those tickets could be told or distinguished as readily as the tickets used in November, 1882, when folded and in the hands of the voter?—A. No, sir; I do not think they could.

Q. I ask you to take the "Democratic ticket, for President, Winfield Scott Hancock," marked Exhibit E to the deposition of William Wallace, and the Republican ticket for Garfield, marked Exhibit F to the deposition of William Wallace, and compare them and say whether they could be distinguished as easily as the tickets used at the November election in 1882, when folded and in the hands of the voter?—A. If that ticket was that color it could be.

Q. What is the color of that ticket now?—A. A yellowish cast; those tickets are faded.

Q. When the tickets were white and not faded?—A. They could probably be told, but not as readily as that heavy ticket.

Q. I will ask you to look at Exhibit No. 1 to the deposition of Mr. Hasselman, and Exhibit No. 2 to the deposition of Mr. Hasselman, and state what the material is of those two specimens.—A. Card-board.

Q. What ply?—A. I would call that 120-pound Bristol.

Q. Can you tell what ply it is?—A. I will tell you about the ply business; some dealers run it under and over weights; it is what would be our three-ply.

Q. Do you make a two-ply?—A. There is a two-ply made.

Q. Is there a one-ply made?—A. No, sir.

Q. Is there a one-ply Bristol?—A. I never saw any. When you make less than 100-pound board it is called a special board, and it can be made 75, 80, or 90 pounds to 500 sheets; it can be, but it is not generally done.

Q. I do not mean how it was generally used, but whether it is not so made?—A. It can be made, but it is so exceedingly light for card-board that it is not in general demand.

Q. Look at Exhibit 1 to the cross-examination of Frank H. Smith and state what that is.—A. The question between this and plate-paper is so close that I cannot state.

Q. What would be the character and weight of it as plate?—A. It would be a very heavy weight or a very light card-board; I would want to tear it to see it.

Q. I hand you Exhibit U to the cross-examination of Mr. Salsbury and ask you to state what that is.—A. Plate-paper.

Q. Is that a heavy or a light weight of plate?—A. That is a medium weight.

Q. Western or Eastern plate?—A. It might be either; I would say from the finish of it it is Eastern plate.

Q. What would be the weight of that in sheets of 25 by 38?—A. It would be in the neighborhood of 120 pounds.

Q. Did you testify as to what Exhibit No. 2 to Mr. Hasselman's deposition was?—A. I said it was card-board.

Q. What ply is it?—A. That would be our scale of 3-ply; it might be some one else's 2-ply. The board would weigh 120 pounds, 500 sheets.

Q. I will ask you to look at this exhibit called "Chatfield's and Wood's Catalogue Wholesale Paper Warehouse," and look at the catalogue of book sizes and state whether there is any book-paper there 19 by 24.—A. No, sir; there is not any of that size.

Q. Look at the plate-paper and see if there is any size of that kind there, 19 by 24.—A. Yes, sir; that size is there.

Q. Is 19 by 24 a catalogued book size of paper?—A. No, sir.

Q. What material is this Exhibit No. 4 to the deposition of Mr. Moses G. McClain; what material is that certificate on?

(Objected to as not rebuttal.)

A. That is ledger paper.

Cross-examination by Mr. PEELLE:

Q. If a man would order a book paper No. 1 or No. 2 size, 19 by 24, would that make it plate paper?—A. If it was plate weights it would.

Q. Suppose you took a book paper that weighed 100 pounds, 25 by 38, and you should order paper of that kind cut into size 19 by 24, would that make it plate paper?—A. It would not make it plate paper, but it would make it plate-paper size.

Q. If plate paper weighing 50 pounds, size 19 by 24, was cut into the size 25 by 38, would that make it book paper?—A. It would if a man wanted to use that heavy weight for books, but it would be an exceeding weight.

Q. Isn't 100 pounds, 25 by 38, a weight in the catalogued sizes of book paper?—A. I have not seen it.

Q. See if there is not book paper there, size 25 by 38, weighing 100 pounds catalogued?—A. There is one size here, extra fine No. 1, sized and super-calendered, 25 by 38, 100 pounds.

Q. That is the catalogued size?—A. Yes, sir.

Q. If plate paper were that size and that weight what would be the difference between that and book paper?—A. If a man wants to use book paper of that weight practically there would be no difference.

Q. Is it not a fact that there would be no difference between a plate paper of that size and that weight?—A. On western paper there would not be.

Q. Paper may be cut in any size it is ordered?—A. Certainly; a man can get anything made he wants to.

Q. Is not book paper frequently cut into sizes 19 by 24 and 18½ by 24?—A. Not very often by the manufacturer. Speaking for ourselves, we have never made it.

Q. Is it not ordered that way, and don't they make one-half of a book leaf?—A. It makes one-half of a book leaf, but I don't remember that I ever furnished it on that size, from the fact that it would make one half of a form, and it would not be advisable to make it.

Q. Have you got a rule in your pocket?—A. Yes, sir.

Q. I hand you that ticket, being the Republican ticket, which is upon the western plate paper, as you say, and voted in 1882, and I ask you to state the width of that ticket?—A. Three (3) inches.

Q. What is the length of it?—A. 9⅝, by my measure.

Q. Are you sure it is 9⅝ or 9½?—A. 9⅝.

Q. What size would the paper have to be cut to run those tickets off to the most advantage, the tickets being 3 inches in width and 9½ inches, or 9⅝ inches in length?—A. At 25 by 38 it would cut to an advantage, or 19 by 24 would cut to an advantage; that is, it would cut so there would no waste.

Q. Would not there be waste in 25 by 38?—A. Very slight.

Q. Would not there be a waste of an inch, the tickets being 3 inches in width?—A. There would be an inch one way.

Q. 19 by 24, would not that cut the tickets eight tickets to the sheet, without any loss whatever?—A. Yes, sir.

Q. And is it not the only size that the paper could be cut to print that ticket without waste or loss?—A. Yes, sir; the exact size.

Q. And that exactly fits the tickets, eight being run off at a time?—A. Yes, sir. There would be 16 tickets to a sheet in 19 by 24.

Q. And 19 inches is the length of two tickets, and the 24 inches would be the width of 8 tickets?—A. Yes, sir; but when they recut them in this shape they would cut one long and one short. I make that explanation in order to show that this could be cut out from 19 by 24 and still be 9⅝ inches long. This ticket, if it was cut out from 19 by 24, it would show if they made the sheet just cover so much space.

Q. I hand you the Democratic ticket voted at the Congressional election in 1882, and I will ask you to measure the width of that ticket and the length.—A. It is a fraction over 9½ inches one way and 3 inches the other.

Q. Is it not about the same width and length as the Republican ticket voted at the same election?—A. It is about the same, but it is a fraction shorter.

Q. Could not that paper as it appears be better cut out of a 19 by 24 sheet than out of any other paper without waste?—A. Yes, sir.

Q. I hand you that ticket, headed "Democratic ticket," with the words "For Governor, Franklin Landers," being Exhibit No. 4 to the deposition of John Carlon. Take that ticket and examine it, and state what kind of paper that ticket is printed on.—A. That is print paper.

Q. What grade?—A. A low grade of print.

Q. How much would that weigh to the ream, 25 by 38?—A. That would be very light.

Q. Compare it with this Democratic ticket voted at the same election, with a flag on it. What difference is there between the weight of that paper?—A. There would be 3 pounds to the ream.

Q. Would not there be over 10 pounds difference?—A. No, sir.

Q. Would not the paper with the flag on it weigh at least 10 pounds more to the ream than the other?—A. I don't think it would.

Q. I now hand you this ticket, which Mr. Wilson handed you a moment ago, marked Exhibit No. 1 to the deposition of John Carlon, being the ticket voted for Governor Porter in 1880, and at the same time that small ticket was voted for Landers in 1880; could those two tickets more readily be distinguished when folded in the hands of the voter than the tickets voted at the Congressional election in this city in 1882?—A. It would be pretty hard to tell. I believe they could.

Q. Those tickets voted for Governor Porter and Landers in 1880, which I have just shown you, could be more readily distinguished than the tickets voted at the Congressional election in 1882, and is not that ticket voted for Landers much narrower and only about half as long as the other ticket?—A. Yes, sir.

Q. And when folded would not it make a bulk less than half of the Republican ticket? I will ask you to fold the two, and state whether the bulk of the Republican ticket would not be more than twice, or as much as twice, as heavy in bulk as the Democratic ticket?—A. Yes, sir.

Q. Then the difference between the bulk of those tickets voted for governor in 1880 is about the same as the difference between the bulk of the tickets voted at the Con-

gressional election in 1882?—A. I do not think the difference would be as great, and I believe the difference between those two [indicating] and these two [indicating], from the fact of these being so exceedingly small, the difference is small.

Q. The fact that the Landers ticket being much smaller, and much narrower and shorter, it could be more readily distinguished from the Republican ticket than the Republican ticket in 1882 could be from the Democratic ticket of 1882; is not that true?—A. I think it could.

Re-examination by Mr. WILSON:

Q. Suppose the Republican ticket of November, 1882, had been 2 inches longer; would it have come out exactly in sheets 19 by 24 without any loss at all?

(Objected to as not rebuttal.)

A. No, sir.

Q. So it is simply because that ticket happens to be that length that the size 19 by 24 adapts itself to it?—A. That ticket, as it measures, comes exactly out of a sheet 19 by 24.

Q. And if it had been longer it would not have done it, and if it had been shorter it could not have done it?—A. If you cut sixteen to a sheet it might; but if you reduce it enough and cut 14 or 12, or increase it 18 or 20, if the sheet was much larger or smaller—this measures 19 by 24 precisely.

Q. I understood you to say that book paper of the same weight and the same thickness as western plate paper is the same in finish?—A. Western plate, yes, sir; and the same thing. There is not enough difference to say, and I would not go on the stand and undertake to say the difference, because there is not much difference in the same weight as they make plate paper.

Q. Is it not true that there is a very different finish in book papers of plate paper weight?—A. You mean a different finish. On western there is not, but on eastern there is.

Q. Is there any uniformity in the finish of book papers?—A. The standard by which it is known is sized and calendered, and sized and supercalendered, and book paper made to correspond with western plate would be what is called extra-sized and supercalendered, and it would have then to be made plate weights to be made that.

Q. You have got to get it exactly the same quality, and the same size, and the same weight as plate paper in order that they may be the same?—A. Yes, sir.

Q. That is my understanding of your answer?—A. Yes, sir.

Q. You have to get book paper of the same size, and the same weight, and the same finish as western plate paper, and when you do that there is no difference between them?—A. No, sir; it would have to be what I think would be an exceeding weight in book paper, and it would be a very heavy weight of book paper.

Q. It is not an ordinary book paper?—A. This is the only time I have ever seen it catalogued. It may be catalogued by all dealers, and by our concern, but I do not know that to be a fact and I would not care to go on record, but it is catalogued by Chatfield and Woods.

Q. And Chatfield and Woods is an exception in your estimation?—A. I would not say that, because I do not know; I have never given the case attention enough to know. It might be catalogued, and I do not say but what it is, but it is an exceedingly heavy weight in my opinion.

Q. And would not it have the very same spring-back qualities that plate paper would have, of a like character?

(Objected to as immaterial and not rebuttal.)

A. It would be the same thing.

Q. It would have the same elasticity and spring-back features, when you reach that point?—A. Yes, sir.

Q. Mr. Peelle called your attention to what he called "the little Landers ticket," and you said it was much shorter and much narrower than the other Democratic ticket used at the same election, as he says, "with a flag at the head of it," and much narrower than the Republican ticket used at the same election. Is it not a fact that it is so much narrower that it enables you to come to the conclusion that you could distinguish it, as you said you did?—A. That is the distinguishing mark of it.

Questions by Mr. PEELLE:

Q. I hand you what purports to be "The Annual Catalogue of the J. W. Butler Paper Company," of Chicago, and marked as Exhibit No. 1 to the deposition of Mr. Fish. Take that book and turn to page 16 and state whether or not there are book sizes there, catalogued 25 by 38, weighing 100 pounds?—A. Yes, sir; there is.

Q. Look at the bottom of that book and read the foot-note, and what it says about special sizes.—A. (Reading.) "Special sizes and weights made to order on short notice."

Q. I will now ask you to turn to page 20, under the head of "Plate Papers," and I

will ask you to read the foot-note there.—A. (Reading.) "Odd sizes made to order if required."

Q. Then you have found in two catalogues—one of Chatfield & Woods and one of the J. W. Butler Paper Company, of Illinois—that there is book paper, size 25 by 38, 100 pounds to the ream?—A. Yes, sir; I have.

Q. Would there be any difference between that paper and what you term as western plate paper?—A. If you notice, the grade of this is "Extra No. 1, sized and supercalendered." I made that explanation when I stated there would be no difference, in answer to Mr. Wilson. There would be practically no difference.

Q. That is what I am asking you—between plate paper 25 by 38, weighing 100 pounds—whether there would be any difference between western plate paper, upon which this Republican ticket is printed, and that?—A. The same grade of paper, there would not be; no, sir.

WM. O. DEVAY.

JOHN H. PEGGS, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON:

Q. State your name, age, and residence.—A. John H. Peggs; age, 42; my residence is Acton, Marion County, Indiana.

Q. How long have you lived in Marion County?—A. About 8 years last November.

Q. What position, if any, do you hold officially now?—A. Justice of the peace in Franklin Township, in Marion County.

Q. Were you at the Congressional election, November, 1882?—A. Yes, sir.

Q. Whereabouts?—A. Acton.

Q. What capacity did you act in?—A. I was clerk of the board at that election.

Q. Democratic clerk?—A. Yes, sir.

Q. I will ask you to state how the number of tickets that you sealed up and put in the bag, as required by law, and forwarded to the county officers, corresponded at that election with the number of names on the tally-sheet and poll-book at your precinct?

(Objected to as not rebuttal, and simply in answer to testimony brought out by the contestant on cross-examination of the contestee's witnesses, which was not proper cross-examination.)

A. They exactly corresponded at our precinct.

Cross-examination by Mr. PEELLE:

Q. Who was the Republican clerk at that precinct?—A. His name was Meacham.

Re-examination by Mr. WILSON:

Q. Did they, or not, correspond on the vote for Congress?

(Objected to as leading.)

A. That I do not recollect exactly, the number. In what way?

Q. Did not the number of tickets you sealed up and put into the bag and forwarded correspond with the number of tallies you had on the vote for Congress?—A. Yes, sir; that is correct.

Questions by Mr. PEELLE:

Q. How many votes were there for Congress?—A. What do mean by that? In the precinct?

Q. Yes, sir.—A. For both parties?

Q. Yes, sir.—A. I am not positive about the number, but I think about 300.

Q. How many votes did Mr. English have?—A. I think about 180, as near as I can remember.

Q. How many did the Democratic candidate have, for secretary of state?—A. I am not going to be positive about it, but I think the secretary of state received about one hundred and seventy, somewheres near there, and the other was somewheres near one hundred and eighty for Congress.

Q. How many votes were there cast for the Greenback candidate for Congress?—A. I believe 22 exactly, if I remember right, but I am not positive; I think it was 22.

Q. How many ballots were there in the box?—A. That I cannot remember.

Q. Was Mr. English's name scratched off of any Democratic tickets?—A. None that I know of.

Q. None whatever?—A. None whatever; not that I know of.

By Mr. WILSON:

Q. As to the Republican ticket; do you remember whether Mr. Peelle's name was blank or scratched off of any ticket there?—A. Yes, sir; it was, I think; I am not positive, but I think about 5 or 6.

By Mr. PEELLE:

Q. On how many tickets was Mr. English's name scratched off of the Democratic ticket and Mr. Peelle's name pasted over?—A. None that I know of.

Q. None whatever?—A. I think not.

Q. Mr. English's name was not scratched off of any ticket?—A. None that I noticed.

Q. Was Mr. English's name pasted on any Republican ticket?—A. I do not know exactly the number; I think there was a few; the exact number I cannot tell.

Q. Were you clerk of the board?—A. Yes sir.

Q. You did not handle the tickets at all?—A. No, sir.

Q. You did not see them?—A. No, sir.

Q. You do not know anything about it, do you, as a matter of fact, not having handled the tickets?

(Objected to.)

A. I kept the tally from the report as they were reported to me. I know some of the tickets I saw.

Q. You did not handle any of the tickets at all?—A. No, sir.

Q. Did Mr. Doherty have the handling of the tickets?—A. No, sir; the tickets were handled in this way, by the inspector, and the inspector passed the tickets to the judge, and the other judge strung them. That is the way they were handled.

Q. Mr. Doherty handled some of the tickets?—A. Yes, sir.

Q. He was the Democratic judge there?—A. Yes, sir; and he passed the tickets to Mr. Craft, and Mr. Craft strung the tickets.

Q. You did not handle any of the tickets at all?—A. No, sir.

By Mr. WILSON:

Q. Mr. Peelle asked you what Mr. Medkirk's vote was; do you know what Mr. Leonard's vote was on the Greenback ticket for secretary of state?—A. No, sir; I do not recollect.

By Mr. PEELLE:

Q. Was there a single vote cast for him at that precinct that you recollect?—A. I do not recollect.

Q. Do not you recollect that there was none?—A. I do not recollect.

By Mr. WILSON:

Q. Was there not 22 votes there at that precinct?—A. If I recollect correctly, there was about 22 votes, or about that number, cast for the Greenback ticket, for the number that had the full vote; but I do not recollect exactly.

Q. Did not Mr. Medkirk have about 18, to refresh your recollection?—A. I do not recollect how many he had, but very nearly the full vote. I remember that he had several votes, but exactly as to that I cannot say.

JOHN H. PEGGS.

JOHN W. CARLTON, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON:

Q. State your name, age, and residence.—A. John W. Carlton; 61 years old; residence, Indianapolis, Ind., No. 401 Lexington avenue.

Q. How long have you lived in this city?—A. Ten years.

Q. Were you in this city at the time of the Congressional election in November, 1882?—A. Yes, sir.

Q. What precinct and ward?—A. The first precinct of the Twenty-first ward.

Q. What capacity did you act in?—A. During the evening I was the lookout for the Democratic side of the house.

Q. Do you recollect who was the Republican watcher there?—A. Wilber F. Browder was one of them; and I forget who the other was. We had two and they had two.

Q. Whilst counting the votes there that evening in your presence as watcher, did you and Mr. Browder make any effort to tell the tickets one from the other—the Republican and Democratic tickets?—A. While they were in the box?

Q. No, sir.—A. As they were brought out?

Q. Yes, sir.—A. I think there was only one instance that I noticed it. I was not watching the box; I was watching the tally. I sat about 6 or 7 feet from the box. We had a new clerk there, and I was watching to see that Joyce did not get ahead of him.

Q. Mr. Browder said, in his evidence for the contestee, that he was one of the watchers, and that in taking out the ballots he several times guessed out loud what the character of the ticket was; that he remembered of guessing three times at it, saying, "Here comes a good Republican ticket"; or, "Here comes a good Demo-

cratic ticket": and that Mr. Carlton was next to him, and he was guessing at the Democratic ticket, and he (Browder) was guessing at the Republican ticket, but he missed it two out of three times, and Mr. Carlton missed it once or twice. You say you made an effort once?—A. I think it was once that the ticket came up over the top of the box. I was sitting to the east side of the table, fronting to the front side of the house, and Browder sat right there, and Bruce was right over next to Browder, and I sat farther off than Mr. Peelle is sitting from me now, and our clerk—Green—sat between Mr. Bruce and me, and I sat next to Green and was the last one in the room, watching that the tally was right; and I think at one time there was a ticket came over the top of the box; we had been joking about the ticket, and I said, "There comes a good Democratic ticket."

Q. Only once?—A. I do not think to exceed once.

Q. Do you recollect how often Mr. Browder tried that?—A. No; I do not recollect anything particular about that. I think when Brundage would take out a ticket that Browder made the remark several times, "Here comes a good Republican ticket."

Q. Do you recollect what was the result of your guessing?—A. I think I guessed a Democratic ticket.

Cross-examination by Mr. PEELLE:

Q. Do you recollect anything about it now distinctly?—A. Yes, sir.

Q. You said you think you guessed it?—A. I am satisfied I did, for I could tell that ticket ten feet.

Q. You are satisfied now that you guessed it?—A. Yes, sir; it was a Democratic ticket, for I could tell the paper ten feet away.

By Mr. WILSON:

Q. Tell it from what?—A. From the thickness of the Republican ticket and the thinness of the Democratic ticket.

By Mr. PEELLE:

Q. You could tell it was the Democratic ticket ten feet away?—A. I could tell either of them.

Q. How could you tell them?—A. I could stand at the edge of the chute, when the voter came up, and tell what ticket he had in his hand.

Q. You could tell one from the other equally well?—A. Yes sir.

Q. Could not you tell a Democratic ticket from a Republican ticket as well as you could a Republican from a Democratic ticket?—A. Yes, sir.

JOHN W. CARLTON.

MOSES G. MCLAIN, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON:

Q. You are county clerk of Marion County, Indiana?—A. Yes, sir.

Q. Here is a certificate with reference to the vote for Emanuel R. Hawn, Hiram Z. Leonard, and William R. Myers, candidates for secretary of state, and William E. English and Stanton J. Peelle and Robert W. Medkirk for Congress, as cast in precinct No. 2, in Franklin Township, in this county. I will ask you if that is your seal and signature?—A. That is my own signature.

Q. And that is the record in your office?—A. Yes, sir; I dictated the heading of that certificate.

(Each and every question asked this witness is objected to by the contestee as not rebuttal evidence and for the further reason that the certificate referred to is not complete.)

(The certificate was introduced in evidence as a part of this deposition and will be found attached hereto, marked as Exhibit No. 1, its admission being objected to as not proper rebuttal.)

Q. Do you know upon what ticket William R. Myers was running as a candidate for secretary of state?—A. The Democratic ticket.

Q. And Emanuel R. Hawn?—A. The Republican ticket.

Q. And Hiram Z. Leonard?—A. The National or Greenback ticket.

Q. And Robert W. Medkirk was the National candidate for Congress?—A. Yes, sir; and Mr. Peelle was the Republican candidate, and Mr. English the Democratic candidate.

Cross-examination by Mr. PEELLE:

Q. You do not know anthing about how the vote actually stood out there except from the returns?—A. No, sir; I only examined the canvass sheet as returned by the board of canvassers.

Q. Do you know anything about how the vote stood on the recount for sheriff?—A. No, sir.

Q. Were you present at the time of the recount?—A. No, sir.
Q. You had charge of the ballots as clerk of this county?—A. Yes, sir.
Q. And still have possession of them?—A. Yes, sir.
Q. Are they still the same as when the board returned them?
(Objected to as not cross-examination and immaterial and irrelevant.)
A. Yes, sir.
Q. The ballots are in your possession now as clerk of this county?—A. Yes, sir.
Q. Just as they were at the time of the last recount?—A. Yes, sir.
Q. Just as they left them there?—A. Yes, sir.
Mr. WILSON. This examination is based upon what I regard as an illegal cross-examination by Mr. Peelle, but reserving the right to strike out that evidence, I desire to ask the witness a few questions.

By Mr. WILSON:

Q. How are those tickets preserved?—A. The tickets are placed in the ballot-boxes in the bags returned by the several precinct inspectors, and were, by the commission appointed to recount them, resealed and placed back in the ballot-boxes and the ballot-boxes locked.
Q. What sort of bags are those?—A. Paper bags.
Q. What sort of a seal do you call it?—A. It is sealing-wax.
Q. Have they been in any vault?—No, sir; they have been in a room up-stairs in the court-house.
Q. Who occupies that room in the day time?—A. Nobody.
Q. Does anybody in the evening?—A. No, sir.
Q. In a room up-stairs in the court-house, separate and apart, and unoccupied during the day and night?—A. Yes, sir.

By Mr. PEELLE:

Q. You have control of the key of that room?—A. Yes, sir.
Q. Does anybody else have any key to it?—A. No, sir.
Q. The ballots in the boxes are now just as they were returned by the precinct inspectors?—A. Yes, sir; so far as I know.

By Mr. WILSON:

Q. Have you looked into those boxes since?—A. No, sir.
Q. So you do not know, any further than simply the conclusion, whether they are there now as they were put there when you put them in there?—A. I know only that they are just as received from the board of canvassers appointed to recount.
Q. You put the tickets back in that room?—A. The ballot-boxes.
Q. And you have not been in there to look at those tickets since?—A. No, sir.
Q. And you do not know whether anybody has been in there or not, of your own knowledge?—A. I do not know.
Q. And you do not know that nobody either has or has not been in there?—A. No, sir; I do not.
Q. When was it they were put in there?—A. Sometime in December.
Q. December, 1882?—A. Yes, sir; and the keys were returned by the commissioners making the recount, and I placed them, on the day they were received by me, in an envelope and sealed the envelope, and that envelope has not been broken open.
Q. Where is that envelope?—A. In my office under lock and key.
Q. You have had charge of the ballot-boxes and the keys to the ballot-boxes both, from that time on?--A. Yes, sir.
Q. What are those ballot-boxes made out of—walnut?—A. Some of them are ash and some walnut. I got them from the township trustees.
Q. They are small ballot-boxes?—A. Just the ordinary ballot-boxes used at the general elections. I have not been in the room, that I remember of, for a year. I may have been in there, but I am not certain about it. I do not think I have.

MOSES G. MCLAIN.

Exhibit No. 1 to deposition of Moses G. McLain.—P. C. Hendricks N. P.

Be it remembered, that among the records and papers filed in the office of the clerk of the Marion circuit court, in and for the County of Marion and State of Indiana, there appears on file in said office the official canvass-sheet of the number of votes cast in the several voting precincts of said county, at the general election held on the 7th day of November, A. D. 1882, as returned and certified to said office by the board of canvassers of said county; that from said sheet it appears that the several candidates for secretary of state and for Representative in Congress received the following number of votes in precinct number two (2) in Franklin Township, in said county, to wit:

William R. Myers, candidate for secretary of state, received one hundred and seventy-two votes 172
Emanuel R. Hawn received one hundred and twenty-six votes 126
Hiram Z. Leonard received twenty-two votes 22

Total number of votes cast for secretary of state three hundred and twenty votes 320

For Representative in Congress:

That William E. English received one hundred and eighty-three votes 183
That Stanton J. Peelle received one hundred and twenty votes 120
That Robert W. Medkirk received eighteen votes 18

Total number of votes cast for Representative in Congress, three hundred and twenty-one 321

STATE OF INDIANA,
Marion County, ss:

I, Moses G. McLain, clerk of the Marion circuit court of the County of Marion, in the State of Indiana, do hereby certify that the above and foregoing is a true and complete copy and statement of the number of votes cast for the several candidates for secretary of state and for the several candidates for Representative in the Congress of the United States for the seventh (7th) Congressional district in the State of Indiana, as returned by the board of canvassers in said county to the clerk's office, in and for the second precinct in Franklin Township, in said Marion County, Indiana, as appears from the official canvass-sheet as returned and certified by the board of canvassers for the general election held on the seventh day of November, A. D. 1882; and I further certify that I am the legal custodian of said canvass-sheet containing the votes of the several precincts in said county for said candidates aforesaid.

In testimony whereof, I hereunto affix the seal of said court and subscribe my name, at Indianapolis, Indiana, this 22d day of December, A. D. 1883.

[SEAL.] MOSES G. McLAIN,
Clerk Marion Circuit Court.

(Indorsed:) Exhibit No. 1 to deposition of Moses Q. McLain—P. C. Hendricks, N. P.

By agreement of all the parties, the further taking of these depositions was postponed until Monday, December 24, 1883.

MONDAY, *December* 24, 1883.

The parties met pursuant to adjournment.

JOSEPH E. McDONALD, recalled, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON:

Q. You have testified recently in this case?—A. Yes, sir.

Q. I will ask you what party was in power in this city and county at the time of the State election of 1878 and the State election of 1880, and the presidential election of 1880?—A. The Republican party in this city. The Democratic party has had control of this city but once since I have been in it, that I remember of, and that was in 1874.

Q. I believe you testified that you were chairman of the Democratic state central committee in this state in 1882 at the time of State election?—A. Yes; the State and Congressional election of that year.

Q. I will ask you if you know whether the Democrats counterfeited, or attempted to counterfeit the Republican ticket which was used at the November State election in this city or county.

(Objected to as not rebuttal.)

A. There was no counterfeit of the Republican ticket either printed or circulated in this county to my knowledge, nor do I know of any attempt to either print or circulate a counterfeit ticket of that kind. So far as the subject of printing tickets was discussed at all in our councils, it was understood that no ticket should be printed as the *fac simile* of the Republican ticket, with Democratic names on.

Q. Did the Democrats use, or attempt to use any counterfeit ticket?—A. I said there was none used to my knowledge.

Q. Did the Republicans use, or attempt to use, any counterfeit Democratic ticket, or any ticket in imitation of the Democratic ticket, at the November State election in 1882, in this county, and, if so, describe the ticket?

(Objected to as not rebuttal.)

A. Early in the morning, as I was going to the committee rooms, some one gave me a ticket headed "Democratic ticket," that was, on examination, a *fac simile*, as

near as could be made, of the Democratic ticket printed and used that day, except that it had Mr. Peelle's name instead of Mr. English's for Congress. I saw several of them during the day; how numerously they were issued, I do not remember, but I made a special examination of that one, as it was the first one presented.

Q. Was there any effort made by the Democrats to stop the circulation and use of these imitation tickets on the day of election?—A. Yes; there was. I made efforts myself, and I understand they were generally made, to have the attention of the voters called to the fact, that such tickets were in circulation.

Q. Did you, or the Democratic State central committee, or any Democrat, or any person that you know of, offer any reward of any sum of money for a copy of the Republican ticket which the Republicans had determined to use or might use in the county at the State election in November, 1882?—A. No; I did not, or did not think of making any such offer. I had supposed, after the chairmen of the respective State committees had agreed upon the kind of heading that there should be to the tickets, with the understanding that the purpose was to have the tickets conform to the law, that there would really be no difference in the tickets except what the word "Democratic" or "Republican" might make. I supposed the tickets would be alike. There was no effort made on our part to make our tickets in any way, shape, or form, distinguishable from ordinary tickets printed on ordinary paper; and I did not know, until I saw these tickets on the morning of the election, that such effort would be made on the other side.

Q. Was there any reason known to you prior to the election why the Democrats should want a copy of the Republican ticket in advance of the election?—A. I have answered that.

Cross-examination by Mr. PEELLE:

Q. Who first handed you a copy of the counterfeit ticket that you spoke of?—A. I am unable to say.

Q. Was it a Republican or a Democrat?—A. I think he was a Democrat. I can tell you where it was handed to me better than I can the name of the party. I was going down to the committee rooms in the First National Bank building, and within a few feet of the stairway leading up, some one handed me this ticket.

Q. You say it was a Democrat?—A. My impression would be that it was a Democrat, because he seemed to be bringing it to me for inspection.

Q. Did you see any other ticket of that kind during the day?—A. I am not able to recall any.

Q. I understood you to say in your examination-in-chief that you saw other tickets of that kind during the day?—A. It might be that I did.

Q. Did you see any of those tickets in the hands of Republicans anywhere?—A. I do not recollect the ticket in the hands of any Republican canvasser.

Q. Do you not know that on the day of the election that that ticket was denounced by Mr. Peelle?—A. I heard so some time during the day, but at what time I heard it I could not tell you.

Q. That Mr. Peelle had denounced the first one he saw, about one o'clock, in the hands of Mr. Leiber, in the twenty-third ward?—A. I did not hear where it was. I heard it some time during the day that you had denounced the ticket, but where I could not say.

Q. Do you not know that I inquired of Mr. Leiber in the 23d ward, if there were any more tickets of that kind there and he was unable to find any?—A. I know nothing about that because I was not in the 23d ward during the day, to my remembrance.

Q. You was not down there?—A. I think not; I think I did not get further than the 17th.

Q. You said that the chairman of the Republican State central committee and yourself had agreed upon the heading of the ticket?—A. Yes, sir.

Q. That was with reference simply to the head of the ticket?—A. I think it was.

Q. I hand you a copy of a circular signed by yourself, as chairman of the State central committee, and John Overmyer, on that subject; state if that is a copy of that agreement?—A. When you handed me this the other day, it was the first time I had seen the paper purporting to be that agreement from the time it was published in the papers just before the election. My impression then was, that the agreement was signed by the chairman of the National, or Greenback party, as well as by Mr. Overmyer and myself. When the paper was first brought to me—it was not prepared at our committee-rooms, but was sent there by Mr Overmyer—it was prepared for the chairman of the Democratic and Republican State central committees, and I suggested that we had better embrace the three.

Q. That is the agreement, is it?—A. Substantially, I think.

Q. Do you know of any difference in the agreement between that copy and the one you spoke of?—A. No; not as to the substance of the paper.

Q. That goes simply to the head of the ticket?—A. Yes; so far as the printed agreement here is concerned, it is limited to the head of the ticket. My understanding is

that the object of this was to secure uniformity as near as possible, and conformity to the law at the same time, in the printing of the tickets. I think that the signature of the chairman of the National committee was to the paper that was finally signed; I feel very confident of that. I have thought over it a good deal and I feel very confident it was done so as to embrace the three parties.

Q. If the name of the chairman of the Greenback committee was signed to it, the agreement is the same?—A. I think, substantially, that while I did not originate the proposition, in acceding to it my idea and my purpose was to secure fairness and uniformity in the printing and the circulation of the ticket.

Q. And no exception to the head of the ticket?—A. And no exception to the head of the ticket.

Q. You are not certain about that?—A. No, sir; I am not certain. If you had not shown me that I should have been very certain that the other was added to it. I do not see it there, and therefore I cannot say.

Q. Who was chairman of the Greenback committee?—A. I think Mr. Spear was.

Q. He was a resident of this city?—A. Yes, sir; I think the chairman was a resident of this city. I am not certain that he was the chairman, but I think he was the chairman.

(The certificate was offered in evidence as a part of the cross-examination of this witness, and will be found attached hereto and marked Exhibit No. 1.)

The WITNESS. I remember of making that objection when it was brought to me—that it ought to embrace the three.

Q. But whether you are right or not, you think that is the one you signed?—A. Yes, sir; substantially that.

Q. Is there any change in any ward?—A. I could not say that there was; the main purpose of that agreement was to recognize, as we understood it, the decision of the supreme court with reference to the head of the ticket; that if there was nothing but "Democratic" or "Republican" at the head, inside, it was not to be regarded as an infringement of the statute. The supreme court under the form of the statute, which is not very different from the present one, has held that that was not a violation of the statute, and that it did not constitute such a distinguishing mark as vitiated the ballot, and our purpose in this was to have that decision recognized.

By Mr. WILSON:

Q. Under the new statute?—A. Yes, sir; recognized under that.

Q. This agreement reads:

INDIANAPOLIS, IND., *October* 24, 1882.

In view of section 4701 of Indiana Revised Statutes of 1881 and of the decisions of our supreme court applicable thereto, we, the undersigned, deem it proper to say that we have no doubt but that to print tickets headed "Democratic ticket" or "Republican ticket" is a substantial compliance with the law.

It is entirely proper, in our judgment, that the tickets to be voted at the coming election be so headed.

In view of our statute and the decisions of our supreme court thereon, no one should raise any question, anywhere, about the legality of tickets so headed.

J. E. MCDONALD,
Chairman Democratic State Central Com.
JOHN OVERMEYER,
Chairman Republican State Central Com.

This agreement relates to the head of the ticket.—A. We meant the head of the ticket.

Q. That grew out, did it not, of the fact that the new section of the statute was somewhat similar to the old, and you wished to remove any doubt or uncertainty as to the heading?—A. There was a difference in the phraseology of the two statutes, but we regarded the decision made under the old statute as covering that question.

Q. And you wished by agreement to fix it?—A. Yes, sir; so there would be no trouble raised as to the question of those tickets.

Q. Did you intend that it should have anything to do with anything else?—A. No, sir.

Q. Was there any other agreement made between you as to any other features of the ticket?—A. No: I did not prepare that paper, but it was brought to our rooms by some one representing the Republican committee—their secretary perhaps—and I was asked to join in it, and after examining the paper I think all the suggestion I made was that it should embrace the representatives of the three parties, as the National party at that time had an organization and a State representation.

By Mr. PEELLE:

Q. Then, as a matter of fact, the name of the chairman of the Greenback commit-

tee was not on the paper when you signed to it?—A. I am inclined to think it was; I think that paper was changed—that is, the addition was made and his name was signed to it.

Q. You have just said you suggested that Why did you do that if his name was there?—A. There was no place on the paper when it was first brought to me for the name of the chairman of that committee.

Q. You say the agreement is the same whether his name was signed to it or not?—A. Oh, yes.

J. E. McDONALD.

Exhibit No. 1 to J. E. McDonald's deposition.—Paul C. Hendricks, N. P.

INDIANAPOLIS, IND., *October* 24, 1882.

In view of section 4701 of Indiana Revised Statutes of 1881, and of the decisions of our supreme court applicable thereto, we, the undersigned, deem it proper to say that we have no doubt but that to print tickets headed "Democratic Ticket," or "Republican Ticket," is a substantial compliance with the law.

It is entirely proper, in our judgment, that the tickets to be voted at the coming election be so headed.

In view of our statute, and the decisions of our supreme court thereon, no one should raise any question, anywhere, about the legality of tickets so headed.

J. E. McDONALD,
Chairman Democratic State Central Committee.
JOHN OVERMYER,
Chairman Republican State Central Committee.

(Indorsed:) Exhibit No. 1, J. E. McDonald's testimony.—P. C. Hendricks, *N. P.*

AUSTIN H. BROWN recalled:

Direct examination by Mr. WILSON:

Q. I will ask you what party was in power in this city and county at the time of the State election in 1878, and the State election in 1880, and the Presidential election in 1880?

(Objected to as not rebuttal.)

A. The Republican party.

Q. I hand you three tickets headed "Republican Ticket," the heading being in imitation of writing, and will ask you whether that kind of ticket was used by the Republicans at the State election in October, 1880; the tickets being headed for Albert G. Porter for governor?—A. Yes, sir; I would say that those were the tickets that were used. I remember the heading distinctly.

Q. What official position did you hold in the Democratic party in 1880?—A. I was chairman of the Democratic county central committee of Marion County.

Q. What kind of a heading is on these three Republican tickets I have shown you?—A. The words "Republican Ticket" are in imitation of writing, evidently engraved, and I would think an electrotype was used in printing these tickets.

Q. What kind of paper are those tickets printed on?—A. Print paper.

(The tickets were offered in evidence as a part of this deposition and will be found attached hereto and marked Exhibits Nos. 1, 2, and 3, respectively.)

Q. I also hand you a ticket headed "Republican Ticket," "State Ticket," for Albert G. Porter, and I will ask you whether that heading is printed or an engraving?—A. The heading is engraved, I should think, on wood; that is the ticket used in 1880. It may have been electrotyped.

Q. Are the names on that ticket I have just handed to you the same as those on the three Republican tickets previously shown you?—A. They are the same identically.

I would say the same form with the exception of the head; I would say that as a printer.

Q. Was there not another ticket used by the Republicans in this county at the election in October, 1880?

(Objected to as not rebuttal.)

A. There were some used and circulated of another kind.

Q. Describe the other kind.

(Objected to.)

A. There was a ticket headed "Democratic Ticket," with a flag across the face of the words "Democratic Ticket," with the name of Franklin Landers printed at the top with a scroll around it, and the name of Daniel Lemon for sheriff, with a scroll around it, and the balance contained the names of the Republican candidates, with those two exceptions. It was in imitation of a ticket that had been printed by the Democrats

at Greenfield by William Mitchell, and brought to this city and delivered to us on the Monday before the election.

The last ticket referred to by the witness, was offered in evidence as a part of this deposition, and will be found attached hereto, and marked Exhibit No. 4.)

Q. I call your attention to this ticket headed "Democratic Ticket," with a flag at the head of it, and I ask you if that ticket was used in this county by the Democrats at the election in October, 1880?—A. These were used for a while in the morning until it was discovered that there had been an imitation of it, and then they were withdrawn in the city. They were used in the country, because we had no opportunity to withdraw them. There was a smaller ticket printed by Carlon & Hallenbeck, and the former were taken up and the latter substituted for them.

Q. The one last shown you?—A. Yes, sir.

(The last two tickets referred to by the witness were offered in evidence as a part of his deposition, and will be found attached hereto, marked as Exhibits Nos. 5 and 6, respectively.)

Q. You stated that these two tickets were used by the Democrats at that election; and you stated that you was the chairman of the Democratic county central committee. If you know, you can state why two tickets were used by the Democrats at that election.

(Objected to as not rebuttal.)

A. I substantially made the answer in the other question. I said it was discovered that there was a counterfeit ticket of the one with the flag on it, and as soon as that was discovered the order was sent and we had the other tickets printed and substituted. I suppose it was 10 or 11 o'clock in the day before we got around with the ticket at the polls. The others were withdrawn from circulation, and attention called to the counterfeit ticket that was used, and they were all instructed at the polls not to peddle any more of that class of tickets as our own.

Q. What day was it, do you say, that the Democrats got that flag ticket—what day of the week?—A. On the Monday before the election. The election was on Tuesday.

Q. Where did you get it from?—A. They came by express in boxes from Greenfield, and they were delivered at the American Express Company's office in this city. and it was through the connivance of some of the express officers, and the county Republican committee, carried to the Journal printing office, and taken to the Republican committee rooms, and there opened and some of the contents robbed, and there is where they got the ticket to make the imitation. We got trace of it and was there within half an hour after the thing occurred, and I know I had a controversy with Mr. Sloan about it, and he explained to me that he was satisfied his men were deceived about it.

Q. Was there any other ticket but these two Democratic tickets I have shown you, circulated or used by the Democrats at that election?—A. No, sir; not to my recollection. Not to my knowlege.

Q. Did the Democrats counterfeit or attempt to counterfeit the Republican ticket which was used at the November election in 1882, in this city and county?—A. No, sir; not to my knowledge.

Q. Did the Democrats use, or attempt to use, any counterfeit ticket or tickets in imitation of the Republican ticket, at the State election in this county, in November, 1882?—A. No, sir; Our candidates for local offices depended on pasters to secure the opposition votes. There was no such thing as a bogus ticket put in use.

Q. Did the Republicans use or attempt to use a counterfeit ticket or any ticket in imitation of the Democratic State ticket at the November election in 1882, in this county?—A. There was a Demoeratic ticket with the name of Stanton J. Peelle for Congress, instead of English; and there was one with Wasson on for treasurer, and they were both printed at the same establishment; but when you ask the question generally, I would say that I don't think the Republicans as a party did, but they were circulated by some Republicans in the city.

Q. Was there any effort made by the Democrats to stop the circulation and use of that imitation ticket on the day of election?—A. Yes, sir; as soon as it become known there was a handbill printed and posted at all the precints, calling attention to that fact.

Q. I believe you offered a specimen of that ticket-in-chief to your evidence?—A. It was exhibited, I think.

Q. Did you, as the chairman of the Democratic State central committee, or any Democrat, or any person you know of, offer any reward of any sum of money for a copy of the Republican ticket, which the Republicans had determined to use, or might use, or did use in this county, at the State election, November, 1882?—A. Not that I heard of.

Q. Was there any reason known to you prior to the election why the Democrats should want a copy of the Republican ticket in advance of the election?—A. No, sir; not that I know of; the Democrats had but one ticket that time.

Cross-examination by Mr. PEELLE:

Q. Don't you know that the Democrats had a ticket headed "Republican ticket" with two of the Democratic candidates on, and did not you discover those tickets in the recount of the election in 1882?—A. No, sir; I do not remember any such.

Q. Don't you know that there was nearly 100 tickets in the ballots you counted headed "Republican ticket" on the identical kind of paper that you denominate as spring-back paper that had the names of the Democratic candidates written on them?—A. I thought you said "printed;" I think there was some voters who wanted to keep the knowledge from other people.

Q. I did not ask you that; I ask you if there was not such tickets as those?—A. Probably there was some, but not a great many; I would not say there were many.

Q. One hundred?—A. No, sir; not near that.

Q. There was some of that kind of tickets?—A. Yes, sir; there was a few tickets with the Democratic ticket pasted on, but I was referring to the fact of the tickets being printed and circulated.

Q. What Mr. Sloan was that you referred to a moment ago?—A. E. W. Sloan, the general agent of the American Express Company.

Q. Had the express company that he was agent of brought these tickets from Hancock County?—A. Yes, sir.

Q. How did they come to be delivered at the Journal Company?—A. Mr. Granville Cox, employed at the Journal Company, called at the American Express Co.'s office and notified them that any express matter addressed to William Mitchell should be delivered to them; even Mr. Mitchell had his own name addressed on the package, and he notified me and gave me the receipt, and said: "Why don't you go and get your box?" and I sent Mr. Schley, our secretary, after it and it was gone.

Q. Had you any talk with Mr. Cox?—A. I did not.

Q. Do you know anything about it yourself?—A. I know that to be a fact.

Q. How do you know it?—A. Because Mr. Hasselman has talked about it since and, bragged about it since, and thought it was a smart trick.

Q. Do you?—A. I heard of it, and I said I did not regard it as a very smart trick.

Q. Don't you know that what you say with reference to that is from hearsay, and you have no personal knowledge upon the subject at all?—A. No, sir; I don't. I have personal knowledge of my own secretary coming and reporting the fact to me, and he said the box was not there; that it was taken away from there, and he wanted to know what to do about it, and I told him to go and get it immediately.

Q. Don't you know that the box was delivered by mistake to the Journal Company?—A. I know he found it upstairs opened.

Q. What Mr. Schley is that?—A. John Schley.

Q. Where does he live?—A. In this city. He was secretary of the county committee.

Q. You got those tickets, did you?—A. The boxes; yes, sir; and the tickets we distributed throughout the county and city, as we had the right to do; they belonged to us.

Q. How many Republican tickets in the election of 1878 were counterfeited by the Democrats in this city?—A. I do not know anything about the campaign of 1878.

Q. You testified here that there was no tickets counterfeited by the Democrats in 1878.—A. You asked me how many I saw counterfeited; I say I do not know anything about that campaign. I was not connected with the committee, and my recollection is I never saw any.

Q. Do you know whether the Democrats counterfeited any tickets in 1878?—A. I say that I do not know. I never had anything to do with it to know that they did or did not do i .

Q. And they did not counterfeit any ticket in 1880?—A. I know they did not in 1880. I have personal knowledge of that, as chairman af the committee.

Q. You mean, as chairman you did not see anything of that kind.—A. It could not be done without my knowledge.

Q. The candidates could not get out a ticket without your knowledge?—A. I would not have allowed it to be circulated if they had.

Q. How would you have known it if they had been gotten out and circulated?—A. That was easily discovered by the men at the polls. We had our workers at the polls as every other party had. There was no ticket in 1880 counterfeited by the Democrats.

Q. Who was the Democratic candidate for sheriff in 1880?—A. Mr. Lemon.

Q. Don't you know that Lemon got out a counterfeit ticket in 1880?—A. I know he was charged with it. I do not know that to be the fact.

Q. Does he live in this city?—A. Yes, sir.

Q. He is here now?—A. I suppose so; I do not know anything about that.

By Mr. WILSON:

Q. What Mr. Hasselman was that you referred to awhile ago?—A. Ott H. Hassel

man, and the local express agent here. I had a conversation with him upon the same subject.

By Mr. PEELLE:

Q. What express agent was that?—A. I don't who it was.

Q. What express company was it?—A. The American Express Company.

Q. Was Mr. Folsom the agent then, and is he now?—A. It was the man behind the counter. I don't know who it was now; I know he made that explanation to me when I went there.

Q. Mr. Folsom has been the agent of the company here for ten years.—A. I know the gentleman's face, but I do not know his name.

Q. Don't you know that the same gentleman is there now who was there then?—A. I do not know. I think, perhaps, you are right about that.

By Mr. WILSON:

Q. In the recount on the vote for sheriff on the Republican ticket, was there any difference; and, if so, state what difference there was in the material, weight, and quality of the tickets used and voted by the Republicans, as you found them in the boxes?—A. These so-called spring-back tickets?

Q. Yes, sir.—A. There was no perceptible difference in handling them. There may have been a difference in the width, but none in the length, and certainly none in the quality of the paper.

Q. You think there was a slight difference, and there may have been some in the width.—A. I would not say that.

By Mr. PEELLE:

Q. On that recount you stated that the comparison you made was with the precinct returns and also the returns as published in the Indianopolis Journal.—A. I said sometimes we did that; not every time.

Q. I hand you the table published in the Indianapolis Journal of Saturday, November 11th, purporting to be the official returns of the votes; is that the table you made your comparison with?—A. It is a copy of the same thing.

Mr. PEELLE. I reoffer this in evidence as a part of the testimony of Mr. Brown, and ask that it be marked also as a part of his deposition.

(The same exhibit will be found attached to the deposition of Austin Doherty, and marked as an exhibit to that deposition, and also to the deposition of Austin H. Brown.)

By Mr. WILSON:

Q. How many Republican tickets did you say there were in there with the Democratic names pasted or written over Republican names? You say you cannot give the number?—A. You mean for Congress?

Q. Any way. You referred to Republican tickets?—A. You mean with the entire ticket?

Q. Yes, sir.—A. Not a great many; not a great many with the whole ticket on. There were a good many with the Democratic candidates for legislature on. There were more, I think, with the Republican State ticket and the balance Democratic, except that they voted for Congressman for Mr. Peelle, and there was a few had the entire ticket pasted on, and some had the names of Republican candidates scratched out and the Democratic candidates inserted in writing.

Q. You say there was more of the legislative ticket than any other?—A. I think so; that is my impression now.

Q. And you do not know how many?—A. No, sir; there was a great many scratched tickets in the whole count. We found those in every precinct.

Q. I believe you certified that you did not find a great many Democratic tickets with Mr. Peelle's name printed on?—A. I certified in chief that I did not recollect the number of these imitation tickets, only I did not think it exceeded 12. I think that is what I testified, and that is still my recollection. There may have been more. My impression is there were more, but I cannot state positively.

AUSTIN H. BROWN.

Exhibit No. 1 to deposition of Austin H. Brown.—P. C. Hendricks, N. P.

REPUBLICAN TICKET.

STATE TICKET.

For Governor,
ALBERT G. PORTER.
For Lieutenant-Governor,
THOMAS HANNA.
For Judges Supreme Court,
3d District—BYRON K. ELLIOTT.
5th District—WILLIAM A. WOODS.
For Secretary of State,
EMANUEL R. HAWN.
For Auditor of State,
EDWARD H. WOLFE.
For Treasurer of State,
ROSWELL S. HILL.
For Attorney-General,
DANIEL P. BALDWIN.
For Superintendent of Public Instruction,
JOHN M. BLOSS.
For Reporter of Supreme Court,
FRANCIS M. DICE.
For Clerk of Supreme Court,
DANIEL ROYSE.

CONGRESSIONAL TICKET.

For Representative to Congress, Seventh District,
STANTON J. PEELLE.
For Prosecuting Attorney, Nineteenth Judicial Circuit,
NEWTON TAYLOR.

COUNTY TICKET.

For Jndge Superior Court,
LEWIS C. WALKER.
For Sheriff,
HENRY C. ADAMS.
For Treasurer,
JOHN L. MOTHERSHEAD.
For Recorder,
JACOB L. BIELER.
For Coroner,
ALLISON MAXWELL.
For County Surveyor,
HERVY B. FATOUT.
For Joint Senator Marion, Shelby, and Hancock Counties.
SIMEON T. YANCEY.
For Senators,
FLAVIUS J. VAN VORHIS.
GEORGE H. CHAPMAN.
For Joint Representative Marion, Shelby, and Bartholomew Counties,
NELSON B. BERRYMAN.
For Representatives,
THOMAS McSHEEHY,
JAMES S. HINTON.
VINSON CARTER.
JOHN W. FURNAS.
ISAAC N. COTTON.
For County Commissioner,
JOHN H. SMITH.

(Indorsed:) Exhibit No. 1, deposition A. H. Brown.—P. C. H., *N. P.*

Exhibit No. 2 to deposition of Austin H. Brown.—P. C. Hendricks, N. P.

REPUBLICAN TICKET.

STATE TICKET.

For Governor,
ALBERT G. PORTER.
For Lieutenant-Governor,
THOMAS HANNA.
For Judges Supreme Court,
3d District—BYRON K. ELLIOTT.
5th District—WILLIAM A. WOODS.
For Secretary of State,
EMANUEL R. HAWN.
For Auditor of State,
EDWARD H. WOLFE.
For Treasurer of State,
ROSWELL S. HILL.
For Attorney-General,
DANIEL P. BALDWIN.
For Superintendent of Public Instruction,
JOHN M. BLOSS.
For Reporter of Supreme Court,
FRANCIS M. DICE.
For Clerk of Supreme Court,
DANIEL ROYSE.

CONGRESSIONAL TICKET.

For Representative to Congress, Seventh District.
STANTON J. PEELLE.
For Prosecuting Attorney, Nineteenth Judicial Circuit,
NEWTON TAYLOR.

COUNTY TICKET.

For Judge Superior Court,
LEWIS C. WALKER.
For Sheriff,
HENRY C. ADAMS.
For Treasurer,
JOHN L. MOTHERSHEAD.
For Recorder,
JACOB L. BIELER.
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ALLISON MAXWELL.
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HERVY B. FATOUT.
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SIMEON T. YANCEY.
For Senators,
FLAVIUS J. VAN VORHIS,
GEORGE H. CHAPMAN.
For Joint Representative, Marion, Shelby, and Bartholomew Counties,
NELSON B. BERRYMAN.
For Representatives,
THOMAS McSHEEHY,
JAMES S. HINTON,
VINSON CARTER,
JOHN W. FURNAS,
ISAAC N. COTTON.
For County Commissioner,
JOHN H. SMITH.

(Indorsed:) Exhibit No. 2 to deposition of A. H. Brown.—P. C. Hendricks, *N. P.*

Exhibit No. 3 to deposition of Austin H. Brown.—P. C. Hendricks, N. P.

REPUBLICAN TICKET.

STATE TICKET.

For Governor,
ALBERT G. PORTER.
For Lieutenant-Governor,
THOMAS HANNA.
For Judges Supreme Court,
3d District—BYRON K. ELLIOTT.
5th District—WILLIAM A. WOODS.
For Secretary of State,
EMANUEL R. HAWN.
For Auditor of State,
EDWARD H. WOLFE.
For Treasurer of State,
ROSWELL S. HILL.
For Attorney-General,
DANIEL P. BALDWIN.
For Superintendent of Public Instruction,
JOHN M. BLOSS.
For Reporter of Supreme Court,
FRANCIS M. DICE.
For Clerk of Supreme Court,
DANIEL ROYSE.

CONGRESSIONAL TICKET.

For Representative to Congress, Seventh District,
STANTON J. PEELLE.
For Prosecuting Attorney, Nineteenth Judicial Circuit,
NEWTON TAYLOR.

COUNTY TICKET.

For Judge Superior Court,
LEWIS C. WALKER.
For Sheriff,
HENRY C. ADAMS.
For Treasurer,
JOHN L. MOTHERSHEAD.
For Recorder,
JACOB L. BIELER.
For Coroner,
ALLISON MAXWELL.
For County Surveyor,
HERVY B. FATOUT.
For Joint Senator, Marion, Shelby and Hancock Counties,
SIMEON T. YANCEY.
For Senators,
WILLIAM B. FLETCHER.
GEORGE H. CHAPMAN.
For Joint Representative, Marion, Shelby and Bartholomew Counties.
NELSON R. BERRYMAN.
For Representatives,
JOHN W. HOLCOMBE.
VINSON CARTER.
EDWIN TAYLOR.
JOHN W. FURNAS.
ISAAC N. COTTON.
For County Commissioner,
JOHN H. SMITH.

(Indorsed :) Exhibit No. 3 to deposition of Austin H Brown. P. C. Hendricks, N. P.

Exhibit No. 4 to deposition of Austin H. Brown.—P. C. Hendricks, N. P.

REPUBLICAN TICKET.

STATE TICKET.

For Governor,
ALBERT G. PORTER.
For Lieutenant-Governor,
THOMAS HANNA.
For Judges Supreme Court,
3d District—BYRON K. ELLIOTT.
5th District—WILLIAM A. WOODS.
For Secretary of State,
EMANUEL R. HAWN.
For Auditor of State,
EDWARD H. WOLFE.
For Treasurer of State,
ROSWELL S. HILL.
For Attorney-General,
DANIEL P. BALDWIN.
For Superintendent of Public Instruction,
JOHN M. BLOSS,
For Reporter of Supreme Court,
FRANCIS M. DICE.
For Clerk of Supreme Court,
DANIEL ROYSE.

CONGRESSIONAL DISTRICT.

For Representative to Congress, Seventh District,
STANTON J. PEELLE.
For Prosecuting Attorney Nineteenth Judicial Circuit,
NEWTON TAYLOR.

COUNTY TICKET.

For Judge Superior Court,
LEWIS C. WALKER.
For Sheriff,
HENRY C. ADAMS.
For Treasurer,
JOHN L. MOTHERSHEAD.
For Recorder,
JACOB L. BIELER.
For Coroner,
ALLISON MAXWELL.
For County Surveyor,
HERVY B. FATOUT.
For Joint Senator, Marion, Shelby and Hancock Counties,
SIMEON YANCEY.
For Senators,
FLAVIUS J. VAN VORHIS.
GEORGE H. CHAPMAN.
For Joint Representative, Marion, Shelby and Bartholomew Counties,
NELSON R. BERRYMAN.
For Representatives,
THOMAS McSHEEHY,
VINSON CARTER.
JAMES S. HINTON,
JOHN W. FURNAS,
ISAAC N. COTTON.
For County Commissioner,
JOHN H. SMITH.

(Indorsed :) Exhibit No. 4 to deposition of Austin H. Brown, P. C. Hendricks, N. P.

Exhibit No. 5 to deposition of Austin H. Brown.—P. C. Hendricks, N. P.

*DEMOCRATIC TICKET.**

For Governor,†
FRANKLIN LANDERS.†
For Lieutenant-Governor,
ISAAC P. GRAY.
For Judge of the Supreme Court, Third District,
JOHN T. SCOTT.
For Judge of the Supreme Court, Fifth District,
JOSEPH A. S. MITCHELL.
For Secretary of State,
JOHN G. SHANKLIN.
For Auditor of State,
MAHLON D. MANSON.
For Treasurer of State,
WILLIAM FLEMING.
For Attorney-General,
THOMAS W. WOOLLEN.
For Superintendent of Public Instruction,
ALEXANDER C. GOODWIN.
For Reporter of the Supreme Court,
AUGUSTUS N. MARTIN.
For Clerk of the Supreme Court,
GABRIEL SCHMUCK.
For Representative to Congress, Seventh District,
CASABIANCA BYFIELD.
For Judge of the Superior Court,
MYRON B. WILLIAMS.

For Sheriff,†
DANIEL A. LEMON.†
For Treasurer,
RICHARD J. CONNER.
For Recorder,
SAMUEL B. CORBALEY.
For Coroner,
THOMAS J. FOULDS.
For Surveyor,
ALEXANDER A. JOHNSTON.
For Joint Senator, Marion, Hancock and Shelby,
ANDREW HAGEN.
For Senators,
JOSEPH W. NICHOL,
WILLIAM B. FLETCHER.
For Joint Representative, Marion, Shelby and Bartholomew,
GEORGE REYER.
For Representatives,
LEWIS JORDAN,
EDWIN TAYLOR,
ROMUS F. STUART,
THOMAS K. BARRETT,
JOHN W. HOLCOMBE.
For Commissioner, First District,
JOHN WILSON.

(Indorsed:) Exhibit No. 5, A. H. Brown's deposition—P. C. Hendricks, N. P.

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* Across cut of the American flag.
† In scroll.

Exhibit No. 6 to deposition of Austin H. Brown.—P. C Hendricks, N. P.

DEMOCRATIC TICKET.

For Governor,
FRANKLIN LANDERS.
For Lieutenant Governor,
ISAAC P. GRAY.
For Judge of the Supreme Court, 3d District,
JOHN T. SCOTT.
For Judge of the Supreme Court, 5th District,
JOSEPH A. S. MITCHELL.
For Secretary of State,
JOHN G. SHANKLIN.
For Auditor of State,
MAHLON D. MANSON.
For Treasurer of State,
WILLIAM FLEMING.
For Attorney General,
THOMAS W. WOOLLEN.
For Superintendent of Public Instruction,
ALEXANDER C. GOODWIN.
For Reporter of the Supreme Court,
AUGUSTUS N. MARTIN.
For Clerk of the Supreme Court,
GABRIEL SCHMUCK.
For Representative in Congress, 7th District,
CASABIANCA BYFIELD.
For Judge of the Superior Court,
MYRON B. WILLIAMS.
For Sheriff,
DANIED A. LEMON.
For Treasurer,
RICHARD J. CONNER.
For Recorder,
SAMUEL B. CORBALEY.
For Coroner,
THOMAS S. FOULDS.
For Surveyor,
ALEXANDER A. JOHNSTON.
For Joint Senator Marion, Hancock and Shelby Counties,
ANDREW HAGEN.
For Senators,
JOSEPH W. NICHOL.
WILLIAM B. FLETCHER.
For Joint Representative Marion, Shelby and Bartholomew Counties,
GEORGE REYER.
For Representatives,
LEWIS JORDAN,
EDWIN TAYLOR,
ROMUS F. STUART,
THOMAS K. BARRETT,
JOHN W. HOLCOMBE.
For Commissioner First District,
JOHN WILSON.

(Indorsed:) Exhibit No. 6 to deposition of A. H. Brown—P. C. Hendricks, N. P.

WILLIAM A. SULLIVAN, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON:

Q. What is your business?—A. Freight agent of the Cincinnati, Indianapolis, Saint Louis and Chicago Railway.

Q. How long have you lived in Indianapolis?—A. All my life; 25 years.

Q. Were you in this city in November, 1882, at the time of the Congressional election?—A. Yes, sir.

Q. I will ask you if you attended that election that day?—A. I voted.

Q. Where were you most of the day?—A. At my place of business.

Q. Where is that?—A. On South Delaware street, on the corner of Louisiana street.

Q. Did you see any ticket headed "Democratic ticket" and all the names Democratic except Mr. Peelle's name was on as the candidate for Congress?—A. I did.

Q. Where, and under what circumstances, and who had them?

(Objected to as not rebuttal.)

A. I was out in the freight-house on the morning of the election, and Mr. George Hawkins (who was deputy collector of customs), had some of those tickets, and handed me one and said, "Here is your ticket; vote this."

Q. Did you read it?—A. Yes, sir.

Q. When did you read it?—A. I read it at the time he handed it to me, and was informed by the man who has charge of the freight-house down there, that the tickets were not good; that the name of Mr. Peelle was inserted for Congress.

Q. That was the first time you knew of it; when your attention was called to it.—A. Yes, sir.

Q. How many tickets did he have?—A. I could not say as to that.

Q. Did he have a bundle of them, or only one ticket?—A. He had several in his hands at the time.

Q. Do you know Mr. Hawkins' politics?—A. No. I do not know him politically, but I presume he is a Republican, of course.

Q. Do you know whether he left any of those tickets with anybody else there?—A. Yes, sir; he did. He distributed them amongst the freight-house men.

Q. Do you know the politics of those freight-house men?—A. There is about ten out of twelve Democrats.

WILLIAM A. SULLIVAN.

JOHN SCHLEY, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON:

Q. What was your position, if any, in connection with the Democratic organization at the time of the election in 1880, the State election?—A. In 1880 I was secretary of the Democratic county committee.

Q. Do you know where the Democratic ticket with the flag at the head of it was printed?—A. Yes, sir.

Q. Whereabouts?—A. Greenfield, Ind.

Q. Sent here, was it?—A. Sent here by express.

Q. Directed to who?—A. My impression is it was directed to Bill Mitchell.

Q. Did you get those tickets?—A. I went to the express office two or three times, and the first time I went there they told me they were not there, and the next time they told me they had sent them by wagon to be delivered, and they failed to come to the committee rooms, and I began to get uneasy and went back, and I really did not know what to do, and finally, towards four o'clock in the evening, perhaps, George Bruce and myself started out to hunt them up, and we found a trace of them, and we found the driver who delivered them, and he said the box was addressed to Mitchell, and had been delivered at the Journal office.

Q. Did you go there?—A. We went immediatly over there to the Journal office—the Express office was in the Iron Block on Washington street, and we went to the Journal office in company with the driver and inquired for them, and I know Ed. Hastings was there and perhaps Mr. Cox, and I think we went in the storerooms and hunted the lower floors for them and could not find them and I started to go out, and I said probably they are in some other part of the establishment, and Ed. whistled or telephoned up in the bindery and he told me there was a couple of boxes delivered there for Mitchell and they sent for them and I identified them in a minute.

Q. Had they been opened?—A. One of them had.

Q. And you got them and carried them away?—A. Yes, sir; the express driver was with us and we sent the express-wagon over there and got them down.

Q. He stated that he had delivered them there?—A. He stated that he delivered them there, and we opened them at the committee rooms that night and distributed them to the several wards. Some of the nails had been drawn out of the nail holes, and in replacing them they did not get them in the same nail hole, and there were several bundles rendered worthless by reason of the nails having gone through and driven down in another place.

Cross-examination by Mr. PEELLE:

Q. You do not know how that was done?—A. No, sir; It was my supposition that they had been opened.

Q. You missed some of the tickets?—A. No, sir.

Q. None were taken out that you know of?—A. I do not know.

Q. You do not know whether the box was reopened here or whether it was an old box at the time Mr. Mitchell nailed it down?—A. No, sir; I would not like to swear positively.

Q. You do not know?—A. No, sir.

Q. Did you have any talk with Mr. Sloan, the agent, about that?—A. No, sir; I do not know Mr. Sloan. I would not know him if I saw him. I saw some gentlemen in the office and inquired about them two or three times.

Q. Did you have any talk with the agent at the express office on the subject?—A. with one gentleman; I do not know who it was.

Q. Did Mr. Cox say anything to you about it?—A. I would not say positively. It is my impression that he did not.

Q. Did you have any conversation with Granville Cox?—A. I am not positive. I am positive Mr. Hastings was there, and there were some other gentlemen there, and I think one of them was Mr. Cox.

Q. Did you say anything to Mr. Austin H. Brown upon the subject?—A. Yes, sir; I talked with him.

Q. Simply that they had been taken by mistake over there?—A. Yes, sir; that they had been delivered at the Journal office, and we found them in the fourth floor up in the bindery.

Q. Did Mr. Sloan say anything to you about their having been delivered there, or Granville Cox?—A. I do not know that I had a word with Mr. Sloan.

Q. Do you recollect any such thing; you do not know Mr. Sloan?—A. No, sir.

JOHN SCHLEY.

LEVI P. HARLAN, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON;

Q. Your name, age, and residence?—A. Levi P. Harlan; age, 31; residence, Marion County, Indiana.

Q. Were you in this county at the time of the Congressional election, in November, 1882?—A. Yes, sir.

Q. What position did you hold?—A. I was chairman of the Democratic county committee.

Q. Did you hold any office at that time?—A. Yes, sir.

Q. What was it?—A. Superintendent of the county schools.

Q. Did the Democrats counterfeit or attempt to counterfeit the Republican ticket which was used at the November State election, in 1882, in this city or county?—A. No, sir. In referring to a matter of that kind you must know that I answer from my own knowledge. Speaking for the committee, I know they did not.

Q. Did the Democrats use, or attempt to use, any counterfeit ticket or any ticket in imitation of the Republican ticket at that election in this county?—A. No, sir.

Q. I will ask you if you saw the tickets used by the Republicans that day?—A. Yes, sir.

Q. Was there any difference in the tickets that you saw as to quality of the material or as to thickness?—A. Oh, yes; I think there was.

Q. Was there any difference in the Republican tickets, not between the Democratic and Republican, but was there any difference in the character of the Republican tickets as between themselves as to material or quality?—A. Not as I know of. Not that I could ascertain by an examination.

Q. Did you or the Democratic county central committee, or any Democrat, or any person that you know of, offer any reward or sum of money for a copy of the Republican ticket which the Republicans had determined to use, or might have used, or did use in this county at that election?—A. Not that I know of.

Cross-examination by Mr. PEELLE:

Q. Those things hardly ever emanate from committees, do they?—A. Indeed, I could not say.

Q. Committees never allow themselves to be made parties to duplicating tickets at all, do they?—A. I know of one committee that did not; I only speak for my own committee; I know our committee did not undertake anything of that kind.

Q. Do you know whether your candidates did anything in that line?—A. No, sir.

Q. You do not know that they did not duplicate the tickets?

(Objected to.)

A. No, sir.

Q. Don't you know that some of the candidates on the Democratic ticket did counterfeit some of the Republican tickets?—A. No; I do not know that.

Q. You mean you do not know it from your own personal knowledge.—A. I never heard of it before; I never heard the question suggested.

Q. Did not Mr. Lemon?—A. Not that I know of; I have never seen or heard of a fraudulent ticket of that kind; if there was one published, I knew nothing of it.

Q. If there was any money offered, you do not know anything about it?—A. No, sir.

LEVI P. HARLAN,

W. W. SPENCER, being first duly sworn, testified as follows:

Direct examination by Mr. WILSON:

Q. Your name, age, and residence?—A. Wm. W. Spencer; age, 32; residence, 225 North Pine street, Indianapolis, Ind.

Q. How long have you lived here?—A. Six years last June.

Q. Were you in this city at the November election of 1882, the Congressional election?—A. Yes, sir.

Q. Did you hold any official position in the organization of the Democratic party in that campaign?—A. I was secretary of the Democratic county central committee.

Q. Did the Democrats counterfeit or attempt to counterfeit the Republican ticket which was used at the November election in 1882, in this city and county, if you know?—A. They did not.

Q. I ask that question of you as connected with that committee, and I also will ask you if you have any information of that sort from any one outside of that committee?—A. The committee never did it. They never consulted about it at any of their meetings, and they never authorized any one to do it, and I never heard of any one outside of the committee doing it.

Q. Did the Democrats use, or attempt to use any such ticket that you know of?—A. They did not.

Q. Did you or the Democratic County Central Committee, or any Democrat, or any person that you know of, offer any reward or sum of money for a copy of the Republican ticket which was used in that election?—A. No, sir.

WILLIAM W. SPENCER.

It is agreed by and between the contestant and the contestee, that the testimony of Charles Johnson and C. B. Wing (both of said persons being absent from the city), shall be read in evidence without being subscribed by said parties.

Notary's fees for taking testimony in short hand and writing same out, per diem, &c	$819 00
Number of witnesses examined, 90, at 75 cents per day	67 50
Letter-press copy of contestee's evidence for contestant	132 70
	1,019 20

STATE OF INDIANA,
Marion County, sct:

I, Paul C. Hendricks, notary public, within and for said county and State, do certify that the witnesses, whose depositions are hereunto attached, were by me first duly sworn according to law, to testify the truth, the whole truth, and nothing but the truth relating to matters in controversy in the cause hereinafter mentioned; and that said witnesses were examined according to law, and the foregoing depositions, to which this certificate is attached, were taken and reduced to writing by me, and under my direction by disinterested parties, and subscribed to by said witnesses, as aforesaid stated. I further certify that the taking of said depositions commenced on the 15th day of December, 1883, at 9 o'clock a. m., of said day, at the office of Duncan, Smith & Wilson, No. 76 East Washington street, in the city of Indianapolis, Marion County, and State of Indiana, and continued from day to day, as hereinbefore set forth; that the contestor, William E. English, was present in person and by counsel, Mr. John R. Wilson, of the firm of Duncan, Smith & Wilson, and that said contestee was present in person. I further certify that the foregoing depositions were taken in pursuance of the notice and agreements of parties hereto attached, and at the time and place therein specified, to be used in behalf of the contestor, William E. English, as evidence in rebuttal, in the matter of the contested election for a seat in the Forty-eighth Congress of the United States, from the seventh Congressional district of the State of Indiana, in which William E. English is contestor, and Stanton J. Peelle is contestee.

In testimony whereof, I have hereunto set my hand and affixed my seal this 29th day of December, A. D. 1833.

[SEAL.]

PAUL C. HENDRICKS,
Notary Public.

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48TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { MIS. DOC. No. 24.

WOOD vs. PETERS.

PAPERS AND TESTIMONY

IN THE CONTESTED-ELECTION CASE OF

S. N. WOOD vs. S. R. PETERS,

FROM THE STATE OF KANSAS AT LARGE.

JANUARY 10, 1884.—Referred to the Committee on Elections and ordered to be printed.

NOTICE OF CONTEST.

No. 1.

To the Hon. SAMUEL R. PETERS:

You are hereby notified that the undersigned, Samuel N. Wood, a resident of the city of Topeka, in the county of Shawnee, in the State of Kansas, of the age of 57 years, and who has been continuously, since the admission of Kansas into the Union as a State, and for over twenty-one years a citizen, elector, and inhabitant of the State of Kansas and of the United States, and having all the qualifications under the laws and Constitution of the State of Kansas and of the United States necessary for a member of the House of Representatives of the Congress of the United States, intends to contest your seat as a member of the House of Representatives of the Congress of the United States from the State of Kansas at large, and your right to the same, to which you claim to have been elected at the general election held in the State of Kansas on November 7th, 1882, for the term in and of the Forty-eighth Congress of the United States, commencing on March 4th, 1883, and ending on March 4th, 1885.

You are further notified that the undersigned specifies particularly the grounds upon which he relies in said contest, to be as follows:

I. That you were on the Tuesday succeeding the first Monday in November, 1879, elected to the office of judge of the district court within and for the 9th judicial district of the State of Kansas for the term of four years, commencing on the second Monday of January, 1880, and ending on the second Monday in January, 1884; that you received the proper certificate of election to the said office of judge; duly qualified by taking the oath of office, and entered upon the duties of said office of judge on the second Monday of January, 1880, and that continuously since then, up to and including the time you were served with this notice of contest, you have been and now are in the exercise and discharge of the duties of the said office of judge; that upon qualifying for the said office of judge you took and subscribed to the following oath of office:

"I do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Kansas, and faithfully discharge the duties of the office of judge: So help me God."

That at the time of the admission of the State of Kansas into the Union as a State there was the following provision in the Constitution of the State of Kansas, and which ever since then has been, and now is, part and parcel thereof, and of all which you and the electors of the State of Kansas were advised and at all times well knew—that is to say:

"ARTICLE 3.—JUDICIAL.

"Section 13. The justices of the supreme court and judges of the district court shall at stated times receive for their services such compensation as may be provided by law, which shall not be increased during their respective term of office: *Provided*, Such compensation shall not be less than fifteen hundred dollars to each justice or judge each year; and such justices or judges shall receive no fees or perquisites, nor hold any other office of profit or trust under the authority of the State or the United States during the term of office for which said justices and judges shall be elected, nor practice law in any of the courts in the State during their continuance in office."

That at the general election held in the State of Kansas on the Tuesday succeeding the first Monday in November, 1882, being the 7th day of November, 1882, you received 99,866 votes for Congressman at large from the State of Kansas unapportioned to any Congressional district, and for the term as such member of the House of Representatives of the Congress of the United States and of the Forty-eighth Congress thereof, commencing on March 4th, 1883, and ending on March 4th, 1885.

That the undersigned at the said election held on the Tuesday succeeding the first Monday in November, 1882, aforesaid, received 83,364 votes for Congressman at large from the State of Kansas unapportioned to any Congressional district, and for the term as such member of the House of Representatives of the Congress of the United States, commencing March 4th, 1883, and ending March 4th, 1885, the same being the Forty-eighth Congress.

That by reason of the facts aforesaid you were, are, and will be personally ineligible and disqualified to accept or hold said seat as a member in said House of Representatives for the term aforesaid, and were, are, and will be, for the same period, personally ineligible and disqualified to accept or hold or be a member of the house of representatives of the legislature of the State of Kansas; that as a citizen of the State of Kansas you are forbidden and prevented by its constitution from accepting or holding said seat in the House of Representatives of the Congress of the United States; that as a judge of the district court of the State of Kansas you are especially forbidden and prevented by its constitution from accepting or holding the same; that all votes cast for or received by you for the same were so cast and received by you in violation of law, and are illegal, void, and as if cast for no person; that by reason of your ineligibilty and disqualification aforesaid, by reason of the illegality of the votes cast for you, as aforesaid, and by reason of the votes cast for the undersigned, and by reason of his having all the legal qualifications under the Constitution of the United States and the constitution of the State of Kansas to accept and hold the same, he hereby claims said seat and gives you notice of his intention to contest the same, and of all which you will please take notice.

Dated at Topeka, Kansas, Dec. 5, 1882.

S. N. WOOD,
Contestant.

I acknowledge service of the within, by copy delivered to me by S. N. Wood, Dec. 13th, 1882, expressly reserving all rights as to competency and qualification of contestor, and also all rights as to sufficiency of notice and service of notice.

S. R. PETERS.

(Indorsement:) 48th Congress; S. N. Wood, contestant, *vs.* S. R. Peters, contestee. Original notice of contest and service of same. State of Kansas at large.

ANSWER TO NOTICE OF CONTEST.

No. 2.

In the matter of the purported contest of S. N. Wood *versus* S. R. Peters.

Now comes the undersigned, and for answer to the notice of contest served upon him by S. N. Wood, esq., on the 13th day of December, A. D. 1882, says:

First. He denies each and every allegation in said notice contained, except as hereinafter expressly admitted. The allegations admitted are as follows, to wit: He admits that he was duly elected judge of the 9th judical district of the State of Kansas, at the time and for the term as alleged; that he received his certificate of election, took the oath of office, and entered upon the discharge of the duties of said office, as

alleged in said notice; that at the regular election held in the State of Kansas, on the 7th day of November, A. D. 1882, he received 99,866 votes for the office of Representative in the 48th Congress of the United States, from the State of Kansas at large; and that said S. N. Wood, esq., received 83,364 for the same office.

Second. That the resignation of the undersigned as judge of the 9th judicial district of the State of Kansas was, by the governor of the State of Kansas, accepted, and the same took effect on the 31st day of December, 1882, since which time he, the undersigned, has ceased to act as judge of said district, and since which time he has ceased to receive any of the honors or emoluments of the same.

Third. That on the 7th day of November, A. D. 1882, the State of Kansas was by law authorized to elect four Representatives from the State at large to the 48th Congress of the United States, whose terms of office should begin on March 4th, A. D. 1883; that on said day an election was held, as provided by law; that at said election one E. N. Morrill received 98,349 legal votes for the office of Representative in Congress from the State of Kansas at large; that said Morrill has been lawfully declared duly elected to said office as one of said four persons to be elected by the State at said election, and has received his certificate of election; that one B. W. Perkins at said election received 98,338 legal votes for said office; that said Perkins has been lawfully declared duly elected to said office as one of the persons to be elected by the State at said election and has received his certificate of election; that one Lewis Hanback at said election received 97,354 legal votes, and has been lawfully declared duly elected as one of the persons to be elected by the State at said election, and has received his certificate of election; that the undersigned received 99,866 legal votes at said election and has been lawfully declared duly elected to said office as one of said four persons to be elected by the State at said election, and has received his certificate of election; that at said election the whole number of votes cast was 183,000; that each of the four persons hereinbefore last referred to received a majority of all the votes cast at said election; that but four persons could by law be elected to said office; that the votes received by the undersigned at said election were legal votes, cast by duly-qualified electors of the State of Kansas; that at least 90,000 of the electors of the State of Kansas, who voted at said election for Messrs. E. N. Morrill, B. W. Perkins, and Lewis Hanback, voted also for the undersigned; that the undersigned received 1,517 votes more than said Morrill; 1,528 votes more than said Perkins; 2,513 votes more than said Hanback, and 16,502 votes more than S. N. Wood, esq.; that at least 5,000 of the electors who voted for S. N. Wood, esq., also voted for the undersigned; that said S. N. Wood, esq., not having received a majority of the votes cast for said office, has no right in law to contest the election of the undersigned; that he has no sufficient interest in said office to authorize him to institute contest proceedings; wherefore the undersigned denies the right of the said S. N. Wood, esq., to appear before the House of Representatives of the 48th Congress, or before any of the committees of said House, as contestor against him, the undersigned.

Fourth. The undersigned respectfully submits to the House of Representatives of the 48th Congress of the United States the following facts, which, if satisfactorily proven, entitle him to membership, to wit: That he is forty years old; that he is now and always has been a citizen of the United States; that he is now and has been for the last ten years continuously an inhabitant of the State of Kansas; that he has received a certificate of election from the secretary of state for the State of Kansas in due form of law, evidencing his right to a seat in the House of Representatives of the United States, which certificate is now on file in the office of the Clerk of said House.

All of which is respectfully submitted.

S. R. PETERS.

TOPEKA, KANSAS, *January 10th*, 1883.

Service of the foregoing answer of S. R. Peters, esq., by copy, is hereby acknowledged on the date last above written.

J. G. WATERS,
Att'y for S. N. Wood.

(Indorsement:) 48th Congress; S. N. Wood, contestant, *v.* S. R. Peters, contestee; original answer to notice of contest and proof of service; from State of Kansas at large.

No. 3.

OFFICE OF SECRETARY OF STATE,
Topeka, Kansas, February 13, 1883.

I, James Smith, secretary of state of the State of Kansas, do hereby certify that the following is a true and correct copy of section 13, article 3, of the constitution of the

State of Kansas as it existed at the date of the admission of the State of Kansas into the Union, and as it exists now:

"Section 13. The justices of the supreme court and judges of the district court shall, at stated times, receive for their services such compensation as may be provided by law, which shall not be increased during their respective terms of office, provided such compensation shall not be less than fifteen hundred dollars to each justice or judge each year, and such justices or judges shall receive no fees or perquisites, nor hold any other office of profit or trust under the authority of the State or the United States during the term of office for which said justices and judges shall be elected, nor practice law in any of the courts in the State during their continuance in office."

In testimony whereof I have hereunto subscribed my name and affixed my official seal. Done at Topeka, Kansas, this 13th day of February, A. D. 1883.

[SEAL.]

JAMES SMITH,
Secretary of State.

No. 4.

STATE OF KANSAS,
Office of Secretary of State:

TOPEKA, *Dec. 3d*, 1883.

I, James Smith, secretary of state of the State of Kansas, do hereby certify that the following is a true and correct statement of the votes cast for members of Congress from the first, second, and third Congressional districts of said State, and for four members of Congress from the State at large, at the general election held in said State on the 7th day of November, A. D. 1882, as shown by the records of the State board of canvassers of the State of Kansas, showing the total number of votes cast for each person and the number of the district.

For member of Congress, first district:

John A. Anderson	received	41,251	votes.
Charles H. Moody	"	17,816	"
L. T. Smith	"	1,299	"
Scattering	"	47	"

For member of Congress, second district:

D. C. Haskell	received	23,601.	
N. F. Acres	"	19,116.	
Alfred Taylor	"	5,710.	
Scattering	"	13.	

For member of Congress, third district:

Thomas Ryan	received	36,181	votes.
John C. Cannon	"	17,729	"
D. J. Cole	"	9,356	"
Scattering	"	20	"

For members of Congress, State at large;

S. R. Peters	received	99,866	votes.
E. N. Morrill	"	98,349	"
Lewis Hanback	"	97,354	"
B. W. Perkins	"	98,338	"
C. A. Leland	"	58,079	"
John O'Flanagan	"	59,872	"
S. N. Wood	"	83,364	"
H. L. Phillips	"	25,614	"
Allen Williams	"	22,243	"
John Davis	"	26,701	"
M. V. B. Bennett	"	1,417	"
John C. Cannon	"	588	"
Scattering	"	354	"

In testimony whereof I have hereunto subscribed my name and affixed my official seal. Done at Topeka this 3d day of December, A. D. 1883.

[SEAL.]

JAMES SMITH,
Secretary of State,
By W. L. CAVANAUGH,
Ass't Sec'y of State.

No. 5.

STATE OF KANSAS,
Office of Secretary of State:

TOPEKA, *December 3d*, 1883.

I, James Smith, secretary of state of the State of Kansas, do hereby certify that the following is a true and correct copy of the vote cast at the regular election held

in said State on the fourth day of November, A. D. 1879, for judge of the district court for the ninth judicial district of the State of Kansas, for the regular term commencing on the 12th day of January, A. D. 1880, as appears from the record of the State board of canvassers of the State of Kansas; and as published in pursuance of law in the official State paper, on the 10th day of December, A. D. 1879:

Ninth district.

Names of persons voted for.	Harper.	Hodgeman.	Pratt.	Kingman.	Stafford.	Rush.	Edwards.	Ford.	Barbour.	Pawnee.	Rice.	Reno.	Marion.	Harvey.	Chase.	Burton.	Total.	Majority.
Samuel R. Peters	*	*	339	497	591	816	494	670	389	734	1,381	1,970	1.378	1,870	571	1,872	13,512	13,426
Scattering	..	..	....	....	1	..	1	2	..	....	.....	.....	16	.....	61	5	86	.....

* No returns.

In testimony whereof I have hereunto subscribed my name and affixed my official seal. Done at Topeka this 3d day of December, A. D. 1883.

JAMES SMITH,
Secretary of State.

No. 6.

OFFICE OF SECRETARY OF STATE,
Topeka, Kansas, February 13th, 1883.

I, James Smith, secretary of State of the State of Kansas, do hereby certify that S. R. Peters was, at the general election held in the State of Kansas on the 4th day of November, A. D. 1879, elected judge of the ninth judicial district of the State of Kansas for the term of four years, commencing on the second Monday of January, A. D. 1880, as shown by the records in this office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal. Done at Topeka, Kansas, this 13th day of February, A. D. 1883.

[SEAL.]

JAMES SMITH,
Secretary of State.

No. 7.

OFFICE OF SECRETARY OF STATE,
Topeka, Kansas, February 13, 1883.

I, James Smith, secretary of state of the State of Kansas, do hereby certify that at the general election held in the State of Kansas on the 8th day of November, A. D. 1882, S. R. Peters received 99,866 votes for one of the Congressmen-at-large from the State of Kansas, and at said election S. N. Wood received 83,364 votes for one of the Congressmen-at-large from the State of Kansas, as appears from the records in this office.

In testimony whereof I have hereunto subscribed my name and affixed my official seal. Done at Topeka, Kansas, this 13th day of February, A. D. 1883.

[SEAL.]

JAMES SMITH,
Secretary of State.

No. 8.

STATE OF KANSAS,
Shawnee County, ss:

GEORGE W. REED, of lawful age, being first duly sworn according to law, deposes and says:

I am a citizen of Topeka, Kansas; am a journalist by profession. I am editor and publisher of the Kansas State Journal, daily and weekly, and was during the campaign of 1882, when S. R. Peters was a candidate for Congress. One issue of the Journal reached over 75,000 copies; it circulated in all parts of the State. The provision of the constitution of Kansas which makes judges ineligible for other offices was published two or three times during the canvass, and public notice given that S. R. Peters was judge of the 9th judicial district and was not eligible to a seat in Congress, and could not hold the office if elected, and that all the votes cast for him were thrown away. This question was generally discussed in the newspapers of Kansas, and was well understood by the people of the State and by those who voted for S. R. Peters that under the constitution of Kansas Judge Peters could not hold the seat if elected, yet many Repub

licans voted for him, believing that the House would be Republican and no attention would be paid to the constitution of the State. There cannot, however, be any question but what the voters generally understood that, according to our State constitution, Mr. Peters could not hold the office, and votes cast for him were thrown away.

GEO. W. REED.

Subscribed and sworn to before me this 19th day of November, 1883.

JOS. REED, JR.,
Justice of the Peace in and for Shawnee Co., Kansas.

(Certificate of official character.)

STATE OF KANSAS,
County of Shawnee, ss:

I, George T. Gilmore, county clerk of Shawnee County, and State of Kansas, do hereby certify that Joseph Reed, jr., is a justice of the peace in and for said county, duly elected and qualified, and that his signature to the foregoing instrument of writing is his genuine signature, and that the annexed instrument is executed and acknowledged in accordance with the laws of the State of Kansas.

In witness whereof I have hereunto subscribed my name and affixed my official seal at Topeka, in said county, this 4th day of Dec., 1883.

[SEAL.]

GEO. T. GILMORE,
County Clerk.

No. 9.

Deposition of witnesses taken at the office of Frank T. Lynch, at Leavenworth, county of Leavenworth, State of Kansas, on the 21st day of November, 1883, to be used in the case of S. N. Wood, contestant, *vs.* S. R. Peters, contestee; House of Representatives, Washington, D. C.

H. C. BURNETT, being first duly cautioned and sworn, according to law, says: I am editor of the Leavenworth Standard, a newspaper printed and published at Leavenworth, Kansas, and was the editor of said paper during the canvass of 1882, when S. R. Peters was a candidate for Congress from the State at large. The question of Peters' eligibility under the constitution of Kansas was generally discussed in the newspapers of the State. It was well known to the voters of the State of Kansas that S. R. Peters was a judge of the ninth judicial district of the State of Kansas, and that his term of office did not expire until some time in January, 1884. It was also well understood that under the constitution of the State of Kansas S. R. Peters was not eligible to a seat in Congress, and could not hold the office if elected, and that if the constitution of Kansas was obeyed all votes cast for him were thrown away.

And further deponent sayeth not.

H. C. BURNETT.

Sworn and subscribed to before me this 21st day of November, 1883.

[SEAL.]

FRANK T. LYNCH,
(*Commission expires May 5, '85*),
Notary Public.

No. 10.

Deposition of witnesses taken at the office of city clerk at McPherson, county of McPherson, State of Kansas, on the 21st day of November, 1883, to be used in the case of S. N. Wood, contestant, *vs.* S. R. Peters, contestee, House of Representatives, Washington, D. C.

G. W. MCCLINTICK, being duly cautioned and sworn, according to law, says: I am editor of the Independent, a newspaper printed and published at McPherson, county of McPherson, State of Kansas, and was the editor of said paper during the canvass of 1882, when S. R. Peters was a candidate for Congress from the State at large. The question of S. R. Peters' eligibility under the constitution of Kansas was generally discussed in the newspapers of the State. It was well known to the voters of the State of Kansas that S. R. Peters was a judge of the ninth judicial district of the State of Kansas, and that his term of office did not expire until some time in January, 1884. It was also well understood that under the constitution of the State of Kansas S. R. Peters was not eligible to a seat in Congress, and could not hold the office if elected, and that if the constitution of Kansas was obeyed all votes cast for him might be thrown away.

And further deponent sayeth not.

G. W. McCLINTICK.

OFFICE OF CITY CLERK,
McPherson, Kans., Nov. 21st, 1883.

The within affidavit subscribed and sworn to before me, the city clerk of McPherson, Kans., on this 21st day of Nov., 1883.

[SEAL.]

D. C. WELCH,
City Clerk.

No. 11.

Deposition of witnesses taken at the office of V. Brown, at El Dorado, county of Butler, State of Kansas, on the 21st day of November, 1883, to be used in the case of S. N. Wood, contestant, *vs.* S. R. Peters, contestee, House of Representatives, Washington, D. C.

T. P. FULTON, being duly cautioned and sworn, according to law, says: I am editor of the Butler County Democrat, a paper printed and published at El Dorado, county of Butler, State of Kansas, and was editor of said paper during the canvass of 1882, when S. R. Peters was a candidate for Congress from the State at large. The question of S. R. Peters' eligibility under the constitution of Kansas was generally discussed in the newspapers of the State. It was well known to the voters of the State of Kansas that S. R. Peters was judge of the ninth judicial district of the State of Kansas, and that his term of office would not expire until some time in January, 1884. It was also well understood that under the constitution of the State of Kansas S. R. Peters was not eligible to a seat in Congress, and could not hold the office if elected; and that if the constitution of Kansas was obeyed, all votes cast for him were thrown away.

And further deponent sayeth not.

T. P. FULTON.

STATE OF KANSAS,
Butler County, ss:

Subscribed and sworn to before me this the 21st day of November, A. D. 1883.

[SEAL.]

VINCENT BROWN,
Notary Public.
My com. expires May 5th, 1886.

No. 12.

Deposition of witness taken at the office of G. H. Ensign, in the city Kirwin, Phillips County, State of Kansas, on the 22nd day of November, 1883, to be used in the case of S. N. Wood, contestant, *vs.* S. R. Peters, contestee, House of Representatives, Washington, D. C.

WM. A. GARRETSON, being duly cautioned and sworn, according to law, says: I am editor of The Independent, a weekly newspaper, printed and published in the city of Kirwin, county of Phillips, State of Kansas, and was editor of said paper during the canvass of 1882, when S. R. Peters was a candidate for Congress from the State at large. The question of S. R. Peters' eligibility under the constitution of Kansas was generally discussed in the newspapers of the State; and it was well known to the voters of the State of Kansas that S. R. Peters was a judge of the ninth judicial district of the State of Kansas, and that his term of office as such judge would not expire until some time in January, 1884. It was also well known and understood that under the constitution of the State of Kansas S. R. Peters was not eligible to a seat in Congress, and could not lawfully hold the office if elected; and that if the constitution of Kansas were obeyed, all votes cast for him were thrown away.

And further deponent sayeth not.

WM. A. GARRETSON.

STATE OF KANSAS,
Phillips County, ss:

Personally appeared before me, a notary public in and for Phillips County, Kansas, Wm. A. Garretson, who subscribed to the above instrument of writing in my presence, and swore to the truth of the statements therein contained, before me, this 22nd day of November, 1883.

[SEAL.]

GEO. H. ENSIGN,
Notary Public.
(*Commission expires Sept. 28th,* 1885.)

No. 13.

Deposition of witness taken at the office of Frank Dale, at Wichita, county of Sedgwick, State of Kansas, on the 26th day of November, 1883, to be used in the case of S. N. Wood, contestant, *v.* S. R. Peters, contestee, House of Representatives, Washington, D. C.

W. S. WHITE, being duly cautioned and sworn according to law, says: I am editor of the Wichita Beacon, a newspaper printed and published at Wichita County of Sedgwick, State of Kansas, and was editor of said paper during the canvass of 1882 when S. R. Peters was a candidate for Congress from the State at large. The question of S. R. Peters's eligibility under the constitution of Kansas was generally discussed in the newspapers of the State. It was well known to voters of the State of Kansas that S. R. Peters was a judge of the ninth judicial district of Kansas, and that his term of office did not expire until some time in January, 1884. It was also well understood that under the constitution of the State of Kansas S. R. Peters was not eligible to a seat in Congress, and could not hold the office if elected, and that if the constitution of Kansas was obeyed all votes cast for him were thrown away; and further deponent sayeth not.

WM. S. WHITE.

Subscribed in my presence, and sworn to before me this 26th day of November, 1883.
[SEAL.]

FRANK DALE,
Notary Public.
(*Com. expires Feb. 16th*, 1884.)

No. 14.

STATE OF KANSAS,
EXECUTIVE DEPARTMENT,
TOPEKA, Nov. 31, 1883.

To the House of Representatives, U. S., Washington, D. C.:

We, State officers, and members of the Democratic party of the State of Kansas, most respectfully protest against the admission of Judge S. R. Peters, of this State, to a seat in your honorable body, and protest against him being allowed to take the oath as a *member of the House.*

Judge S. R Peters was elected judge of the ninth Judicial District of the State of Kansas, in November, 1879. His term of office commenced in January, 1880, for four years, ending January, 1884.

Section 13, Article 2, of the constitution of the State of Kansas, reads as follows:

"The justices of the supreme court and judges of the district court shall, at stated times, receive for their services such compensation as may be provided by law, which shall not be increased during their respective terms of office: *Provided*, such compensation shall not be less than $1,500 to each justice or judge each year, and such justices or judges shall receive no fees or perquisites, NOR HOLD ANY OTHER OFFICE OF PROFIT OR TRUST UNDER THE AUTHORITY OF THE STATE OR UNITED STATES DURING THE TERM OF OFFICE FOR WHICH SAID JUSTICES AND JUDGES SHALL BE ELECTED, nor practice law in any of the courts in the State during their continuance in office."

This was the constitution under which Kansas was admitted into the Union, assented to by Congress in the act of admission, and is a part of the compact between the United States and the State of Kansas.

Under this provision of our constitution, assented to by Congress, Judge S. R. Peters cannot hold a seat in your honorable body, nor can he take the oath as a member without a clear violation of our constitution. This was well known to the electors of Kansas when Judge Peters was voted for in November, 1882.

The legislature of the State of Kansas, in the face of this election, in order to give a legislative construction to the constitution, passed, without opposition, the following law, approved March 8th, 1883:

AN ACT to preserve the purity of the judiciary.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That all ballots or votes cast at any election for any person holding the office of judge of the district court, or of justice of the supreme court, except for a judicial office, *shall be deemed and held void*, and shall not be counted by the judges or clerks of any election, nor by any canvassing board, nor shall any record of the same be made by any canvassing board, *nor any certificate of election be issued thereon.*

SEC. 2. Any person violating the provisions of this act shall be deemed and held to be guilty of a misdemeanor, and on conviction thereof shall be imprisoned in the county jail not less than three nor more than six months.

SEC. 3. This act shall take effect on its publication in the statute book.

Approved March 8th, 1883.

I hereby certify that the foregoing is a true and correct copy of the original bill now on file in my office.

JAMES SMITH.
Secretary of State.

Had this law been passed previous to the election in 1882, the vote for S. R. Peters would not have been counted, and the next highest on the list of candidates for Representatives for Congress (Hon. S. N. Wood) would have been declared elected, and have held the certificate.

This law does not, in any particular, change the constitution, but does, in fact, put a legislative construction on it, under which Judge Peters is not entitled to his seat.

GEORGE W. GLICK,
Governor of Kansas.
THO. H. MOONLIGHT,
Adjutant General.
R. MORRIS,
Sup't of Insurance.
JAMES HUMPHREY,
R. R. Commissioner.
H. MILES MOORE,
Sec. Dem. State Com.
THOMAS FENLON,
Co. Att'y Leavenworth Co.
JOHN GRIFFIN,
City Att'y of Atchison.
JOHN FOSTER,
Co. Att'y of Saline Co.
C. W. BLAIR,
A. A. HARRIS, and others.

No. 15.

"*Resolved*, That the memorial of the governor of the State of Kansas, and of other officers and citizens in said State, and all papers presented to the Clerk in reference to the election and qualification of Hon. S. R. Peters, of said State, be referred to the Committee on Elections when appointed, with instructions to report to the House, at the earliest time practicable, whether Mr. Peters is eligible to a seat in this House; and if not, whether Hon. S. N. Wood, the contestant, is entitled to the seat."

Mr. SPRINGER. On the adoption of that resolution I demand the previous question.

Mr. CANNON. Mr. Speaker, is this proceeding by unanimous consent?

The SPEAKER. It is a matter of privilege, relating as it does to the right of a member to his seat.

Mr. CANNON. I wish to make a parliamentary inquiry.

The SPEAKER. Certainly.

Mr. CANNON. Is the same privilege extended to the reference of the papers on the other side of the case?

The SPEAKER. Not as a matter of course, as there must be action of the House in each and every case.

Mr. SPRINGER. I have demanded the previous question.

The previous question was ordered, and under the operation thereof the resolution was adopted.

Mr. SPRINGER moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Congressional Record Dec. 5, 1883.

BSB Bayerische StaatsBibliothek
MDZ Münchener DigitalisierungsZentrum Digitale Bibliothek

House documents

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